

## **ORDINANCE NO. 118**

AN ORDINANCE OF MILFORD TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, REQUIRING SELLERS OF NEW RESIDENTIAL PROPERTY TO DISPLAY THE FINAL APPROVED SUBDIVISION PLAN, TO SPECIFICALLY SHOW THIS PLAN TO ALL PROSPECTIVE BUYERS, TO SECURE A STATEMENT FROM PROSPECTIVE BUYERS THAT THEY HAVE SEEN AND REVIEWED THE FINAL APPROVED SUBDIVISION PLAN; REQUIRING THE SELLER TO PRESENT TO PROSPECTIVE BUYERS A PLAN FOR THE LOT BEING PURCHASED AND A DISCLOSURE STATEMENT; AND REQUIRING THE SELLER OF EXISTING RESIDENTIAL PROPERTY TO PROVIDE A DISCLOSURE STATEMENT

**IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of Milford 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 Milford Township (hereinafter referred to as "new residential property") to a member of the general public (hereinafter referred to as the "prospective buyer"). The requirements of Section 6 of this Ordinance shall apply to previously occupied existing residences ("Existing Residences").

### **SECTION 2. INTENT**

These requirements are intended to ensure that before prospective buyers enter into an agreement of sale on a property they are informed about limitations, easements, and restrictions on that property; the general nature of the subdivision and/or land development in which the property is located; and potential development on abutting properties.

### **SECTION 3. DISCLOSURE REQUIREMENTS – NEW CONSTRUCTION**

A. Before accepting a sales agreement for any new residential property, seller shall present to buyer and obtain buyer's signature on a disclosure statement in the same form as the disclosure statement included herein, verifying 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 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 plans shall include the record plan and all other associated plans approved with the record plan. The seller must inform the buyer that a copy of the plan may be seen at the Milford Township Building.

C. The seller shall present to the buyer a copy of the proposed grading plan of the lot depicting the street upon which the residence will front, the building envelope with front, rear and side yards shown, and the proposed first floor elevation of the property.

D. 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 concurrently with buyer's signing of the disclosure statement. 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 Milford 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 required. A copy of the homeowner's association or condominium agreement, including the Declaration of Covenants, Conditions and Restrictions, shall be provided to the buyer (concurrently with buyer's signing of the disclosure statement).

(5) All current dimensional requirements of Milford Township for the primary uses on each lot, such as setback requirements, building coverage, impervious coverage and height limitations;

(6) All current dimensional requirements of Milford Township for the accessory uses permitted on each lot, such as size, setback requirements, and height limitations;

(7) The location of all easements in the development and a description of the terms and uses of the easements including any underground pipe (i.e.: sanitary, water, gas lines); showing which lots are affected by the easements and the limitations imposed on those lots, together with 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 each lot and on the development. Location of wetlands shall be highlighted by crosshatching all affected areas on the plan, together with the applicable sections of the zoning ordinance;

(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 imposed on flood plain areas of individual lots and on the development as a whole, together with the applicable sections of the zoning ordinance;

(10) The location of stormwater drainage facilities, including detention/retention basins, the paths of stormwater runoff, a reference to Township requirements which govern stormwater facilities; and the ownership and maintenance responsibility for such facilities;

(11) The present zoning of the development and 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 buyer. If the plan is developed by stipulation or court order, a copy of the stipulation or court order shall be provided to every prospective buyer.

(13) The disclosure of any known environmental surveys, studies or reports done on the property shown in the record plan. The reports must be made available to the buyer for review.

#### **SECTION 4. RESIDENTIAL DISCLOSURE STATEMENT – NEW CONSTRUCTION**

Prior to accepting a sales agreement for a new residential property, seller shall present to buyer and obtain buyer's signature on a disclosure statement in substantially the same form as that which follows. Within five days of execution of a sales agreement by buyer and seller, seller shall provide to the Code Enforcement Officer of Milford Township a signed copy of the disclosure statement. In addition, seller shall provide buyer with a copy of the disclosure statement at time of signing, and seller shall maintain an original of the signed disclosure on file for a period of ten 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.

#### **MILFORD TOWNSHIP RESIDENTIAL DISCLOSURE STATEMENT NEW CONSTRUCTION**

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

**Milford Township Ordinance No. \_\_\_\_\_ requires that the sellers of a newly constructed home or a vacant subdivided residential lot provide potential buyers with certain specific information regarding the property to be sold prior to the signing of an agreement of sale. This information is intended to benefit the buyer by clearly delineating the nature of the property in question, including 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 cannot be overstressed.

If you have any questions, you should seek the assistance of an unbiased professional before signing any sales agreement.

