

CHAPTER 8

ENFORCEMENT AND PENALTIES FOR VIOLATION

328-1. PROHIBITIONS.

(a) No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a Final Map is required by the Map Act or this division, until the final map thereof in full compliance with the provisions of the Map Act and this division has been filed for record with the Recorder of Humboldt County. (Ord. 1876, § 15, 9/26/89)

(b) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a Parcel Map is required by the Map Act or this division, until the parcel map thereof or Instrument of Waiver in full compliance with the provisions of the Map Act and this division has been filed for record with the Recorder of Humboldt County. (Ord. 1876, § 15, 9/26/89)

(c) Conveyance of any part of a division of real property for which a Final or Parcel Map is required by the Map Act or this division shall not be made by parcel or block number, initial or other designation, unless and until the final or parcel map has been filed for record with the Recorder of Humboldt County. (Ord. 1876, § 15, 9/26/89)

(d) Subdivisions (a), (b) and (c) do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or except from any law (including this division), regulating the design and improvement of subdivisions in effect at the time the subdivision was established. (Ord. 1876, § 15, 9/26/89)

(e) Nothing contained in subdivisions (a) and (b) shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where the sale, lease, or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required by the Map Act and this division. (Ord. 1146, § 110, 7/19/77; Ord. 1876, § 15, 9/26/89)

328-2. PENALTIES FOR VIOLATION.

Any person who violates any provision of this division shall be guilty of a misdemeanor, and any person, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable or summary remedy to which the County or other political subdivision or any person, firm, corporation, partnership or copartnership may be entitled to, including but not limited to restraining or enjoining any attempted or proposed subdivision or sale in violation of this division. (Ord. 1146, § 111, 7/19/77)

328-3. NOTICE OF VIOLATION.

If and when the Director of Public Works becomes aware of a division of land in violation of the provisions of the chapter, he/she shall record in the Office of the County Recorder of Humboldt County a notice to that effect describing the land. If such division is subsequently approved hereunder, the Director of Public Works shall record a notice that the violation has ceased. Nothing in this section shall be deemed to require compliance with this section prior to enforcing this division. (GC §§ 66499.34, 66499.36) (Ord. 1146, § 112, 7/19/77)

328-4. VOID PERMITS.

No zoning or any other kind of permit shall be issued to any applicant to be used in connection with or pertaining to any lot or portion thereof which has been divided in violation of this chapter and not corrected as provided herein. Any permit issued in violation of this section is and shall be void. The enforcement of this provision shall be in addition to any other remedy or penalty provided by law for violation of this chapter. (Ord. 1146, § 113, 7/19/77)

328-5. NUISANCE.

Any building or structure erected or constructed in violation of this chapter shall be and is hereby declared unlawful and a public nuisance and may be abated, removed or enjoined in the manner provided by law. (Ord. 1146, § 114, 7/19/77)