

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2669 Session of
1978

INTRODUCED BY COLE, FRYER, M. GEORGE, WEIDNER, ZELLER,
MORRIS, DeMEDIO, LOGUE, LIVENGOD, A. C. FOSTER JR., GARZIA,
SCHEAFFER, SIRIANNI, MELUSKEY, BRANDT, RUGGIERO AND SPITZ,
SEPTEMBER 11, 1978

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, SEPTEMBER 11, 1978

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," further providing for the sale of property at
5 auction.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 1501, act of June 24, 1931 (P.L.1206,
9 No.331), known as "The First Class Township Code," reenacted and
10 amended May 27, 1949 (P.L.1955, No.569), and amended October 26,
11 1972 (P.L.1037, No.258), is amended to read:

12 Section 1501. Suits; Property.--Townships of the first class
13 may--

14 I. Sue and be sued.

15 II. Purchase, acquire by gift, or otherwise, hold, lease,
16 let and convey, by sale or lease, such real and personal
17 property as shall be deemed to be to the best interest of the
18 township: Provided, That no real estate owned by the township

1 shall be sold for a consideration in excess of five hundred
2 dollars except to the highest bidder after due notice by
3 advertisement for bids in one newspaper of general circulation
4 in the township. Such advertisement shall be published once not
5 less than ten days prior to the date fixed for the opening of
6 bids, and such date for opening bids shall be announced in such
7 advertisement. The acceptance of bids shall be made only by
8 public announcement at a regular or special meeting of the board
9 of township commissioners. All bids shall be accepted on the
10 condition that payment of the purchase price in full shall be
11 made within sixty days of the acceptance of bids.

12 Except as otherwise hereinafter provided in the case of
13 personal property of an estimated sale value of less than two
14 hundred dollars, no township personal property shall be disposed
15 of, by sale or otherwise, except upon approval of the board of
16 township commissioners, by ordinance or resolution. In cases
17 where the board of township commissioners shall approve a sale
18 of such property, it shall estimate the sale value of the entire
19 lot to be disposed of. If the board of township commissioners
20 shall estimate the sale value to be two hundred dollars or more,
21 the entire lot shall be advertised for sale once, in at least
22 one newspaper of general circulation in the township, not less
23 than ten days prior to the date fixed for the opening of bids or
24 public auction, and such date of opening of bids or public
25 auction shall be announced in such advertisement, and sale of
26 the property so advertised shall be made to the best responsible
27 bidder. The board of township commissioners shall have
28 authority, by resolution, to adopt a procedure for the sale of
29 surplus personal property of an estimated sale value of less
30 than two hundred dollars and the approval of the board of

1 township commissioners shall not be required for any individual
2 sale that shall be made in conformity to such procedure.

3 The provisions of this clause shall not be mandatory where
4 township property is to be traded in or exchanged for new
5 township property.

6 The provisions of this clause shall not prohibit the sale or
7 exchange of township property to public utilities.

8 The provisions of this clause requiring advertising for bids
9 and sale to the highest bidder shall not apply where township
10 real or personal property is to be sold to a county, city,
11 borough, town, township, institution district, school district,
12 or municipal authority pursuant to the Municipality Authorities
13 Act of 1945, or to a nonprofit corporation engaged in community
14 industrial development or where real property is to be sold to a
15 person for his exclusive use in an industrial development
16 program or where real property is to be sold to a nonprofit
17 corporation organized as a public library. When real property is
18 to be sold to a nonprofit corporation organized as a public
19 library the board of township commissioners may elect to accept
20 such nominal consideration for such sale as it shall deem
21 appropriate.

22 Any officer who sells and each officer who votes in favor of
23 selling any township property, either real or personal, without
24 the provisions of this section having been complied with, shall
25 be subject to surcharge in the amount of any loss sustained by
26 the township by reason of such sale.

27 Section 2. This act shall take effect in 60 days.