Fill in the following information:

Print Name of Buyer(s): \_\_\_\_\_ Address \_\_\_\_\_

Print Name of Buyer(s): \_\_\_\_\_ Address \_\_\_\_\_

Name of Developer: \_\_\_\_\_ Address \_\_\_\_\_

Name of Subdivision \_\_\_\_\_ Lot Number(s) \_\_\_\_\_

Tax Map Parcel Number(s): \_\_\_\_\_

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 the property you are buying before an agreement of sale was accepted by the seller:

### PROPERTY DESCRIPTION

1. The property being considered is \_\_\_\_\_ square feet (\_\_\_\_\_ acres) in size.
2. All lot lines of the Property have been explained.

### LAND USE AND BUILDING RESTRICTIONS

3. This lot is subject to the Zoning Ordinance and Subdivision & Land Development Ordinance:

Zoning Ordinance: \_\_\_\_\_ Dated: \_\_\_\_\_

Subdivision Ordinance: \_\_\_\_\_ Dated: \_\_\_\_\_

Subdivision Plan was approved on \_\_\_\_\_ and recorded at Book \_\_\_\_\_,

Page \_\_\_\_\_ in the Office of the Recorder of Deeds.

If plan is developed by Stipulation or Court Order, a copy of same including all amendments shall also be included in its entirety.

4. The property is located in the \_\_\_\_\_ Zoning District. A statement of all uses presently permitted within the development by the Zoning Ordinance is attached.

5. The property is subject to the following dimensional requirements:

	Permitted	As Built
Front Yard	_____ feet	_____ feet

Rear Yard	_____ feet	_____ feet
Side Yard	_____ feet	_____ feet
Building Coverage	_____ sq. feet	_____ sq. feet
Impervious Surface Coverage*	_____ sq. feet	_____ sq. feet
Building Height	_____ feet	_____ feet

\* Note: Impervious surface includes homes, driveways, accessory structures, decks, pools, and stone or graveled areas.

Additional building coverage remaining for garage, sheds, greenhouse and any other buildings \_\_\_\_\_ sq. feet.

Additional impervious surface remaining for patios, decks, swimming pool, tennis, basketball or other courts, etc. \_\_\_\_\_ sq. feet.

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 limitations; which are as follows:

Side yard required for accessory uses: \_\_\_\_\_

Rear yard required for accessory uses: \_\_\_\_\_

Front yard required for accessory uses: \_\_\_\_\_

7. I/We are aware that the existing zoning regulations within the Township are subject to change.

**PLAN REQUIREMENTS AND DEED RESTRICTIONS**

8. I have reviewed the subdivision plan for this development and it has been explained to me by agents of seller. Buffer yards and other restrictions affecting the property have been fully explained.

9. All lot lines within the development have been explained.

10. The subject property (IS/IS NOT) subject to deed restrictions, limitations, easements and other restrictions which affect development of the lots. If the property is subject to any deed restrictions, limitations, easements or other restrictions, a copy of the document imposing the restrictions has been provided.

11. The property is subject to the following easements:  
 Sanitary Water: \_\_\_\_\_ Sewer: \_\_\_\_\_ Gas: \_\_\_\_\_  
 Electric: \_\_\_\_\_ Telephone: \_\_\_\_\_ Cable: \_\_\_\_\_  
 Drainage: \_\_\_\_\_ Municipal: \_\_\_\_\_  
 Conservation Easement or other restriction: (Please Describe)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The location of all easements through the development describing the terms and uses of the easements have been explained to me/us. A copy of the applicable sections of the Township's ordinances was provided.

- 12. Membership in a homeowner's association/condominium association, (IS/IS NOT) required. A copy of the homeowner's association or condominium documents, including the Declaration of Condominium or Declaration of Covenants, Conditions and Restrictions as applicable has been provided.
- 13. The location of stormwater drainage facilities, including detention/retention basins, the paths of stormwater runoff, a reference to Township requirements which govern stormwater facilities have been pointed out to me/us. The ownership and maintenance responsibilities for same have been explained. A copy of the applicable sections of the zoning ordinance was provided.
- 14. The buyer is aware of the existence and location of any on-lot wells and septic systems and the maintenance requirements of these particular systems.

**NATURAL RESOURCE RESTRICTIONS**

- 15. 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.

- 16. There ARE/ARE NOT locations within the development which are classified as wetlands, flood plains, steep slopes or woodlands as defined in the Zoning Ordinance, Subdivision Ordinance, or with reference to a federal, state or other requirement. The limitations imposed on each lot and on the development with respect to wetlands, flood plains, woodlands and steep slopes have been explained. Location of wetlands, flood plains, woodlands and steep slopes shall be highlighted by cross hatching all affected areas on the plan. A copy of the applicable section of the Township's Ordinances has been provided.
- 17. 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.

