

No. 137

## AN ACT

HB 1378

Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating the sale of property owned by townships.

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

Section 1. Clause II of section 701, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567) and amended July 31, 1968 (P.L.899, No.271), is amended to read:

Section 701. Suits; Property.—Any township of the second class may—

\* \* \*

II. Purchase, acquire by gift, or otherwise, hold, lease, let and convey, by sale or lease, such real and personal property as shall be deemed to be to the best interest of the township: Provided, That no real estate owned by the township shall be sold for a consideration in excess of five hundred dollars, except to the highest bidder after due notice by advertisement for bids in one newspaper of general circulation in the township. Such advertisement shall be published once not less than ten days prior to the date fixed for the opening of bids, and such date for opening bids shall be announced in such advertisement. The acceptance of bids shall be made only by public announcement at a regular or special meeting of the board of township supervisors. All bids shall be accepted on the condition that payment of the purchase price in full shall be made within sixty days of the acceptance of bids.

Except as otherwise hereinafter provided in the case of personal property of an estimated sale value of less than two hundred dollars, no township personal property shall be disposed of, by sale or otherwise, except upon approval of the board of township supervisors, by ordinance or resolution. In cases where the board of township supervisors shall approve a sale of such property, it shall estimate the sale value of the entire lot to be disposed of. If the board of township supervisors shall estimate the sale value to be two hundred dollars or more, the entire lot shall be advertised for sale once, in at least one newspaper of general circulation in the township, not less than ten days prior to the date fixed for the opening of bids, and such date of opening of bids shall be announced in such advertisement, and sale of the property so advertised shall be made to the best responsible bidder. The board of township supervisors shall have authority, by resolution, to adopt a procedure for the sale of surplus personal property of an

estimated sale value of less than two hundred dollars and the approval of the board of township supervisors shall not be required for any individual sale that shall be made in conformity to such procedure.

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

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

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

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

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APPROVED—The 27th day of June, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 137.



*Secretary of the Commonwealth.*