

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 143

Session of 1981

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AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, MARCH 10, 1981

AN ACT

1 Authorizing the creation of agricultural areas.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Agricultural  
9 Area Security Law."

10 Section 2. Statement of legislative findings.

11 It is the declared policy of the Commonwealth to conserve and  
12 protect and to encourage the development and improvement of its  
13 agricultural lands for the production of food and other  
14 agricultural products. It is also the declared policy of the  
15 Commonwealth to conserve and protect agricultural lands as  
16 valued natural and ecological resources which provide needed  
17 open spaces for clean air ~~sheds~~, as well as for aesthetic <—  
18 purposes. Article VIII, section 2 of the Constitution of  
19 Pennsylvania provides that the General Assembly may, by law,  
20 establish standards and qualifications for agricultural  
21 reserves. Agriculture in many parts of the Commonwealth is under  
22 urban pressure from expanding metropolitan areas. This urban  
23 pressure takes the form of scattered development in wide belts  
24 around urban areas, and brings conflicting land uses into  
25 juxtaposition, creates high costs for public services, and  
26 stimulates land speculation. When this scattered development  
27 extends into good farm areas, ordinances inhibiting farming tend  
28 to follow, farm taxes rise, and hopes for speculative gains  
29 discourage investments in farm improvements. Many of the  
30 agricultural lands in the Commonwealth are in jeopardy of being

1 lost for any agricultural purposes. Certain of these lands  
2 constitute unique and irreplaceable land resources of Statewide  
3 importance. It is the purpose of this act to provide a means by  
4 which agricultural land may be protected and enhanced as a  
5 viable segment of the Commonwealth's economy and as an economic  
6 and environmental resource of major importance.

7 Section 3. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section, unless the  
10 context clearly indicates otherwise:

11 "Advisory committee." An Agricultural Area Advisory  
12 Committee.

13 "Agricultural area." A unit of 500 or more acres of land  
14 used for the agricultural production of crops, livestock and  
15 livestock products under the ownership of one or more persons.

16 "Agricultural production." The production for commercial  
17 purposes of crops, livestock and livestock products, but not  
18 land or portions thereof used for processing or retail  
19 merchandising of such crops, livestock or livestock products.

20 "County governing body." The county board of commissioners  
21 or other designated council of representatives under home rule  
22 charters.

23 "Crops, livestock and livestock products." Include but are  
24 not limited to:

25 (1) Field crops, including corn, wheat, oats, rye,  
26 barley, hay, potatoes and dry beans.

27 (2) Fruits, including apples, peaches, grapes, cherries  
28 and berries.

29 (3) Vegetables, including tomatoes, snap beans, cabbage,  
30 carrots, beets, onions and mushrooms.

1 (4) Horticultural specialties, including nursery stock  
2 ornamental shrubs, ornamental trees and flowers.

3 (5) Livestock and livestock products, including cattle,  
4 sheep, hogs, goats, horses, poultry, furbearing animals,  
5 milk, eggs and furs.

6 (6) Timber, wood and other wood products derived from  
7 trees.

8 "Development easement." An interest in land, less than fee  
9 simple title, which interest represents the right to develop  
10 such lands for residential, commercial, recreational or  
11 industrial uses.

12 "Governing body." The governing body of a local government  
13 unit.

14 "Local government unit." Any city, borough, township or  
15 town.

16 "NORMAL FARMING OPERATIONS." THE CUSTOMARY AND GENERALLY <—  
17 ACCEPTED ACTIVITIES, PRACTICES, AND PROCEDURES THAT FARMERS  
18 ADOPT, USE, OR ENGAGE IN YEAR AFTER YEAR IN THE PRODUCTION AND  
19 PREPARATION FOR MARKET OF POULTRY, LIVESTOCK, AND THEIR PRODUCTS  
20 AND IN THE PRODUCTION AND HARVESTING OF AGRICULTURAL, AGRONOMIC,  
21 HORTICULTURAL, SILVICULTURAL, AND AQUICULTURAL CROPS AND  
22 COMMODITIES.

23 "Planning commission." A local government planning  
24 commission.

25 "Viable agricultural land." Land suitable for agricultural  
26 production and which will continue to be economically feasible  
27 for such use if real estate taxes, farm use restrictions, and  
28 speculative activities are limited to levels approximating those  
29 in commercial agricultural areas not influenced by the proximity  
30 of urban and related nonagricultural development.