**ADJOINING USES AND SURROUNDING IMPACTS**

- 18. The existing zoning classification of the property adjacent to the development is:

- Land to North: \_\_\_\_\_
- Land to South: \_\_\_\_\_
- Land to East: \_\_\_\_\_
- Land to West: \_\_\_\_\_

19. The existing land uses of the property adjacent to the development is:

Land to North: \_\_\_\_\_  
Land to South: \_\_\_\_\_  
Land to East: \_\_\_\_\_  
Land to West: \_\_\_\_\_

20. The subject property (IS/IS NOT) located adjacent to public or private common areas, such as park lands, streets, stub streets and open space, which are part of the subdivision or adjacent to the lot and/or building being sold.
21. The property is located within \_\_\_\_\_ feet of the Quakertown Airport.
22. The owner/ developer has notified the buyer that the prospective property is subject to the over flight of aircraft at low altitudes appropriate to the approach and departure of aircraft at the Quakertown Airport and that over flights conducted daily both day and night.
23. The buyer understands that aircraft approaching and departing the Quakertown Airport will generate noise during both day and night hours which may affect the property.
24. The prospective purchaser is aware of the risks involved in living near an airport including the risks of damage or injury from the operation of aircraft.
25. The prospective property (IS/IS NOT) located within the flight path of the Quakertown Airport.
26. Developer has explained the limitations on height of buildings and other structures as well as trees and growing things located within the flight path and, in particular, has explained those restrictions as they pertain to the prospective property.
27. The buyer is aware that farming and other agricultural activities are conducted on properties near the prospective property.
28. The buyer understands that farming and agricultural activities involve aspects which may be objectionable and even injurious but which are protected under Pennsylvania law. These include:
- (A) Operation of large pieces of equipment including tractors, combines and the like which generate noise, dust and fumes.
  - (B) The hours of operation of such equipment will include night operation and early morning operation which is permitted as a matter of right.
  - (C) The collection and spreading of animal waste which generate odors, may attract flies and have other objectionable impact.

(D) Use of pesticides, herbicides and fertilizers.

29. The buyer understands that the sewage treatment plant of the Milford Trumbauersville Sewer Authority is located on Rosenberger Road north of Kumry Road. Sewage treatment plants are sometimes associated with odors which may travel substantial distances from the treatment plant under certain conditions.

30. The buyer understands that this property (DOES/DOES NOT) have a public water line in an adjoining street and that if there is a public water line and the property is not currently served by public water, any construction of additional bedrooms or failure of the existing well would necessitate connection to public water.

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Seller/ Authorized Agent

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Seller/ Authorized Agent

\_\_\_\_\_  
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 Buyer 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. RESIDENTIAL DISCLOSURE STATEMENT – EXISTING RESIDENCES**

Prior to accepting a sales agreement for an existing residence, seller shall present to buyer and obtain buyer’s signature on a disclosure statement in substantially the same form as set forth in this Section 6. Within five days of execution of a sales agreement by buyer and seller, seller shall provide to the Code Enforcement Officer of Milford Township a signed copy of the disclosure statement. In addition, seller shall provide buyer with a copy of the disclosure statement at time of signing, and seller shall maintain an original of the signed disclosure on file for a period of ten years.)

**MILFORD TOWNSHIP**  
**RESIDENTIAL DISCLOSURE STATEMENT**  
**EXISTING RESIDENCES**

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

**Milford Township Ordinance No. \_\_\_\_ requires that the sellers of existing residences provide potential buyers with certain specific information regarding the property to be**

**sold prior to the signing of an agreement of sale. This information is intended to benefit the buyer by clearly delineating the nature of the property in question, including 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 cannot be overstressed.**

**If you have any questions, you should seek the assistance of an unbiased professional before signing any sales agreement.**

Fill in the following information:

Print Name of Buyer(s): \_\_\_\_\_ Address \_\_\_\_\_

Print Name of Buyer(s): \_\_\_\_\_ Address \_\_\_\_\_

Name of Seller: \_\_\_\_\_ Address \_\_\_\_\_

Address of property: \_\_\_\_\_

Tax Map Parcel Number(s): \_\_\_\_\_

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 the property you are buying before an agreement of sale was accepted by the seller:

### **PROPERTY DESCRIPTION**

1. The property being considered is \_\_\_\_\_ square feet (\_\_\_\_\_ acres) in size.

### **LAND USE AND BUILDING RESTRICTIONS**

2. The property is located in the \_\_\_\_\_ Zoning District. A statement of all uses presently permitted within the development by the Zoning Ordinance and dimensional requirements is attached.
3. I/We are aware that the existing zoning regulations within the Township are subject to change.

### **PLAN REQUIREMENTS AND DEED RESTRICTIONS**

4. Buffer yards and other restrictions, if any, affecting the property have been fully explained.
5. All lot lines have been explained.

