

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 217

Session of 1975

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 15, 1975

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.

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

7 Section 1. The owner of land that has been certified by the
8 Secretary of Agriculture as having been used primarily for
9 agricultural purposes for at least three years ~~prior to~~ <—
10 IMMEDIATELY PRECEDING the installation of water or sewer lines <—
11 in a right-of-way fronting on such land, which right-of-way was
12 not secured from the said owner, shall not be liable for the
13 cost of the installation of the water or sewer lines provided
14 that he does not avail himself of the services provided by the
15 lines. ~~The municipality or authority installing the lines shall~~ <—
16 ~~have the right to place a lien against the property for an~~
17 ~~amount equal to that which would have been due and payable by~~
18 ~~the owner if he were liable for the payment, said lien to be~~

1 ~~interest free. The lien shall not have priority over any~~ <—
2 ~~judgment or mortgage placed against the land. No execution may~~
3 ~~be made on the lien unless the owner avails himself of the~~
4 ~~services provided by the lines.~~ THE MUNICIPALITY OR AUTHORITY <—
5 INSTALLING THE LINES SHALL HAVE THE RIGHT TO FILE WITH THE
6 RECORDER OF DEEDS IN THE COUNTY IN WHICH THE LAND IS LOCATED A
7 NOTICE OF RECORD, INDEXED IN NAME OF THE OWNER, INDICATING THAT
8 THE LINES HAVE BEEN INSTALLED AND THAT IF THE PRESENT OR ANY
9 SUBSEQUENT OWNER OF THE LAND AVAILS HIMSELF OF THE SERVICES
10 PROVIDED BY THE LINES, SUCH OWNER SHALL BE LIABLE FOR THE COST
11 OF INSTALLATION OF SUCH WATER OR SEWER LINES AS PROVIDED IN
12 SECTION 4.

13 SECTION 2. THE OWNER OF ANY LAND IN EXCESS OF FIVE ACRES
14 OTHER THAN THAT TO WHICH IS REFERRED IN SECTION 1 WHO SHALL NOT
15 AVAIL HIMSELF OF THE SERVICES PROVIDED BY THE WATER AND SEWER
16 LINES SHALL PAY PRESENTLY AT LEAST 10% OF THE ASSESSMENT TO
17 WHICH HE WOULD BE LIABLE HAD HE AVAILED HIMSELF OF THE SERVICES,
18 PROVIDED, THAT IF SUCH LAND HAS A DWELLING LOCATED UPON IT, THE
19 OWNER SHALL PAY PRESENTLY THE ENTIRE ASSESSMENT FOR WHICH HE
20 WOULD BE LIABLE HAD HE AVAILED HIMSELF OF THE SERVICES. THE
21 MUNICIPALITY SHALL NOT REFUSE A CLAIM FOR THE EXEMPTION MADE BY
22 ANY SUCH OWNER UNTIL IT HAS FIRST HAD A HEARING THEREON.

23 Section 23. If there is a farm dwelling located on the land <—
24 and the owner avails himself of the services provided by the
25 lines for that dwelling only he shall be liable for the cost of
26 installation in ~~such amounts as the municipality or authority~~ <—
27 ~~shall determine.~~ AN AMOUNT THAT BEARS THE SAME PROPORTION TO THE <—
28 TOTAL CHARGE FOR THE WATER OR SEWER LINE ASSESSMENT ON ALL HIS
29 LAND AS THE PLOT AND THE IMMEDIATE AREA OF LAND SURROUNDING THE
30 FARM DWELLING, EQUAL TO AT LEAST ONE ACRE, BEARS TO THE TOTAL

1 LAND AREA OF THE OWNER'S PROPERTY SUBJECT TO ASSESSMENT.

2 Section 34. Except as provided in ~~section 2~~ SECTIONS 2 AND <—
3 3, if the owner or subsequent owner of land described in ~~section~~ <—
4 ± SECTIONS 1 OR 2 avails himself of the services provided by the <—
5 lines he shall become liable in the same manner as THE other <—
6 property owners WHO were assessed at the time the installation <—
7 was made. ~~reduced by an amount which the municipality or~~ <—
8 ~~authority installing the lines deems appropriate taking into~~
9 ~~consideration the amount of land utilizing the services.~~ ONLY <—
10 THAT AMOUNT OF THE OWNER'S PROPERTY THAT IS BENEFITED BY THE USE
11 OF THE WATER OR SEWER LINES SHALL BE SUBJECT TO THE ASSESSMENT
12 CHARGE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE
13 CONTRARY, THE MUNICIPALITY OR AUTHORITY WHICH INSTALLED THE
14 SEWER OR WATER LINES SHALL HAVE SIX MONTHS FROM THE DATE THE
15 OWNER OR ANY SUBSEQUENT OWNER AVAILS HIMSELF OF THE SERVICES
16 PROVIDED BY THE LINES TO PLACE A LIEN AGAINST THE BENEFITED
17 PROPERTY IN AN AMOUNT EQUAL TO THE COST OF INSTALLING THE LINES
18 BENEFITING THE SAID PROPERTY.