1 Section 4. Agricultural Area Advisory Committee.

2 The governing body of any local government may establish an  
3 Agricultural Area Advisory Committee which shall consist of ~~two~~ <—  
4 ~~THREE~~ active farmers and ~~two agribusinessmen~~ ONE CITIZEN <—  
5 residing within the unit of local government and one member of  
6 the governing body of such local government, who shall serve as  
7 the chairman of the committee. Such a committee shall be  
8 established when a petition is received by the governing body  
9 for the creation of an agricultural area. Pursuant to this act  
10 the members of such committee shall be appointed by and shall  
11 serve at the pleasure of the chairman of the governing body. The  
12 members shall serve without salary, but the governing body may  
13 entitle each such member to reimbursement for his actual and  
14 necessary expenses incurred in the performance of his official  
15 duties. Such committee shall advise the governing body and work  
16 with the planning commission in relation to the proposed  
17 establishment, modification, and termination of agricultural  
18 areas. In particular, the committee shall render expert advice  
19 relating to the desirability of such action, including advice as  
20 to the nature of farming and farm resources within the proposed  
21 area and the relation of farming in such area to the local  
22 government unit as a whole.

23 Section 5. Agricultural areas.

24 (a) Proposals for creation.--Any owner or owners of land may  
25 submit a proposal to the governing body for the creation of an  
26 agricultural area within such local government unit, provided  
27 that such owner or owners own at least 500 acres or ~~at least 10%~~ <—  
28 ~~of the~~ VIABLE AGRICULTURAL land proposed to be included in the <—  
29 area. ~~whichever is greater.~~ The proposed area may also consist <—  
30 of two or more noncontiguous parcels or areas. Such proposal

1 shall be submitted in such manner and form as may be prescribed  
2 by the governing body of the local government unit wherein the  
3 proposed area is situated and shall include a description of the  
4 proposed area, including the boundaries thereof. If the proposed  
5 area is situated in more than one local government unit, the  
6 proposal shall be submitted to the governing bodies of all local  
7 government units affected.

8 (b) Notice.--Upon the receipt of such a proposal, the  
9 governing body shall thereupon provide notice of such proposal  
10 by publishing a notice in a newspaper having general circulation  
11 within the proposed area and by posting such notice in five  
12 conspicuous places within, adjacent or near to the proposed  
13 area. The notice shall contain the following information:

14 (1) A statement that a proposal for an agricultural area  
15 has been filed with the governing body pursuant to this act.

16 (2) A statement that the proposal will be on file open  
17 to public inspection in the office of the local government  
18 unit.

19 (3) A statement that any municipality whose territory  
20 encompasses the proposed area, or any landowner who owns at ←  
21 ~~least 10% of~~ the land proposed to be included within the  
22 proposed area, or any landowner with lands adjacent or near  
23 to the proposed area who wishes such lands to be included OR ←  
24 NOT INCLUDED therein, may propose modifications of the  
25 proposed area in such form and manner as may be prescribed by  
26 the governing body.

27 (4) A statement that any proposed modification must be  
28 filed with the governing body and the planning commission  
29 within 30 days after the publication of such notice.

30 (5) A statement that at the termination of the 30-day

1 period, the proposal and proposed modifications will be  
2 submitted to the planning commission and the advisory  
3 committee, and that thereafter a public hearing will be held  
4 on the proposal, proposed modifications and recommendations  
5 of the planning commission and advisory committee.

6 (c) Modification proposals.--The governing body shall  
7 receive any proposals for modifications of such proposal which  
8 may be submitted by such landowners or municipalities within 30  
9 days after the publication of such notice.

10 (d) Report by planning commission.--The governing body  
11 shall, upon the termination of such 30-day period, refer such  
12 proposal and proposed modifications to the planning commission,  
13 which shall, within 45 days, report to the governing body the  
14 potential effect of such proposal and proposed modifications  
15 upon the local government's planning policies and objectives.

16 (e) Referral to advisory committee.--The governing body  
17 shall also, upon the termination of such 30-day period, refer  
18 such proposal and proposed modifications to the Agricultural  
19 Area Advisory Committee, which shall, within 45 days report to  
20 the governing body its recommendations concerning the proposal  
21 and proposed modifications.

