

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2388 Session of  
1993

INTRODUCED BY ARMSTRONG, SCHULER, HALUSKA, HERSHEY, STABACK,  
SEMMELE, TRELLO, CARONE, CAWLEY, STERN, KIRKLAND AND MILLER,  
DECEMBER 15, 1993

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
DECEMBER 15, 1993

AN ACT

1 Amending the act of June 10, 1982 (P.L.454, No.133), entitled  
2 "An act protecting agricultural operations from nuisance  
3 suits and ordinances under certain circumstances," providing  
4 for notice to potential purchasers of adjoining landowner's  
5 right to engage in agricultural activities.

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

8 Section 1. The act of June 10, 1982 (P.L.454, No.133),  
9 entitled "An act protecting agricultural operations from  
10 nuisance suits and ordinances under certain circumstances," is  
11 amended by adding a section to read:

12 Section 5.1. Notice to potential purchasers.

13 (a) Prior to entering into an agreement of sale for the  
14 conveyance of any real property adjoining a normal agricultural  
15 operation in any area zoned agricultural or any operation  
16 routinely inspected by the Department of Agriculture and which  
17 existed prior to the conveyance of the real property, the seller  
18 or his agent or State licensed realtor shall deliver to the

1 prospective purchaser the following written notice:

2       "This property is adjacent to property used for  
3 agricultural production. It is the policy of this  
4 Commonwealth and this community to conserve, protect and  
5 encourage the development and improvement of agricultural  
6 land for the production of food and other products, and also  
7 for its natural and ecological value. Farmers retain the  
8 legal right to conduct generally accepted agricultural and  
9 management practices regarding operation of farm equipment;  
10 production, processing and marketing of farm products; proper  
11 use of legal agricultural chemicals and other crop protection  
12 methods; and construction and use of farm structures. This  
13 notice is to inform prospective residents that these  
14 agricultural activities may generate dust, noise, odor and  
15 vibration or seasonal insect population."

16       (b) The notice required by subsection (a) shall be attached  
17 to the agreement of sale and shall be made a part thereof.

18       Section 2. This act shall take effect in 90 days.