

ORDINANCE NO. 95-03

AN ORDINANCE OF BUCKINGHAM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, REQUIRING DEVELOPERS OF RESIDENTIAL PROPERTY TO DISPLAY THE FINAL APPROVED SUBDIVISION PLAN, TO SPECIFICALLY SHOW THIS PLAN TO ALL PROSPECTIVE PURCHASERS. TO SECURE A STATEMENT FROM PROPOSED PURCHASERS THAT THEY HAVE SEEN AND 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 Buckingham 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 subdivided residential lot or a newly constructed home located within the boundaries of Buckingham 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, and restrictions on their property, 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 or subdivided residential property, or lot for residential building, 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 or of a subdivided lot for residential building 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 or lot. 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 Buckingham 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, including any underground pipe; (i.e. : sanitary, water, gas lines) 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 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 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.
- 2
- (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 & 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.

D. A letter from the owners of the natural gas transmission line detailing the general nature of the system as well as specific information detailing the number of pipes, their size, age, operating pressure, capacity (maximum and normal) and operational class must be provided to all purchasers within 220 yards, in either direction, of the pipeline right of way. Additionally, a copy of all current federal and state regulations governing the safety of gas transmission lines must be offered to the purchaser for review prior to the signing of any sales agreement. In addition:

- 1) All purchasers within 100 yards, in either direction, of the pipeline right of way must be provided with a letter and/or standard printed material from the owners of the natural gas transmission line detailing proper safety procedures. Detailed emergency procedures must be provided to the purchaser and may take the form of a letter from the owners of the transmission line or a certified safety engineer. Said emergency plans must be filed with the Township Emergency Service Officer and be in accordance with the Township Emergency Service Plan in effect at the time of the signing of this agreement.
- 2) All purchasers whose property abuts or encompasses the right of way for the natural gas transmission line must be provided with a letter from the owners of the natural gas transmission line specifically detailing the nature of their right of way and any and

all limits and/or any or all risks that it may impose on the property owner. Detailed emergency procedures must be provided to the purchaser and may take the form of a letter from the owners of the transmission line or a certified safety engineer. Said emergency plans must be in accordance with the Township Emergency Service Plan in effect at the time of the signing of this agreement.

SECTION 4. Residential Disclosure Statement.

The initial retail purchasers of newly constructed residences, improved or unimproved lots 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 Code Enforcement Officer within 5 days of execution.** The seller shall maintain an originally signed copy for a period of not less than 10 years and provide the purchaser with same.

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.

Buckingham Township Ordinance 95-03 requires that the sellers of new real estate 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 checklist below is required by the 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 can not 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 districts 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 homeowners' association, if applicable. A copy of the homeowners' 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 (i.e. sanitary, water, gas lines) showing which lots are affected by these easements. 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 Townships' Ordinances, and a reference to requirements which govern flood plains. A copy of the applicable section of the Township's ordinance 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 homeowners responsibility. A copy of the applicable section of the Township ordinance 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 & 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 equal _____% 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.

The property being considered is :

_____ More than 220 yards from either side of the right-of-way for the gas transmission line owned by Texas Eastern as of the date of this ordinance.

_____ Yards from the right-of-way for the gas transmission line owned by Texas Eastern as of the date of this ordinance.

If the property is less than 220 yards in either direction from the right-of-way for the gas transmission line owned by Texas Eastern as of the date of this ordinance, the following section must be completed:

_____ I/we have received a letter from the owners of the natural gas transmission line detailing the general nature of the system as well as specific information detailing the number of pipes, their size, age, operating pressure, capacity (maximum and normal) and operational class. Additionally, a copy of all current federal and state regulations governing the safety of gas transmission lines has been offered to me/us for review prior to the signing of any sales agreement.

- In addition to the above, if the property is less than 100 yards in either direction from the pipeline right-of-way the following section must be completed:

_____ I/we have been provided with a letter and/or standard printed material from the owners of the natural gas transmission line detailing proper safety procedures. Detailed emergency procedures have been provided.

In addition to the above, if the property abuts or encompasses the right-of-way for the natural gas transmission line the following section must be completed:

_____ I/we have received a letter from the owners of the natural gas transmission line specifically detailing the nature of their right-of-way and any and all limits and/or any and all risks that it may impose.

I/we the undersigned, acknowledge that I/we have received a full sized copy of the cover sheet detailing the scope of the subdivision an/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 Buckingham.

Print Name

Owner/Authorized Agent

Purchaser's Signature

Owner/Authorized Agent

Purchaser's Signature

Date

Date

SECTION 5 Plan of lot. The developers of a subdivision, wherein the Developer is building and selling newly constructed residences, shall present to a prospective purchaser before the agreement of sale for such property is signed, an individual plan of the lot involved, showing the street upon which the building will front and the building envelope with rear, front, and side yard shown and the currently approved grading plan for the lot.

SECTION 6 Enforcement Should any person be found guilty of violating this ordinance in summary proceeding before a district Justice, that person shall be sentenced to pay a find of up to \$1,000.00 for each offense, or undergo imprisonment for up to 30 days.

ORDINANCE NO. 95-03

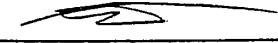
ORDAINED AND ENACTED this 14th day of June, 1995.

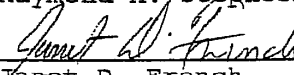
**BUCKINGHAM TOWNSHIP
BOARD OF SUPERVISORS**

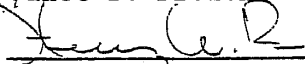
ATTEST:



Beverly J. Curtin
Township Manager



Raymond A. Stepnoski, Chairman


Janet D. French


Henry W. Rowan