22 Section 6. Public hearings.

23 (a) Hearings.--The governing body, shall upon receipt of the  
24 reports from the advisory committee and the planning commission,  
25 hold a public hearing relative to the proposed agricultural  
26 area.

27 (b) Place of hearing.--The hearing shall be held at a place  
28 within the proposed area or otherwise readily accessible to the  
29 proposed area.

30 (c) Notice of hearing.--A hearing notice shall be published

1 in a newspaper having a general circulation within the proposed  
2 area and shall be given in writing to those municipalities whose  
3 territory encompasses the proposed area and any proposed  
4 modifications AND TO THOSE LANDOWNERS WHO PROPOSED MODIFICATIONS ←  
5 PURSUANT TO SECTION 5(C), and by posting such notice in five  
6 conspicuous places within, adjacent or near to the proposed  
7 area. Such notice shall contain the following information:

8 (1) A statement of the time, date and place of the  
9 public hearing.

10 (2) A description of the proposed area, any proposed  
11 additions or deletions and any recommendations of the  
12 planning commission or advisory committee.

13 (3) A statement that the public hearing will be held  
14 concerning:

15 (i) The original proposal.

16 (ii) Any written amendments proposed during the 30-  
17 day review period.

18 (iii) Any recommendations proposed by the  
19 Agricultural Area Advisory Committee and the planning  
20 commission.

21 Section 7. Evaluation criteria.

22 (a) Factors to be considered.--The following factors shall  
23 be considered by the planning commission, advisory committee,  
24 and at any public hearing:

25 (1) The viability of active farming within the proposed  
26 area and in areas near or adjacent thereto.

27 (2) The presence of any viable farm lands within the  
28 proposed area and adjacent thereto that are not now in active  
29 farming.

30 (3) The nature and extent of land uses other than active



1 farming within the proposed area and near or adjacent  
2 thereto.

3 (4) Local government unit developmental patterns and  
4 needs.

5 (5) The ~~county's~~ LOCAL GOVERNMENT UNITS comprehensive  
6 plan. <—

7 (6) Any other matter which may be relevant.

8 (b) Other factors.--In judging viability the following  
9 factors shall be considered:

10 (1) Soil.

11 (2) Climate.

12 (3) Topography.

13 (4) Markets for farm products.

14 (5) The extent and nature of farm improvements.

15 (6) The present status of farming.

16 (7) Anticipated trends in agricultural economic  
17 conditions and technology.

18 (8) Any other natural or economic factors as may be  
19 relevant.

20 (c) Resource materials.--In considering the viability  
21 factors as set forth in this section, various resource materials  
22 shall be used, including, but not limited to, the following:

23 (1) Soil surveys of the Pennsylvania State University.

24 (2) Soil surveys and other information provided by the  
25 National Cooperative Soil Survey.

26 (3) Soil survey maps prepared by the United States Soil  
27 Conservation Service.

28 (4) The United States census of agricultural categories  
29 of land use classes.

30 (5) Agricultural viability maps prepared by the

1 Department of Agriculture.

2 (6) Any other relevant published data, maps, charts, or  
3 results of soil or land use surveys made by any State or  
4 Federal agency.

5 Section 8. Decision on proposed area.

6 (a) Action by governing body.--The governing body, after  
7 receiving the reports of the planning commission and the  
8 advisory committee, and after such public hearing, may adopt ~~as~~ ←  
9 ~~a plan~~ the proposal or any modification of the proposal they  
10 deem appropriate, including the inclusion, to the extent  
11 feasible, of adjacent viable farm lands, and, the exclusion, to  
12 the extent feasible, of nonviable farm land and nonfarm land.  
13 The existence of utility facilities on the proposed area shall  
14 not prevent the designation of the area as "agricultural" nor  
15 shall the rights of utilities with respect to the existing  
16 facilities be disturbed or affected by such designation. The  
17 governing body shall act to adopt or reject the proposal, or any  
18 modification of it, no later than 180 days from the date the  
19 proposal was originally submitted.

20 (b) Effective date of creation of area.--The proposed area,  
21 shall become effective upon the adoption of same by the  
22 governing body.

23 (c) Filing of area description.--Upon the creation of an  
24 agricultural area, a description thereof shall be filed by the  
25 governing body with the recorder of deeds and with the planning  
26 commission.

