

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 126

Session of
1985

INTRODUCED BY STUBAN, FRYER AND SHOWERS, JANUARY 30, 1985

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 30, 1985

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for the sale of land to a volunteer fire company,
5 volunteer ambulance service or volunteer rescue squad located
6 within the borough.

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

9 Section 1. Section 1201(4) of the act of February 1, 1966
10 (1965 P.L.1656, No.581), known as The Borough Code, amended
11 December 21, 1984 (P.L. , No.239), is amended to read:

12 Section 1201. General Powers.--A borough may:

13 * * *

14 (4) Purchase, acquire by gift, or otherwise, hold, lease,
15 let and convey, by sale or lease, such real and personal
16 property as shall be deemed to be to the best interest of the
17 borough: Provided, That no real estate owned by the borough
18 shall be sold for a consideration in excess of fifteen hundred
19 dollars (\$1500), except to the highest bidder after due notice

1 by advertisement for bids in one newspaper of general
2 circulation in the borough. Such advertisement shall be
3 published once not less than ten days prior to the date fixed
4 for the opening of bids, and such date for opening bids shall be
5 announced in such advertisement. The acceptance of bids shall be
6 made only by public announcement at a regular or special meeting
7 of council. All bids shall be accepted on the condition that
8 payment of the purchase price in full shall be made within sixty
9 days of the acceptance of bids. Real estate owned by a borough
10 may be sold at a consideration of fifteen hundred dollars
11 (\$1500) or less without advertisement or competitive bidding
12 only after council estimates the value thereof upon receipt of
13 an appraisal by a qualified real estate appraiser.

14 Except as otherwise hereinafter provided in the case of
15 personal property of an estimated sale value of less than two
16 hundred dollars (\$200), no borough personal property shall be
17 disposed of, by sale or otherwise, except upon approval of
18 council, by ordinance or resolution. In cases where council
19 shall approve a sale of such property, it shall estimate the
20 sale value of the entire lot to be disposed of. If council shall
21 estimate the sale value to be two hundred dollars (\$200) or
22 more, the entire lot shall be advertised for sale once, in at
23 least one newspaper of general circulation in the borough, not
24 less than ten days prior to the date fixed for the opening of
25 bids or public auction, and such date of opening of bids or
26 public auction, shall be announced in such advertisement, and
27 sale of the property so advertised shall be made to the best
28 responsible bidder. Council shall have authority, by resolution,
29 to adopt a procedure for the sale of surplus personal property
30 of an estimated sale value of less than two hundred dollars

1 (\$200) and the approval of council shall not be required for any
2 individual sale that shall be made in conformity to such
3 procedure.

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

7 The provisions of this clause requiring advertising for bids
8 and sale to the highest bidder shall not apply where borough
9 real or personal property is to be sold to a county, city,
10 borough, town, township, institution district, school district,
11 a volunteer fire company, volunteer ambulance service or
12 volunteer rescue squad located within the borough, or municipal
13 authority pursuant to the Municipality Authorities Act of 1945,
14 is to be sold to a non-profit corporation engaged in community
15 industrial development or where real property is to be sold to a
16 person for his exclusive use in an industrial development
17 program or where real property is to be sold to a non-profit
18 corporation organized as a public library for its exclusive use
19 as a library, or where real property is to be sold to a non-
20 profit medical service corporation as authorized by clause (76)
21 of section 1202 or where real property is to be sold to a non-
22 profit housing corporation as authorized by clause (77) of
23 section 1202 or where real property is to be sold to the
24 Commonwealth or to the Federal Government. When real property is
25 to be sold to a non-profit corporation organized as a public
26 library for its exclusive use as a library or to a non-profit
27 medical service corporation or to a non-profit housing
28 corporation, council may elect to accept such nominal
29 consideration for such sale as it shall deem appropriate. Real
30 property sold pursuant to this clause to a volunteer fire

1 company, volunteer ambulance service or volunteer rescue squad,
2 non-profit medical service corporation or to a non-profit
3 housing corporation shall be subject to the condition that when
4 the property is not used for the purposes of the company,
5 service, squad or the corporation the property shall revert to
6 the borough.

7 * * *

8 Section 2. This act shall take effect immediately.