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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 217

Session of  
1975

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INTRODUCED BY MESSRS. SHELHAMER, WEIDNER, THOMAS, YAHNER, W. W.  
FOSTER, PRATT, COLE, DREIBELBIS, ZELLER, SHUMAN, KLINGAMAN,  
MORRIS, DAVIS, BRANDT, DeVERTER, BRADLEY AND GREEN,  
FEBRUARY 4, 1975

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 6, 1976

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AN ACT

1 Exempting the owner of certain agricultural land from the  
2 payment of assessments for municipal improvements during the  
3 period of time that the owner does not use the services  
4 provided by the improvements OR UNTIL THERE IS A CHANGE IN <—  
5 THE USE OF THE LAND.

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

8 Section 1. ~~The~~ FROM AND AFTER THE EFFECTIVE DATE OF THIS ACT <—  
9 THE owner of land that has been certified by the Secretary of  
10 Agriculture as having been used primarily for agricultural  
11 purposes for at least three years immediately preceding the  
12 installation of water or sewer lines in a right-of-way fronting  
13 on OR CROSSING such land, ~~which right of way was not secured~~ <—  
14 ~~from the said owner,~~ shall not be liable for the cost of the  
15 installation of the water or sewer lines provided that he does  
16 not avail himself of the services provided by the lines EXCEPT <—  
17 AS PROVIDED IN SECTION 3 OR DOES NOT CHANGE THE USE OF THE LAND.

1 FOR THE PURPOSE OF THIS ACT, LAND SHALL BE DEFINED AS THAT <—  
2 PRESENTLY DEVOTED TO AGRICULTURAL USE FOR THE PURPOSE OF  
3 PRODUCING AN AGRICULTURAL COMMODITY AS DEFINED IN THE ACT OF  
4 SEPTEMBER 20, 1961 (P.L.1541, NO.657), KNOWN AS THE  
5 "PENNSYLVANIA AGRICULTURAL COMMODITIES MARKETING ACT OF 1968" OR  
6 ANY FARM PRODUCT AS DEFINED IN 1 PA.C.S. § 1991 (RELATING TO  
7 DEFINITIONS) AND SUCH LAND WAS DEVOTED TO AGRICULTURAL USE THE  
8 PRECEDING THREE YEARS AND IS NOT LESS THAN TEN CONTIGUOUS ACRES  
9 IN AREA OR HAS ANTICIPATED YEARLY GROSS INCOME OF \$2,000 FROM  
10 AGRICULTURE. The municipality or authority installing the lines  
11 shall ~~have the right to~~ file with the recorder of deeds in the <—  
12 county in which the land is located a notice of record, A <—  
13 CERTIFICATION SIGNED AND ACKNOWLEDGED BY THE LANDOWNER (OR  
14 LANDOWNERS) AND indexed in ~~name~~ NAME of the owner, indicating <—  
15 that the lines have been installed and that if the present or  
16 any subsequent owner of the land avails himself of the services  
17 provided by the lines OR IF THE USE OF THE LAND IS CHANGED, such <—  
18 owner shall be liable for the ASSESSMENT cost of installation of <—  
19 such water ~~or~~ AND/OR sewer lines AS PER ORIGINALLY ASSESSED. as <—  
20 ~~provided in section 4.~~

21 ~~Section 2. The owner of any land in excess of five acres <—~~  
22 ~~other than that to which is referred in section 1 who shall not~~  
23 ~~avail himself of the services provided by the water and sewer~~  
24 ~~lines shall pay presently at least 10% of the assessment to~~  
25 ~~which he would be liable had he availed himself of the services,~~  
26 ~~provided, that if such land has a dwelling located upon it, the~~  
27 ~~owner shall pay presently the entire assessment for which he~~  
28 ~~would be liable had he availed himself of the services. The~~  
29 ~~municipality shall not refuse a claim for the exemption made by~~  
30 ~~any such owner until it has first had a hearing thereon.~~

1       SECTION 2.   WHEN THE USE OF THE LAND IS CHANGED FROM  
2   AGRICULTURE THE OWNER SHALL, WITHIN 60 DAYS, NOTIFY IN WRITING  
3   THE MUNICIPALITY OR AUTHORITY OF THE CHANGE. NOTWITHSTANDING THE  
4   PROVISIONS OF THE ACT OF MAY 16, 1923 (P.L.207, NO.153),  
5   REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW AT THAT TIME  
6   OR AT ANY SUBSEQUENT TIME, THE MUNICIPALITY OR AUTHORITY MAY  
7   PLACE A LIEN AGAINST THE PROPERTY IN AN AMOUNT EQUAL TO THE  
8   AMOUNT THAT WOULD HAVE BEEN DUE HAD IT NOT BEEN FOR THE  
9   PROVISIONS OF THIS ACT. IF THE OWNER FAILS TO NOTIFY THE  
10  MUNICIPALITY OR AUTHORITY AS HEREIN PROVIDED THE MUNICIPALITY OR  
11  AUTHORITY MAY CHARGE AS A PENALTY 10% OF THE ASSESSMENT THAT  
12  WOULD HAVE BEEN MADE HAD IT NOT BEEN FOR THE PROVISIONS OF THIS  
13  ACT PLUS INTEREST AT THE RATE OF 8% FROM THE DATE OF THE CHANGE.

14       Section 3. ~~If there is a farm dwelling located on the land~~  
15 ~~and~~ IF the owner avails himself of the services provided by the  
16 ~~lines for that dwelling only~~ WITHOUT A CHANGE IN USE he shall be  
17 liable for the cost of installation ~~in an amount that bears the~~  
18 ~~same proportion to the total charge for the water or sewer line~~  
19 ~~assessment on all his land as the plot and the immediate area of~~  
20 ~~land surrounding the farm dwelling, equal to at least one acre,~~  
21 ~~bears to the total land area of the owner's property subject to~~  
22 ~~assessment.~~ BUT ONLY ON THAT AMOUNT OF THE PROPERTY THAT IS  
23 BENEFITED BY THE USE OF THE LINES.

~~Section 4. Except as provided in sections 2 and 3, if the owner or subsequent owner of land described in sections 1 or 2 avails himself of the services provided by the lines he shall become liable in the same manner as the other property owners who were assessed at the time the installation was made. Only that amount of the owner's property that is benefited by the use of the water or sewer lines shall be subject to the assessment~~

1 charge. Notwithstanding any other provisions of law to the  
2 contrary, the municipality or authority which installed the  
3 sewer or water lines shall have six months from the date the  
4 owner or any subsequent owner avails himself of the services  
5 provided by the lines to place a lien against the benefited  
6 property in an amount equal to the cost of installing the lines  
7 benefiting the said property.

8 SECTION 4. THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.

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