27 (D) PARTICIPATION.--PARTICIPATION IN THE AGRICULTURAL AREA ←  
28 SHALL BE AVAILABLE AT ITS CREATION TO LANDOWNERS WITHIN THE  
29 JURISDICTION OF THE GOVERNING BODY INCLUDING THOSE NOT AMONG THE  
30 ORIGINAL PETITIONERS ON A VOLUNTARY BASIS. THE ADDITION OR

1 DELETION OF LAND IN THE AGRICULTURAL AREA SHALL ONLY OCCUR AFTER  
2 SEVEN YEARS OR WHENEVER THE AGRICULTURAL AREA IS SUBJECT TO  
3 REVIEW BY THE LOCAL GOVERNING BODY.

4 Section 9. Review of area.

5 (A) REVIEW BY GOVERNING BODY.--The governing body shall <—  
6 review any area created under this section ~~eight~~ SEVEN years <—  
7 after the date of its creation and every ~~eight~~ SEVEN year <—  
8 thereafter. In conducting such review, the governing body shall  
9 ask for the recommendations of the planning commission, the  
10 county planning commission and the advisory committee, and  
11 shall, at least 120 days prior to the end of the ~~eighth~~ SEVENTH <—  
12 year and not more than 180 days prior to such date, hold a  
13 public hearing at a place within the area or otherwise readily  
14 accessible to the area upon notice in a newspaper having a  
15 general circulation within the area by posting in five  
16 conspicuous places within, adjacent or near the area and by  
17 individual notice, in writing, to those municipalities whose  
18 territories encompass the area and the person owning land within  
19 the area. The governing body after receiving the reports of the  
20 planning commission, the county planning commission and the  
21 advisory committee and after the public hearing, may terminate  
22 the area at the end of such ~~eight-year~~ SEVEN-YEAR period by <—  
23 filing a notice of termination with the recorder of deeds and  
24 with the planning commission or may modify the area in the same  
25 manner as is provided in this act for the creation of areas. If  
26 the governing body does not act, or if a modification of an area  
27 is rejected, the area shall continue as originally constituted.

28 (B) LANDOWNER WITHDRAWAL.--LANDOWNERS WHO WISH THEIR LAND TO <—  
29 BE WITHDRAWN OR INCLUDED IN THE AGRICULTURAL AREA SHALL NOTIFY  
30 THE LOCAL GOVERNING UNIT OF THEIR INTENT AT LEAST 120 DAYS

1 BEFORE THE END OF THE SEVENTH YEAR.

2 Section 10. Appeals.

3 Any party in interest aggrieved by a decision or action of  
4 the governing body relating to the creation, composition,  
5 modification, rejection or termination of an agricultural area  
6 may take an appeal to the court of common pleas, in the manner  
7 provided by law within 30 days after such decision or action.

8 Section 11. Limitation on local regulations.

9 ~~No municipality or political subdivision shall exercise any~~ <—  
10 ~~of its powers to enact local laws or ordinances within an~~  
11 ~~agricultural area in a manner which would unreasonably restrict~~  
12 ~~or regulate farm structures or farming practices in~~  
13 ~~contravention of the purposes of the act unless such~~  
14 ~~restrictions or regulations bear a direct relationship to the~~  
15 ~~public health or safety.~~

16 (A) GENERAL RULE.--EVERY MUNICIPALITY OR POLITICAL <—  
17 SUBDIVISION CREATING AN AGRICULTURAL AREA SHALL ENCOURAGE THE  
18 CONTINUITY, DEVELOPMENT AND VIABILITY OF AGRICULTURE WITHIN SUCH  
19 AN AREA BY NOT ENACTING LOCAL LAWS OR ORDINANCES WITHIN SUCH AN  
20 AREA IN A MANNER WHICH WOULD UNREASONABLY RESTRICT FARM  
21 STRUCTURES OR FARM PRACTICES IN CONTRAVENTION OF THE PURPOSES OF  
22 THIS ACT UNLESS SUCH RESTRICTIONS OR REGULATIONS BEAR A DIRECT  
23 RELATIONSHIP TO THE PUBLIC HEALTH OR SAFETY.

