

No. 1978-158

AN ACT

HB 2013

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," authorizing the sale of land to nonprofit medical corporations and to nonprofit housing corporations and changing the amount of consideration for real estate sold other than by bid.

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 June 27, 1974 (P.L.399, No.137), 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] fifteen** 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, *or where real property is to be sold to a nonprofit medical service corporation as authorized by clause LXXI of section 702 or where real property is to be sold to a nonprofit housing corporation as authorized by clause LXXII of section 702.* When real property is to be sold to a nonprofit corporation organized as a public library for its exclusive use as a library *or to a nonprofit medical service corporation or to a nonprofit housing corporation* the board of township supervisors may elect to accept such nominal consideration for such sale as it shall deem appropriate. *Real property sold pursuant to this clause to a nonprofit medical service corporation or to a nonprofit housing corporation shall be subject to the condition that when the property is not used for the purposes of the corporation the property shall revert to the township.*

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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Section 2. Section 702 of the act is amended by adding clauses to read:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

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LXXI. Sale of Real Property to Nonprofit Medical Service Corporation.—To sell township owned real property to a nonprofit medical service corporation for its exclusive use as a site for a medical service facility.

LXXII. Sale of Real Property to Nonprofit Housing Corporation.—To sell township-owned real property to a nonprofit housing corporation for its exclusive use for housing for the elderly.

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

APPROVED—The 28th day of September, A. D. 1978.

MILTON J. SHAPP