

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1133 Session of
1979

INTRODUCED BY MESSRS. KLINGAMAN, BENNETT, POLITE, YAHNER,
WEIDNER, SPITZ, F. J. LYNCH, L. E. SMITH, THOMAS, LIVENGOD
AND MRS. ARTY, MAY 1, 1979

SENATOR STAPLETON, AGRICULTURE AND RURAL AFFAIRS, IN SENATE,
AS AMENDED, OCTOBER 9, 1979

AN ACT

1 Amending the act of May 28, 1976 (P.L.148, No.71), entitled "An
2 act 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 (P.L.148, No.71), entitled "An act exempting the owner of
12 certain agricultural land from the payment of assessments for
13 municipal improvements during the period of time that the owner
14 does not use the services provided by the improvements or until
15 there is a change in the use of the land," are amended to read:

16 AN ACT

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

not use the services provided by the improvements or until there is a change in the use of the land.

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

1 been installed and that if the present or any subsequent owner
2 of the land avails himself of the services provided by the lines
3 or if the use of the land is changed, or in the case of land
4 contiguous to a cemetery which is being held for cemetery use,
5 if the land is used for other than a cemetery such owner shall
6 be liable for the assessment cost of installation of such water
7 and/or sewer lines as per originally assessed except, that in
8 the case of a cemetery when the land is used for other than
9 cemetery purposes, the installer of the water or sewer lines or
10 its successors in title shall have the right to impose a tap in <—
11 AN ASSESSMENT fee against said former cemetery property before <—
12 any connection is permitted for the water or sewer lines.
13 INSTALLER SHALL NOT BE CONSTRUED TO BE A CONTRACTOR WHO HAS NO <—
14 OWNERSHIP INTEREST.

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

30 Section 2. This act shall take effect immediately.