

No. 1985-70

## AN ACT

SB 376

Amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," authorizing incorporated towns to lease, sell, convey and acquire property.

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

Section 1. The act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," is amended by adding a section to read:

*Section 1.1. Power to Convey.—(a) Each incorporated town may 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 in the best interest of the town: Provided, That no real estate owned by the town shall be sold for a consideration in excess of fifteen hundred dollars except to the highest bidder after due notice by advertisement for bids in one newspaper of general circulation in the town. The advertisement shall be published once, not less than ten days prior to the date fixed for the opening of bids, and the date for opening bids shall be announced in the advertisement. The acceptance of bids shall be made only by public announcement at a regular or special meeting of council. 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. Real estate owned by a town may be sold at a consideration of fifteen hundred dollars or less without advertisement of competitive bidding only after council estimates the value thereof upon receipt of an appraisal by a qualified real estate appraiser.*

*(b) Except as otherwise hereinafter provided in the case of personal property of an estimated sale value of less than two hundred dollars, no town personal property shall be disposed of, by sale or otherwise, except upon approval of council, by ordinance or resolution. In cases where council shall approve a sale of such property, it shall estimate the sale value of the entire lot to be disposed of. If council 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 town, not less than ten days prior to the date fixed for the opening of bids or public auction, and such date of opening of bids or public auction shall be announced in such advertisement, and sale of the property so advertised shall be made to the best responsible bidder. Council 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 council shall not be required for any individual sale that shall be made in conformity to such procedure.*

*(c) The provisions of this section shall not be mandatory where town property is to be traded in or exchanged for new town property.*

*(d) The provisions of this section requiring advertising for bids and sale to the highest bidder shall not apply where town real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the town, or municipal authority pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," or is to be sold to a non-profit 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 non-profit corporation organized as a public library for its exclusive use as a library, or where real property is to be sold to a non-profit medical service corporation or to a non-profit housing corporation. When real property is to be sold to a non-profit corporation organized as a public library for its exclusive use as a library or to a non-profit medical service corporation or to a non-profit housing corporation, council may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, non-profit medical service corporation or to a non-profit housing corporation shall be subject to the condition that, when the property is not used for the purposes of the company, service, squad or the corporation, the property shall revert to the town.*

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

APPROVED—The 31st day of October, A. D. 1985.

DICK THORNBURGH