

No. 1979-98

AN ACT

HB 1133

Amending the act of May 28, 1976 (P.L.148, No.71), entitled "An act exempting the owner of certain agricultural land from the payment of assessments for municipal 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," extending the provisions of the act to certain cemeteries.

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

Section 1. The title and sections 1 and 2, act of May 28, 1976 (P.L.148, No.71), entitled "An act exempting the owner of certain agricultural land from the payment of assessments for municipal 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," are amended to read:

AN ACT

Exempting the owner of certain agricultural land *and certain cemeteries* from the payment of assessments for municipal 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. 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 been installed and that if the present or any subsequent owner of the land avails himself of the services provided by the lines or if the use of the land is changed, ***or in the case of land contiguous to a cemetery which is being held for cemetery use, if the land is used for other than a cemetery*** such owner shall be liable for the assessment cost of installation of such water and/or sewer lines as per originally assessed ***except, that in the case of a cemetery when the land is used for other than cemetery purposes, the installer of the water or sewer lines or its successors in title shall have the right to impose an assessment fee against said former cemetery property before any connection is permitted for the water or sewer lines. Installer shall not be construed to be a contractor who has no ownership interest.***

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

Section 2. This act shall take effect immediately.

APPROVED—The 20th day of November, A. D. 1979.

DICK THORNBURGH