

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1192

Session of
1977

INTRODUCED BY MESSRS. BENNETT, KLINGAMAN, YAHNER, MORRIS,
LIVENGOD, TENAGLIO, L. E. SMITH AND MEBUS, JUNE 1, 1977

AS REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 3, 1978

AN ACT

1 Amending the act of May 28, 1976 (No.71), entitled "An act
2 exempting the owner of certain agricultural land from the
3 payment of assessments for municipal improvements during the
4 period of time that the owner does not use the services
5 provided by the improvements or until there is a change in
6 the use of the land," extending the provisions of the act to
7 certain cemeteries.

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

10 Section 1. The title and sections 1 and 2, act of May 28,
11 1976 (No.71), entitled "An act exempting the owner of certain
12 agricultural land from the payment of assessments for municipal
13 improvements during the period of time that the owner does not
14 use the services provided by the improvements or until there is
15 a change in the use of the land," are amended to read:

AN ACT

16
17 Exempting the owner of certain agricultural land and certain
18 cemeteries from the payment of assessments for municipal
19 improvements during the period of time that the owner does
20 not use the services provided by the improvements or until

1 there is a change in the use of the land.

2 Section 1. From and after the effective date of this act the
3 owner of land that has been certified by the Secretary of
4 Agriculture as having been used primarily for agricultural or
5 cemetery purposes for at least three years immediately preceding
6 the installation of water or sewer lines in a right-of-way
7 fronting on or crossing such land, shall not be liable for the
8 cost of the installation of the water or sewer lines provided
9 that he does not avail himself of the services provided by the
10 lines except as provided in section 3 or does not change the use
11 of the land. For the purpose of this act, land shall be defined
12 as that presently devoted to agricultural use for the purpose of
13 producing an agricultural commodity as defined in the act of
14 September 20, 1961 (P.L.1541, No.657), known as the
15 "Pennsylvania Agricultural Commodities Marketing Act of 1968,"
16 or any farm product as defined in 1 Pa.C.S. § 1991 (relating to
17 definitions) and such land was devoted to agricultural use the
18 preceding three years and is not less than ten contiguous acres
19 in area or has anticipated yearly gross income of \$2,000 from
20 agriculture. For the purpose of this act cemetery land shall be
21 deemed that land which has been dedicated IS BEING USED for <—
22 cemetery use or PURPOSES AND that land which is contiguous to a <—
23 cemetery which is being held by the CEMETERY owner for cemetery <—
24 use and is not less than one acre. Cemetery use shall be deemed
25 to mean use for the interment of human beings. The municipality
26 or authority installing the lines shall file with the recorder
27 of deeds in the county in which the land is located a notice of
28 record, a certification signed and acknowledged by the landowner
29 (or landowners) and indexed in name of the owner, indicating
30 that the lines have been installed and that if the present or

1 any subsequent owner of the land avails himself of the services
2 provided by the lines or if the use of the land is changed, or
3 in the case of land contiguous to a cemetery which is being held
4 for cemetery use, if the land is used for other than a cemetery
5 such owner shall be liable for the assessment cost of
6 installation of such water and/or sewer lines as per originally
7 assessed EXCEPT, THAT IN THE CASE OF A CEMETERY WHEN THE LAND IS <—
8 USED FOR OTHER THAN CEMETERY PURPOSES, THE INSTALLER OF THE
9 WATER OR SEWER LINES OR ITS SUCCESSORS IN TITLE SHALL HAVE THE
10 RIGHT TO IMPOSE A TAP IN FEE AGAINST SAID FORMER CEMETERY
11 PROPERTY BEFORE ANY CONNECTION IS PERMITTED FOR THE WATER OR
12 SEWER LINES.

13 Section 2. When the use of the land is changed from
14 agriculture or from land being held for cemetery use, except
15 when it is changed to cemetery use the owner shall, within 60
16 days, notify in writing the municipality or authority of the
17 change. Notwithstanding the provisions of the act of May 16,
18 1923 (P.L.207, No.153), referred to as the Municipal Claim and
19 Tax Lien Law at that time or at any subsequent time, the
20 municipality or authority may place a lien against the property
21 in an amount equal to the amount that would have been due had it
22 not been for the provisions of this act. If the owner fails to
23 notify the municipality or authority as herein provided the
24 municipality or authority may charge as a penalty 10% of the
25 assessment that would have been made had it not been for the
26 provisions of this act plus interest at the rate of 8% from the
27 date of the change.

28 Section 2. This act shall take effect immediately.