

ORDINANCE NO. 98 - 9

**AN ORDINANCE OF HILLTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, REQUIRING DEVELOPERS OF RESIDENTIAL PROPERTY TO DISPLAY THE FINAL APPROVED SUBDIVISION PLAN, TO SPECIFICALLY SHOW SAID PLAN TO ALL PROSPECTIVE PURCHASERS WITHIN THE SUBDIVISION, TO SECURE A STATEMENT FROM PROPOSED PURCHASERS THAT THEY HAVE REVIEWED THE FINAL APPROVED SUBDIVISION PLAN, AND REQUIRING THE DEVELOPER TO PRESENT TO PROSPECTIVE PURCHASERS A PLAN FOR THE LOT BEING PURCHASED AND A DISCLOSURE STATEMENT**

**IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, as follows:

**SECTION 1 Applicability.** The requirements of this Ordinance shall apply to all developers, owners, and/or owner's agents (hereinafter referred to as the "Seller") who are selling a vacant lot within an approved residential subdivision or a lot with a Seller-constructed residential dwelling unit within an approved residential subdivision located within the boundaries of Hilltown Township (hereinafter referred to as "New Residential Property") to a member of the general public.

**SECTION 2 Intent.** These requirements are intended to inform home buyers about limitations, easements, restrictions on their property and the general nature of the subdivision and/or land development in which the property is located.

**SECTION 3 Disclosure Requirements.**

- A. Before signing a sales agreement for any New Residential Property, the buyers shall sign a disclosure statement that verifies that the Seller has provided, shown, and explained all of the information that is required by this Ordinance.
- B. The Seller of any New Residential Property shall prominently display the approved subdivision and/or land development plans for all phases in the office or other place where property sales are transacted, so that they are plainly visible to all potential buyers of the New Residential Property. The approved subdivision and/or land development plan shall include the record plan and all other accompanying plans approved with the record plan.

- C. The information listed below shall be clearly shown or noted on the approved plans and summarized in text narrative, and a copy of the plans and text narrative shall be given to the potential home buyer. The approved plans and text narrative shall show and describe the following:
- (1) Common areas, such as park lands, streets, and open space which are part of the subdivision or adjacent to the lot and/or building being sold;
  - (2) All lot lines within the development;
  - (3) All uses permitted within the development by Hilltown Township's current Zoning Ordinance, including accessory uses, and all limitations, easements, deed restrictions, and other restrictions which affect the development of the lots and use thereof;
  - (4) Membership in a homeowner's association, if applicable. A copy of the homeowner's association or condominium agreement shall be provided at that time;
  - (5) All current dimensional requirements for the primary uses on each lot, such as setback requirements, building coverage, impervious coverage, and height limits;
  - (6) All current dimensional requirements for the accessory uses permitted on each lot, such as size, setback requirements, and height limits;
  - (7) The location of all easements through the development, describing the uses of the easements, the ownership of the easements, and including any underground piping; (i.e., sanitary sewer, stormwater, domestic water, gas, electric, telephone, cable or any other utility) showing which lots are affected by these easements and the limitations it imposes on the lot, and copies of the applicable sections of the Zoning Ordinance;
  - (8) The located of all areas within the development and on each lot which are classified as wetlands, under the currently used definition, with a reference to Federal, State and Local requirements which govern wetlands and the limitation it imposes on the lot and development. Location of wetlands shall be highlighted by crosshatching all affected areas on the plan and copies of the applicable sections of the Zoning Ordinance shall be attached;

- (9) The location within the development and on each lot of flood plain areas, as defined by the Township's Ordinances, the requirements which govern flood plains and the limitations it imposes on the lot and copies of the applicable sections of the Zoning Ordinance;
- (10) The location of stormwater drainage facilities, including detention/retention basins, the paths of stormwater runoff, and the homeowner's responsibility;
- (11) The existing zoning of land which abuts the development, and a description of permitted uses and dimensional requirements for each contiguous zoning district;
- (12) The date of the Zoning Ordinance and Subdivision and Land Development Ordinance the particular plan is being developed under shall be provided to prospective purchaser. If the plan is developed by Stipulation, such copy including all amendments shall also be included in its entirety.
- (13) The existence, location and maintenance responsibilities of any on-site private wells, on-site sanitary sewage facilities or systems; and information regarding potential future mandatory connection to public water systems and public sewage systems in Hilltown Township.

**SECTION 4 Residential Disclosure Statement.** The initial retail purchasers of New Residential Property shall complete the following statement prior to the signing of any Agreement of Sale. The Seller will be obligated to provide originally signed statements to the Hilltown Township Code Enforcement Officer within thirty (30) days of execution and prior to issuance of a Certificate of Occupancy. The Seller shall provide the purchaser with a copy thereof; and Seller shall further maintain an originally signed copy for a period of not less than five (5) years.

It is the intent of this Ordinance that information regarding the nature of the property to be sold be conveyed to the consumer purchasing the property for residential purposes. Any attempt to by-pass the intent of the Ordinance by transfer of title to a party or entity who does not intend to make such use of the property will be considered a violation of this Ordinance and shall not exempt the Seller from complying with its terms when the property is sold on a retail basis.

**THIS DOCUMENT IS FOR YOUR PROTECTION. READ IT CAREFULLY BEFORE SIGNING.**

Hilltown Township Ordinance No. 98-9 requires that the Seller of New Residential Property provide the purchasers with certain specific information regarding the property to be sold prior to the signing of any Agreement of Sale. This information is intended to benefit the purchaser by clearly delineating the nature of the property in question, inclusive of any restrictions or conditions that may affect its desirability, suitability, and/or current or future value.

