



## QUESTIONS AND ANSWERS

### CONCERNING

### PENNSYLVANIA'S ACT 1981 – 43

- Q. 1. What is an Agricultural Security Area?
- A. Ag Security Areas are the Pennsylvania Equivalent of agricultural districts in other states. The creation of Ag Security Areas was formally allowed by the Pennsylvania Agricultural Area Security Act (PA 1981 – 43) and went into effect in August 1981. The Act defines an Ag Security Area as “a unit of 250 or more acres of land used for agricultural production of crops, livestock or livestock products, under the ownership of one or more persons”. Individual farms don’t need to touch each other to be eligible to be a part of the 250+ minimum acres.
- Q. 2. Must I join an Agriculture Security Area?
- A. NO. Your farmland can only be put in an Agricultural Security Area if you want it there. All participation is purely voluntary. However, only farm landowners whose properties are currently in agricultural production or capable of becoming viable agricultural lands are permitted to ask that an Ag Security Area be formed.
- Q. 3. Am I locked into farming exclusively for 7 years under the Act?
- A. NO. No formal or legal penalties exist that would restrict a farm landowner from converting farmland into non-farm uses at any time during the 7 year life of an Ag Security Area. However, by agreeing to participate in an Ag Security Area with other commercial farmers, each farm landowner agrees that farming is the preferred land use on his property during the life of the Agricultural Security Area.
- Q. 4. Does that mean I can sell my farmland, subdivide and develop it, or build on it during the 7 years?
- A. YES – subject to any local codes and ordinances.
- Q. 5. How do I benefit from joining an Ag Security Area?
- A. Farmers in Ag Security Areas have some extra protection for their property rights. This extra protection is designed to let farmers use their resources as efficiently as they can with less interference from the township, other property owners or from the state. These benefits are not tremendous, but they should help. The specific benefits authorized by the Act include:
- (1) The township cannot pass laws or ordinances which would unreasonably restrict farm structures or farm practices,
  - (2) The township cannot define any normal farming practice to be a public nuisance,

- (3) The ability of the state and the township to take farmland for public use is a little more restricted. However, gas pipelines and electric power lines are generally not restricted by this Act, and
- (4) State agencies must modify their regulations and procedures to encourage profitable farming.

In addition, the county may authorize a program to purchase the development easements for land within an Agricultural Security Area. (Development easements are the rights to develop land for uses such as residential, commercial, recreational or industrial.) If the county does enact such a program, it can only offer to purchase the development rights. Farmers can then refuse, accept or negotiate for a more preferred price.

For more information about Act 43 please contact your County Cooperative Extension Office. Prepared by W.J. Cook, Area Extension Agent.

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