24 (B) PUBLIC NUISANCE.--ANY MUNICIPAL OR POLITICAL SUBDIVISION  
25 LAW OR ORDINANCE DEFINING OR PROHIBITING A PUBLIC NUISANCE SHALL  
26 EXCLUDE FROM THE DEFINITION OF SUCH NUISANCE ANY AGRICULTURAL  
27 ACTIVITY OR OPERATION CONDUCTED USING NORMAL FARMING OPERATIONS  
28 WITHIN AN AGRICULTURAL AREA AS PERMITTED BY THIS ACT IF SUCH  
29 AGRICULTURAL ACTIVITY OR OPERATION DOES NOT BEAR A DIRECT  
30 RELATIONSHIP TO THE PUBLIC HEALTH AND SAFETY.

1 Section 12. Policy of Commonwealth agencies.

2 It shall be the policy of all Commonwealth agencies to  
3 encourage the maintenance of viable farming in agricultural  
4 areas and their administrative regulations and procedures shall  
5 be modified to this end insofar as is consistent with the  
6 promotion of public health and safety, with the provisions of  
7 any Federal statutes, standards, criteria, rules, regulations,  
8 or policies, and any other requirements of Federal agencies,  
9 including provisions applicable only to obtaining Federal  
10 grants, loans, or other funding.

11 Section 13. Limitation on exercise of eminent domain.

12 (a) Approval required for condemnation by an agency of the  
13 Commonwealth.--No agency of the Commonwealth having or  
14 exercising powers of eminent domain shall condemn any land  
15 within any agricultural area for any purpose unless prior  
16 approval has been obtained from the ~~following committee: a~~ <—  
17 ~~committee made up of six members, consisting of the Director of~~  
18 ~~the Office of State Planning and Development, or his designee,~~  
19 ~~the Secretary of Agriculture, or his designee, the Secretary of~~  
20 ~~Environmental Resources, or his designee, the Secretary of~~  
21 ~~Transportation, or his designee, and two active farmers~~  
22 ~~appointed by the Governor, with the advice and consent of a~~  
23 ~~majority of the Senate, for a term of four years. The chairman~~  
24 ~~of this committee shall be the Secretary of Agriculture, or his~~  
25 ~~designee.~~ AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD AS <—  
26 ESTABLISHED IN SECTION 306 OF THE ACT OF APRIL 9, 1929 (P.L.177,  
27 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929." The  
28 condemnation approval specified by this subsection shall not be  
29 required for an underground public utility facility FOR ANY <—  
30 FACILITY OF AN ELECTRIC COOPERATIVE CORPORATION or for any

1 public utility facility the necessity for and the propriety and  
2 environmental effects of which has been reviewed and ratified or  
3 approved by the Pennsylvania Public Utility Commission or the  
4 Federal Energy Regulatory Commission.

5 (b) Approval required for condemnation by a political  
6 subdivision, authority, public utility or other body.--No  
7 political subdivision, authority, public utility or other body  
8 having or exercising powers of eminent domain shall condemn any  
9 land within any agricultural area for any purpose, unless prior  
10 approval has been obtained from AGRICULTURAL LANDS CONDEMNATION <—  
11 APPROVAL BOARD AND FROM each of the following bodies: the  
12 governing bodies of the municipalities encompassing the  
13 agricultural area, the county commissioners, and the  
14 Agricultural Area Advisory Committee. The condemnation approvals  
15 specified by this subsection shall not be required for an  
16 underground public utility facility FOR ANY FACILITY OF AN <—  
17 ELECTRIC COOPERATIVE CORPORATION or for any public utility  
18 facility the necessity for and the propriety and environmental  
19 effects of which has been reviewed and ratified or approved by  
20 the Pennsylvania Public Utility Commission or the Federal Energy  
21 Regulatory Commission, regardless of whether the right to  
22 establish and maintain such underground or other public utility  
23 facility is obtained by condemnation, or by agreement with the  
24 owner.

25 (c) Notice.--Any condemnor wishing to condemn property the  
26 approval for which is required under this section shall at least  
27 30 days prior to taking such action notify each of the foregoing  
28 bodies that such action is contemplated, and no such  
29 condemnation shall be effective until 90 days following the  
30 receipt of such notice.

