

Chapter 11

Housing

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Part 1**Sale of Residential Property****§11-101. Applicability.**

This Part shall apply to the seller, owner, developer or agent of the owner (the “seller”) of a vacant subdivided residential lot or a newly constructed home located within this Township (“new residential property or properties”) to a member(s) of the general public (the “buyer”). This applies to any existing vacant parcels. This Part is not intended to duplicate any information included in disclosures made under the Uniform Planned Community Act, 68 Pa.C.S.A. §5101 *et seq.*, or the Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*, and where there is any conflict these Acts take precedence. (Ord. 457, 7/14/1999)

§11-102. Intent.

These requirements are intended to inform the buyer of important facts pertaining to the new residential property including, but not limited to, the general nature of the subdivision and/or land development project (the “project”) in which the new residential property is located, limitations, easements and restrictions.

(Ord. 457, 7/14/1999)

§11-103. Disclosure Requirements.

1. Before signing a sales agreement for any new residential property, the seller shall obtain from the buyer a signed disclosure statement that verifies that the seller has provided, reviewed and explained the information that is required by this Part.

2. The seller of any new residential property shall display the record plan of the subdivision and/or land development in the location where property sales are transacted by the seller. The approved plans for the subdivision and/or land development must be reviewed with and made available to the buyer. The seller must inform the buyer that a copy of the plan may be seen at the Northampton Township Administration Building.

3. 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 for the property.

4. The information listed below shall be clearly shown or noted on the record plan and/or summarized in a text narrative, and a full size copy of the record plan and a text narrative shall be given to the buyer.

A. Common areas, such as parklands, streets, open space, bike paths, walking trails and other amenities which are part of the subdivision or adjacent to the lot and/or building being sold.

B. All lot lines within the subdivision.

C. Membership in a common ownership regime such as a condominium association or homeowners' association, if applicable. Copies of the declaration documents and bylaws shall be provided to the buyer prior to the signing of an agreement of sale.

D. All uses permitted within the subdivision by the current Zoning Ordinance [Chapter 27], including accessory uses, and all limitations, easements, deed restrictions and other restrictions of record, at this time, which affect the development of lots and their use.

E. All current dimensional requirements for the primary use on each lot, such as setback requirements, building coverage, impervious coverage and height limits.

F. All current dimensional requirements for the accessory uses permitted on each lot, such as size, setback requirements and height limits.

G. The location of all areas which are classified as either wetlands or floodplains by current governmental law, rule, regulation or ordinance, with a notation that such Federal, State and local laws and regulations govern the use of property within wetlands and floodplains, which may limit the use and development of these areas.

H. The location of all stormwater management facilities, including detention/retention basins, stormwater management easements and the ownership and maintenance responsibilities for such facilities and easements.

I. The date of the Zoning Ordinance [Chapter 27] and Subdivision and Land Development [Chapter 22] regulations the plan is being developed under shall be provided to the buyer. If the plan is being developed by stipulation, a copy, including all amendments, shall be provided to the buyer.

J. The existence, location and maintenance responsibilities of any on-site wells and/or on-site sanitary sewage facilities or systems. Local authorities may make connection to public water and sewer systems mandatory in the future. Tapping/connecting fees and/or easements may apply.

K. The present zoning classification of the project and property which abuts the project and a description of the permitted uses of the abutting property.

L. The disclosure of any known environmental surveys, studies or reports done on the property of the record plan. These reports are to be made available to the buyer for review.

M. The buyer of any new residential property which is located within 100 yards of a natural gas or petroleum transmission line must be informed in writing of the existence, location and owner of record of the line and the possibility that the right-of-way of said line may be used to expand, enlarge or modify the lines.

(Ord. 457, 7/14/1999)

§11-104. Residential Disclosure Statement.

The buyer shall complete the disclosure statement prior to the signing of an agreement of sale. The seller will be obligated to provide a copy of the signed disclosure statement to the Code Enforcement Officer prior to the issuance of a certificate of occupancy and shall provide a copy to the buyer prior to signing the agreement of sale. The seller shall retain a copy for a period of not less than 3 years. The disclosure statement shall be in the following form:

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

Township Ordinance No. 457 requires that the seller of any 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 buyer by clearly defining the nature of the property, inclusive of any restrictions or conditions that may affect its desirability, suitability and/or current or future value.

The checklist below is required by Northampton Township to make certain that you have been shown the information required by this Part. It is your obligation to evaluate the 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 are advised that the seller or the seller's agent may not be qualified to render explanations or interpretations of the information required to be disclosed. You are advised to seek the assistance of an unbiased professional prior to signing the agreement of sale.

