

ARTICLE II

LEGAL PROVISIONS

Section 201. General Procedure for Plat Approval

After the effective date of this ordinance, no subdivision plat of land within the jurisdiction of this ordinance shall be filed or recorded until it has been submitted to and approved by the Town Board of Commissioners as set forth in Section 105 of this ordinance, and until this approval is entered in writing on the face of the plat by the Mayor and attested by the town clerk.

The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of this ordinance that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

Section 202. Statement by Owner

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of any city.

Section 203. Effect of Plat Approval on Dedications

Pursuant to G.S. 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Board of Commissioners may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the municipality shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the municipality shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

Section 204. Penalties for Violation

204.1 After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this

ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to , exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the appropriate County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town through its attorney or other official designated by the Town Board of Commissioners may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

- 204.2 Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- 204.3 Notwithstanding Subsection 204.1 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- 204.4 Nothing in this section shall be construed to limit the use of remedies available to the Town. The Town may seek to enforce this ordinance by using any one, all, or a combination of remedies.

Section 205. Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 206. Variances

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, the Town Board of Commissioners may authorize a variance to the terms of this ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of this ordinance.

Section 207. Amendments

The Town Board of Commissioners may from time-to-time amend the terms of this ordinance but no amendment shall become effective unless

it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Littleton area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) day period, the date of publication is not to be counted, but the date of the hearing is.

Section 208. Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Wherever the requirements of this ordinance are at variance with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.

Section 209. Repeal of Conflicting Ordinances

All existing ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 210. Effective Date

This ordinance shall take effect and be in force from and after April 1st, 1985.

Section 211. Adoption

Duly adopted by the Board of Commissioners of the Town of Littleton, North Carolina, this the 1st day of April, 1985.

Nancy P. Myrick
Clerk

B. Mason Hawfield
Mayor

Section 212. Administrator

The Board of Commissioners of the Town of Littleton shall appoint the subdivision administrator or administrators.