The check list below is required by Hilltown Township to make certain that you have been shown the information required by the Ordinance. It is your obligation to evaluate that information and to consider its implications relative to your situation. The importance of understanding the material presented to you cannot be overstressed.

If you have any questions you would be well advised to seek the assistance of an unbiased professional before signing any sales agreement.

**RESIDENTIAL DISCLOSURE STATEMENT**

Please initial next to each of the following to verify that information about each of the following was presented and explained fully with regard to your property:

- \_\_\_\_\_ (1) Public or private common areas, such as park lands, streets, stub streets and open space;
- \_\_\_\_\_ (2) All lot lines within the development;
- \_\_\_\_\_ (3) Current zoning district in which property is located. All uses presently permitted within the development by the Zoning Ordinance, including accessory uses, and all deed restrictions and other restrictions which affect development of the lots;
- \_\_\_\_\_ (4) Membership in a homeowner's association, if applicable. A copy of the homeowner's association condominium agreement has been provided;
- \_\_\_\_\_ (5) All current dimensional requirements for the primary uses on each lot, such as setback requirements, building coverage, impervious coverage, and height limits;

- \_\_\_\_\_ (6) All current dimensional requirements for the accessory uses (such as decks, pools, sheds, etc.) permitted on each lot, such as size, setback requirements, and height limits;
- \_\_\_\_\_ (7) The location of all easements through the development, describing the uses of the easements and the owners of said easements (i.e., sanitary sewer, stormwater, domestic water, gas, electric, telephone, cable or any other utility) showing which lots are affected by these easement. A copy of the applicable section of the Township's Ordinances was provided;
- \_\_\_\_\_ (8) The location of all areas within the development and on each lot which are classified as wetlands, under the currently used definition, with a reference to Federal, State and Local requirements which govern wetlands. Location shall be highlighted by crosshatching all affected areas on the plan. A copy of the applicable section of the Township's Ordinances was provided;
- \_\_\_\_\_ (9) The location within the development and on each lot of floodplain areas, as defined by the Township's Ordinances, and a reference to requirements which govern flood plains. A copy of the applicable section of the Township's Ordinances was provided;
- \_\_\_\_\_ (10) The location of stormwater drainage facilities, and the paths of stormwater runoff, and a reference to Township requirements which govern stormwater facilities and the homeowner's responsibility. A copy of the applicable section of the Township Ordinances was provided;
- \_\_\_\_\_ (11) The existing zoning of land which abuts the development and a description of permitted uses and dimensional requirements for each contiguous zoning district;
- \_\_\_\_\_ (12) The date of the Zoning Ordinance and Subdivision and Land Development Ordinance the particular plan is being developed under shall be provided to prospective purchaser. If plan is developed by Stipulation, such copy including all amendments shall also be included in its entirety.
- \_\_\_\_\_ (13) The property being considered is \_\_\_\_\_ square feet (\_\_\_\_\_ acres) in size.

\_\_\_\_\_ (14) The property being considered has \_\_\_\_\_ square feet of resource protected areas which equal \_\_\_\_\_% of the total lot. The property includes:

\_\_\_\_\_ Square feet of wetlands which equals \_\_\_\_\_% of the total lot.

\_\_\_\_\_ Square feet of floodplains which equals \_\_\_\_\_% of the total lot.

\_\_\_\_\_ Square feet of steep slopes which equals \_\_\_\_\_% of the total lot.

\_\_\_\_\_ (15) I/We understand that substantial use restrictions apply to resource protected areas and that these restrictions will be enforced by the appropriate Local, State, and Federal agencies. I/We understand that substantial penalties exist for the violations of those restrictions.

\_\_\_\_\_ (16) I/We are aware that the existing zoning regulations within the Township are subject to change.

\_\_\_\_\_ (17) I/We are aware that auxiliary water pressure pumps and/or sewage grinder pumps may be necessary to provide adequate water and sewer to the dwelling.

\_\_\_\_\_ (18) I/We are aware of the existence and location, if any, and the maintenance responsibilities of any on-site private wells, on-site sanitary sewage facilities or systems on our lot. I/We have also been given information by Seller regarding the potential future mandatory connection of our New Residential Property to public water systems and public sewage systems.

I/We, the undersigned, acknowledge that I/we have received a full sized copy of the cover sheet detailing the scope of the subdivision and/or land development plan of which the considered property is a part as well as a separate lot plan of my/our property from the Seller and understand and agree to the constraints imposed therein with regard to my/our property. I/we also understand that signing this disclosure statement does not release me/us from meeting requirements of the Township of Hilltown.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Owner/Authorized Agent

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**SECTION 5 Plan of Lot.** The developer of New Residential Property in a residential subdivision in which the developer and Seller is building and selling newly constructed residences shall additionally present to a prospective purchaser before the Agreement of Sale is executed for the New Residential Property, an individual plan of the property involved, showing the street upon which the residence will front, the building envelope with front, rear and side yards, shown; and the approved grading plan and first floor elevation certification for the property.

**SECTION 6 Enforcement.** Should any person be found guilty of violating this Ordinance in a summary proceeding before a District Justice, that person shall be sentenced to pay a fine of \$1,000.00 for each offense.

**ORDAINED AND ENACTED** this 26<sup>th</sup> day of October, 1998.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

*Wm. H. Bennett*  
*Kenner B. ...*  
*Chad ...*

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