1 (d) Review by ~~committee~~ AGRICULTURAL LANDS CONDEMNATION <—  
2 APPROVAL BOARD.--Upon receipt of such notice the ~~committee~~ <—  
3 ~~provided for in this section~~ BOARD PROVIDED FOR IN SUBSECTION <—  
4 (A) OR THE BODIES PROVIDED FOR IN SUBSECTION (B) JOINTLY OR  
5 SEPARATELY shall review the proposed condemnation to determine  
6 its effect upon the preservation and enhancement of agriculture  
7 and agricultural resources within the area and upon  
8 Commonwealth, county and municipal environmental and  
9 comprehensive plans, policies and objectives.

10 (e) Public hearings.--Within such 90-day period the  
11 ~~committee~~ AGRICULTURAL LANDS CONDEMNATION BOARD shall hold a <—  
12 public hearing concerning the proposed condemnation at a place  
13 within or otherwise readily accessible to the area. Timely  
14 notice of such hearing shall be placed in a newspaper having a  
15 general circulation within the area and a written notice shall  
16 be posted at five conspicuous places within or adjacent to the  
17 area. Individual written notice shall also be given to all  
18 municipalities encompassing all or part of the area and to the  
19 proposed condemnor.

20 (f) Findings and decisions ~~of the committee.~~ The <—  
21 ~~committee~~ --THE AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD <—  
22 shall render ~~its~~ findings and decisions on or before the <—  
23 expiration such 90-day period and likewise within such period  
24 shall report the same to the proposed condemnor, the  
25 municipalities affected and any party who shall file an  
26 appearance at such hearing. If the ~~committee~~ AGRICULTURAL LANDS <—  
27 CONDEMNATION APPROVAL BOARD finds that such proposed  
28 condemnation might have an unreasonably adverse effect upon the  
29 preservation and enhancement of agriculture or municipal  
30 resources within the area or upon the environmental and

1 comprehensive plans of the county, municipality and the  
2 Commonwealth or upon the goals, resources plans, policies or  
3 objectives thereof, or that in any event there is a reasonable  
4 or prudent alternative to such condemnation, the ~~committee~~ <—  
5 AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD shall refuse <—  
6 approval for such condemnation.

7 (g) Injunctions.--The ~~committee~~ AGRICULTURAL LANDS <—  
8 CONDEMNATION APPROVAL BOARD may request the Attorney General OR <—  
9 THE BODIES MAY REQUEST THEIR SOLICITOR to bring an action to  
10 enjoin any such condemnor from violating any of the provisions  
11 of this section.

12 (h) Emergencies excepted.--This section shall not apply to  
13 any emergency project which is immediately necessary for the  
14 protection of life or property.

15 Section 14. Purchase of development easement in agricultural  
16 areas.

17 (a) Program to purchase easements.--After the establishment  
18 of an agricultural area by the governing body, the county  
19 governing body may authorize a program to purchase the  
20 development easements for land within an agricultural area. The  
21 program shall be administered by the county planning commission  
22 and a farmer member from each Agricultural Area Advisory  
23 Committee within the county.

24 (b) Funds for purchases.--The county governing body may use  
25 moneys from its general fund and/or incur debt to make available  
26 moneys to purchase the development easements in agricultural  
27 areas. The incurring of debt by the county governing body shall  
28 be consistent with all present laws and procedures imposed on  
29 counties for such action.

30 (c) Offers.--Agents, employees or officials of the county



1 planning commission shall be responsible to make such offers and  
2 to enter into such negotiations as are necessary with any owner  
3 of lands in an agricultural area, in order to purchase any  
4 development easements. Nothing in this act shall be construed as  
5 to require any owner of land in an agricultural area to sell or  
6 transfer any development easements thereto. An owner may reject  
7 any offer by any official of the county planning commission to  
8 purchase any development easements. The price for the purchase  
9 of development easements shall be mutually agreed to by the  
10 owner of the land affected and the county governing body. All  
11 such contracts for purchase shall be in writing.

12 (d) Sale of land.--A county governing body may sell any  
13 development easements it has acquired under this act: Provided,  
14 That the local governing body, which has jurisdiction over the  
15 effected land, approves the sale by a majority vote of its  
16 members: And, further provided, That the present owner of the  
17 land affected has refused to purchase such development easement.  
18 Section 15. Rules and regulations.

19 The Secretary of the Department of Agriculture shall  
20 promulgate rules and regulations necessary to promote the  
21 efficient, uniform and Statewide administration of the act.

22 Section 16. Effective date.

23 This act shall take effect in 60 days.