6. The subject property (IS/IS NOT) subject to deed restrictions, limitations, easements and other restrictions which affect development of the lots. If the property is subject to any deed restrictions, limitations, easements or other restrictions, a copy of the document imposing the restrictions has been provided.
7. The property is subject to the following easements:  
 Sanitary Water: \_\_\_\_\_ Sewer: \_\_\_\_\_ Gas: \_\_\_\_\_  
 Electric: \_\_\_\_\_ Telephone: \_\_\_\_\_ Cable: \_\_\_\_\_  
 Drainage: \_\_\_\_\_ Municipal: \_\_\_\_\_  
 Conservation Easement or other restriction: (Please Describe)

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The location of all easements through the development describing the terms and uses of the easements have been explained to me/us.

8. Membership in a homeowner's association/condominium association, (IS/IS NOT) required. A copy of the homeowner's association or condominium documents, including the Declaration of Condominium or Declaration of Covenants, Conditions and Restrictions as applicable has been provided.
9. The location of stormwater drainage facilities, including detention/retention basins, the paths of stormwater runoff, a reference to Township requirements which govern stormwater facilities have been pointed out to me/us. The ownership and maintenance responsibilities for same have been explained.
10. The buyer is aware of the existence and location of any on-lot wells and septic systems and the maintenance requirements of these particular systems.

**NATURAL RESOURCE RESTRICTIONS**

11. There ARE/ARE NOT locations within the development which are classified as wetlands, flood plains, steep slopes or woodlands as defined in the Zoning Ordinance, Subdivision Ordinance, or with reference to a federal, state or other requirement. The limitations imposed on each lot and on the development with respect to wetlands, flood plains, woodlands and steep slopes have been explained. Location of wetlands, flood plains, woodlands and steep slopes shall be highlighted by cross hatching all affected areas on the plan. A copy of the applicable section of the Township's Ordinances has been provided.
12. 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.

**ADJOINING USES AND SURROUNDING IMPACTS**

13. The existing zoning classification of the property adjacent to the development is:

Land to North: \_\_\_\_\_  
Land to South: \_\_\_\_\_  
Land to East: \_\_\_\_\_  
Land to West: \_\_\_\_\_

14. The existing land uses of the property adjacent to the development is:

Land to North: \_\_\_\_\_  
Land to South: \_\_\_\_\_  
Land to East: \_\_\_\_\_  
Land to West: \_\_\_\_\_

15. The subject property (IS/IS NOT) located adjacent to public or private common areas, such as park lands, streets, stub streets and open space, which are part of the subdivision or adjacent to the lot and/or building being sold.
16. The property is located within \_\_\_\_\_ feet of the Quakertown Airport.
17. The owner/ developer has notified the buyer that the prospective property is subject to the over flight of aircraft at low altitudes appropriate to the approach and departure of aircraft at the Quakertown Airport and that over flights conducted daily both day and night.
18. The buyer understands that aircraft approaching and departing the Quakertown Airport will generate noise during both day and night hours which may affect the property.
19. The prospective purchaser is aware of the risks involved in living near an airport including the risks of damage or injury from the operation of aircraft.
20. The prospective property (IS/IS NOT) located within the flight path of the Quakertown Airport.
21. Developer has explained the limitations on height of buildings and other structures as well as trees and growing things located within the flight path and, in particular, has explained those restrictions as they pertain to the prospective property.
22. The buyer is aware that farming and other agricultural activities are conducted on properties near the prospective property.
23. The buyer understands that farming and agricultural activities involve aspects which may be objectionable and even injurious but which are protected under Pennsylvania law. These include:
- (A) Operation of large pieces of equipment including tractors, combines and the like which generate noise, dust and fumes.

- (B) The hours of operation of such equipment will include night operation and early morning operation which is permitted as a matter of right.
  - (C) The collection and spreading of animal waste which generate odors, may attract flies and have other objectionable impact.
  - (D) Use of pesticides, herbicides and fertilizers.
24. The buyer understands that the sewage treatment plant of the Milford Trumbauersville Sewer Authority is located on Rosenberger Road north of Kumry Road. Sewage treatment plants are sometimes associated with odors which may travel substantial distances from the treatment plant under certain conditions.
25. The buyer understands that this property (DOES/DOES NOT) have a public water line in an adjoining street and that if there is a public water line and the property is not currently served by public water, any construction of additional bedrooms or failure of the existing well would necessitate connection to public water.

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Seller/ Authorized Agent

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Seller/ Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**SECTION 7. 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 up to \$1,000.00 for each offense, or undergo imprisonment for up to 30 days.

*ORDAINED AND ENACTED into Ordinance this 16th day of October 2001.*

**MILFORD TOWNSHIP BOARD  
OF SUPERVISORS**

ATTEST:

*/S/ Janya Awckland*  
Janya Awckland  
Township Secretary

*/S/ Charles Strunk*  
Charles Strunk, Chairman