

No. 2006-49

AN ACT

SB 986

Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further providing for personal property.

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

Section 1. Section 1504(a) of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60) and amended December 18, 1996 (P.L.1142, No.172), is amended and the section is amended by adding subsections to read:

Section 1504. Personal Property.—(a) No personal property of the township shall be sold or disposed of without the approval of the board of supervisors. No personal property owned by the township, the estimated fair market value of which is one thousand dollars (\$1,000) or more, shall be sold except to the highest bidder after due notice by advertisement for bids or for public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. ***The advertisement for electronic auction sales authorized in subsection (d) shall include the Internet address or means of accessing the electronic auction and the date, time and duration of the electronic auction.*** If after attempting twice to receive bids or if at a public auction no bid was received, the board of supervisors may by resolution adopt a procedure by which the personal property may be sold without further action of the board of supervisors. A procedure adopted pursuant to this authorization shall be subject to and shall conform with the requirements of any law governing the sale of property by municipal corporations generally when no bids have been received. The award of contracts shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. **[All] Except as provided in subsection (d), all bids shall be accepted on the condition that payment of the purchase price in full is made immediately upon acceptance of the successful bid. The board of supervisors may reject any bids received if the bids are believed to be less than the fair market value of the property.**

(d) A "public auction" shall include an online or electronic auction sale. During an electronic auction sale, bids shall be accepted

electronically at the time and in the manner designated in the advertisement. During the electronic auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price. Bidders may increase their bid prices during the electronic auction. The record of the electronic auction shall be accessible for public inspection. The purchase price shall be paid by the high bidder immediately or at a reasonable time after the conclusion of the electronic auction as determined by the township. In the event that shipping costs are incurred, they shall be paid by the high bidder.

(e) A township that has complied with the advertising requirements of subsection (a) may provide additional public notice of the sale by bids or public auction in any manner deemed appropriate by the township.

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

APPROVED—The 23rd day of June, A.D. 2006.

EDWARD G. RENDELL