The seller must make available the current information, required by this document, in effect as of the date of the subdivision or land development approval and to thereafter update the required disclosures so that at the time the information is made available, the information is current.

(See the Residential Disclosure Statement on the following page)

(Ord. 457, 7/14/1999)

RESIDENTIAL DISCLOSURE STATEMENT

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

- _____ (1) Public or private common areas, such as parklands, streets, stub streets, open space, walking paths, etc., and the access to these areas.
- _____ (2) All lot lines within the development. The property being considered is _____ square feet (_____ acres) in size.
- _____ (3) Membership in a common ownership regime, such as a homeowners or condominium association, if applicable. A copy of the declaration and/or bylaws have been provided.
- _____ (4) Current zoning of the lot. All uses presently permitted within the development by the Zoning Ordinance, including accessory uses, and all deed restrictions and other restrictions which affect the development of the lot. The location of all easements of record through the development, describing the uses, and the owners of the easements such as, but not limited to, sanitary sewer, storm-water, domestic water, gas, electric, telephone, cable or any other utility. The buyer is aware the existing zoning regulations are subject to change.
- _____ (5) All current dimensional requirements for the primary use on each lot, such as setback requirements, building coverage, impervious coverage and height limitations.
- _____ (6) All current dimensional requirements for all accessory uses (decks, pools, sheds, etc.) such as setback requirements, building coverage and height limitations.
- _____ (7) The location of all areas which are classified as wetlands, floodplains or other resource conservation areas by current law. The use and development of these areas may be severely restricted. The buyer understands substantial penalties exist for violations of these restrictions.

The property being considered has _____ square feet of resource protected areas which equal _____ % of the total lot.

_____ square feet of wetlands equals _____ % of the total lot.

_____ square feet of floodplain equals _____ % of the total lot.

_____ square feet of steep slopes equals _____ % of the total lot.

- _____ (8) The location of all stormwater management facilities, including detention/retention basins, stormwater management easements, defined swales and the ownership and maintenance responsibilities for each.
- _____ (9) The date of the Zoning Ordinance and Subdivision and Land Development Ordinance the particular plan is being developed under shall be provided to the buyer. If the plan is being developed by stipulation, a copy including all amendments shall be provided.
- _____ (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. The buyer has been informed of any potential mandatory connection to public water or sewer systems. Tapping/connecting fees and/or easements may apply. The buyer is aware that auxiliary water pressure pumps and/or sewage grinder pumps may be necessary to provide adequate water and sewer to the dwelling.
- _____ (11) The zoning classification of the development and the property which abuts the development and a description of permitted uses.
- _____ (12) The buyer has seen and reviewed any known environmental surveys, studies or reports done on the property of the record plan.
- _____ (13) The buyer is aware of any natural gas or petroleum transmission line which is located within 100 yards of the property. The buyer has been given, in writing, the location and owner of record of the line and has been made aware that the right-of-way of said line may be used to expand, enlarge or modify the lines.

I/We the undersigned, acknowledge that I/we have received a full size copy of the record plan and a text narrative, if applicable, 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 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 imposed by Northampton Township.

Purchaser

Owner or Authorized Agent

Purchaser

Date

§11-105. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 457, 7/14/1999; as amended by Ord. 561, 4/25/2012)

§11-106. Information Provided to Seller.

The Township of Northampton will make a good faith effort to provide information necessary for the seller to comply with this Part in a timely manner.

(Ord. 457, 7/14/1999)

Part 2**Sex Offenders Residency Restrictions¹****§11-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Child-care facility—a licensed day-care center, licensed child-care facility or any other child-care services facility exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania.

Community center—a building and related facilities used for educational, social, cultural, library or recreational activities.

Open space—the area of land or water available and accessible for use by the public and residents of the Township which is restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for the residents of the Township. Open space generally includes such land or area of land that is regulated, maintained or owned by the Township and may include steep slopes, floodplains and other significant features to be preserved.

Public park or recreational facility—any land, or tract of land, or facility used for passive or active recreation, including any playground, park, skate parks, athletic fields or any other facility owned or operated by the Township or any other governmental agency, including the Council Rock School District, the County of Bucks or the Commonwealth of Pennsylvania.

School—any educational building or facility that provides educational services to a minor child, as defined by the laws of the Commonwealth of Pennsylvania, including any public or private facility.

