

No. 1998-44

AN ACT

HB 961

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for school crossing guards and for sale procedure.

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

Section 1. Section 2010 of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164) and added November 24, 1967 (P.L.539, No.264), is amended to read:

Section 2010. [**Special School Police**] *School Crossing Guards.*—(a) Upon request of the board of school directors of the school district in which a city is located, the city council may appoint [**special**] school [**police**] *crossing guards* who shall have the duty of controlling and directing traffic at or near schools and who shall be in suitable and distinctive uniform. [**and shall display a badge or other sign of authority. Such police shall be vested with all the power of local police officers and while on duty shall be under and subject to the direction of the mayor**] *School crossing guards shall be authorized only in the management of traffic and pedestrians in and around areas identified by the city police department and the school district superintendent.* They shall serve at the pleasure of the city council, *except as noted in subsection (b)*, and shall not come within the civil service provisions of this act and shall not be entitled to participate in any [**police**] *city* pension plan or plans now in effect or hereafter effective. The compensation of the school [**police**] *crossing guards*, if any, shall be fixed by the city council and shall be jointly paid by the city council and the board of school directors, in a ratio to be determined by the city council and board of school directors. If the city council and board of school directors are unable to determine the ratio of compensation of the [**police**] *school crossing guards* to be paid by the council and the board, each shall pay one-half of the compensation of such police. Auxiliary policemen, appointed as prescribed by general law, may be designated to serve as [**special**] school [**police**] *crossing guards*.

(b) *A city council may approve an ordinance allowing a board of school directors to assume the hiring and oversight of the school crossing guards. Before city council may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of the school crossing guards. The*

ordinance shall outline how the city police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the city police department and the school district superintendent or his or her designee. The school crossing guards shall not come within the civil service provision of this act, nor shall they fall under the bargaining unit of the school district nor as an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or under any benefits as provided under the "Public School Code of 1949," or under any plans hereafter effective. Once the ordinance receives city council approval, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the city council, mayor and police chief or commissioner of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the ordinance.

Section 2. Section 2561 of the act, amended August 21, 1953 (P.L.1292, No.364), is amended to read:

Section 2561. Sale Procedure.—(a) After an ordinance has been passed authorizing and directing the sale of real estate as provided for in section two thousand five hundred sixty, the city treasurer shall advertise such proposed sale once a week for three successive weeks in at least one newspaper of general circulation in the city. The advertisement shall give a brief description of the property to be sold sufficient to identify it as to location and character, and the terms and conditions of sale shall ask for sealed bids for the purchase thereof, direct all bids to be sent to the city clerk on or before a certain date, and give any other information relating to such bids as may be necessary; shall announce that the bids shall be opened and read at a public meeting of council to be held at a time fixed, and that council shall have the right to reject any and all bids. In lieu of the above contents of the advertisement, the advertisement may give a brief description of the property to be sold, sufficient to identify it as to location and character, and provide for a public sale of the property to the highest responsible bidder, at such time and place as shall be designated by council, with the right reserved to council to reject any and all bids.

(b) *A city that elects to sell property to a nonprofit corporation for community development or reuse may waive the advertising and bidding requirements of subsection (a) only upon entering into a written agreement with the nonprofit corporation that requires the property to be used for industrial, commercial or affordable housing purposes. This exemption shall not apply to property on which existing governmental functions are conducted.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 6th day of April, A.D. 1998.

THOMAS J. RIDGE