

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

ARTICLE VIII – LEGAL PROCEDURES

- 800 Criminal and Civil Procedures. From the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance, either 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 land before the plat has been approved and recorded pursuant to this Ordinance, shall be guilty of a misdemeanor and shall be subject to a fine and/or imprisonment as provided in North Carolina General Statute 14.4. The Town of Montreat may enjoin any subdivision, transfer, or sale of land not made in compliance with this Ordinance. 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 Ordinance.
- 801 Severability. Should any section or provision of this Ordinance be found by a court of competent jurisdiction to be unconstitutional or invalid, all other sections or provisions shall nevertheless continue in full force and effect. In accordance with Article 160A-373 of the General Statutes of North Carolina, the Board of Commissioners shall file a copy of this Ordinance for registration with the Register of Deeds of Buncombe County.
- 802 Abrogation. This Ordinance shall neither repeal, abrogate, annul, impair, nor interfere with any existing subdivisions the plats of which are properly recorded in the Office of the Register of Deeds prior to the effective date of this Ordinance nor with existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law prior to the effective date of this Ordinance.
- 803 Effect on Existing Legislation. Where this Ordinance conflicts with existing ordinances, statutes, or regulations effective in the jurisdiction of this Ordinance and enacted by the County, State or Federal governments or their agencies, then the ordinance, statute, or regulation requiring the higher standard shall apply.
- 804 Effective Date. This Ordinance shall become effective on the _____ day of _____, _____.

[CONTINUED ON FOLLOWING PAGE]

Adopted this the _____ day of _____, _____.

BOARD OF COMMISSIONERS OF THE
TOWN OF MONTREAT, NORTH CAROLINA

BY: _____
Mayor

APPROVED AS TO FORM:

Town Attorney

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, Clerk to the Board of Commissioners for the Town of Montreat do hereby certify that during the regularly scheduled meeting following a public hearing on _____, _____, the foregoing Subdivision Ordinance for the Town of Montreat was read, approved, and adopted by the Board upon a motion of Commissioner _____ and seconded by Commissioner _____. The Ordinance was passed by a vote of _____.

This the _____ day of _____, _____.

Clerk to the Board of Commissioners
for the Town of Montreat