Sex offender—any person, over the age of 18 years who has been convicted of any sexual offense or crime as defined in 42 Pa.C.S.A. §9795.1, including, but not limited to, kidnapping where the victim is a minor, institutional sexual assault, indecent assault, incest, prostitution and related offenses, sexual abuse of a child, unlawful contact with a minor, sexual exploitation of a minor, rape, involuntary deviate sexual intercourse, sexual assault, and aggravated indecent assault. “Sex offender” shall also include any individuals convicted of any attempt to commit the offenses as enumerated herein.

Township—the Township of Northampton, including its residents and all land within its territorial boundaries.

(Ord. 507, 11/16/2005)

§11-202. Sexual Offender Residency Restrictions.

¹This Part was invalidated as a result of the decision of the Pennsylvania Supreme Court in *Fross v. County of Allegheny*, 20 A.3d 1193 (Pa. 2011), and is therefore unenforceable by the Township. Notwithstanding the Court’s decision, the Board of Supervisors retains this Part of Chapter 11 as a statement of public policy.

1. It shall be unlawful for any sex offender or other person over the age of 18 years who has been convicted of a violation which requires registration pursuant to 42 Pa.C.S.A. §9791 *et seq.*, or who has been convicted of a violation which requires registration in another jurisdiction, to reside, lodge, abide or live within 2,500 feet of any school, child-care facility, open space, community center, public park or recreational facility in the Township.

2. For the purpose of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the school, child-care facility, open space, community center, public park or recreational facility.

3. Such person who resides or lives within 2,500 feet of any school, child-care facility, open space, community center, public park or recreational facility shall have 60 days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this Section within that time period shall constitute a violation of this Part. [Ord. 518]

(Ord. 507, 11/16/2005; as amended by Ord. 518, 9/19/2007)

§11-203. Exceptions to Residency Restrictions.

This Part shall not apply to any person or sex offender who has established a residence prior to the date of adoption of this Part, and shall not apply if the school, child-care facility, open space, community center, public park or recreational facility within 2,500 feet of the sex offender's residence or lodging was established subsequent to the establishment of the sex offender's residence or lodging. The provisions of this Section shall not apply to any person or sex offender who has established a residence or lodging and then relocates to a different residence or lodging within the Township after the adoption of this Part.

(Ord. 507, 11/16/2005)

§11-204. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 507, 11/16/2005; as amended by Ord. 561, 4/25/2012)

§11-205. Enforcement.

All agencies and authorities within the Township, including, but not limited to, the Northampton Township Police Department, have full authority to enforce this Part, and impose such fines and other penalties as necessary and appropriate.

(Ord. 507, 11/16/2005)

Part 3**Rental Property****§11-301. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Residential tenant—any person who is subject to payment of any tax imposed by Northampton Township and resides in a leased residential property located within the Township.

(Ord. 515, 9/19/2007)

§11-302. Registration Required.

1. All persons, firms or corporations owning property in the Township of Northampton which is leased or licensed for residential use (i.e., houses, apartments, furnished or unfurnished rooms) are prohibited from leasing or licensing to any person or entity unless and until the person or entity leasing or licensing the property produces a registration from the Township acknowledging the occupancy of the premises. The owner of the property shall maintain a current file of registered tenants or lessees for all leased property in Northampton Township. This file shall be available for inspection by the Township upon 3 days notice.

2. All owners of property leased for residential occupancy shall annually report the names and addresses of all residential tenants by January 31 of each new year. In addition, all owners of property leased or licensed for residential properties shall report to the Township the names and addresses of the tenant or lessee whenever there is a change in the occupancy of any leased property. Said report shall be filed within 10 days of occupancy of the property.

(Ord. 515, 9/19/2007)

§11-303. Permit and Registration Process.

The Township Manager is hereby authorized to compile and maintain a database of all residential real estate leased within the boundaries of the Township, and shall cause to be reviewed all applications therefor, and, when appropriate, issue registration forms.

(Ord. 515, 9/19/2007)

§11-304. Registration Forms.

Northampton Township shall provide forms for the registration of tenants in leased properties within the boundaries of Northampton Township. Information required on the form shall include the name or names and addresses of all tenants who reside in the leased property.

(Ord. 515, 9/19/2007)

§11-305. Fees; Violations and Penalties.

1. Fees for moving permits shall be established by resolution of the Board of

Supervisors of Northampton Township.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 561*]

(*Ord. 515, 9/19/2007; as amended by Ord. 561, 4/25/2012*)