

Article 18:

ENFORCEMENT

Sec. 9-2.1800: Purpose
Sec. 9-2.1805: Prohibition
Sec. 9-2.1810: Remedies

Sec. 9-2.1800:

Purpose

The procedures set forth in this Section shall provide for the enforcement of the State Subdivision Map Act and the provisions of this Code of the City of Ontario.

Sec. 9-2.1805:

Prohibition

- A.** No person shall sell, lease, or finance any parcel or portion of 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 or parcel map is required by this Code and the Subdivision Map Act, until such map thereof in full compliance with the provisions of this Code has been filed for record to the County Recorder.
- B.** Conveyances of any part of a division of real property for which a final or parcel map is required by the Subdivision Map Act or this Ordinance shall not be made by parcel or block number, letter or other designation, unless and until such map has been filed for record by the County Recorder.
- C.** This section does not apply to any parcel or parcels of subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Ordinance, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- D.** Nothing contained in Paragraphs A through C above shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction is expressly conditioned upon the approval and filing tract map or parcel map as required under the Subdivision Map Act of this article.

Sec. 9-2.1810:

Remedies

- A.** Any deed of conveyance, sale or contract to sell real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or this article, is voidable at the sole option of the grantee, buyer or person contracting to purchase any heirs personal representative or trustee in insolvency or bankruptcy thereof within one year, after date of discovery of such violation.
- B.** Any grantee, or successor in interest thereof of real property which has been divided or which has resulted from a division in violation of the provisions of the Ordinance or the Subdivision Map Act may, within one-year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who so divided the property

and against any successors against any successors in interest who so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property.

- C. The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a Certificate of Compliance filed recorded final tract map or parcel map, from and after the date of recording.
- D. The provisions of this section shall not limit or affect, in any way, the rights of a grantee or successor in interest under any other provision of law.
- E. This section does not bar any legal, equitable or summary remedy to which the City or other public agency, or any person, firm or corporation may otherwise be entitled, and the City or other public agency, or such person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, Subdivision Map Act or this article.
- F. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a division, in violation of the provisions of the Subdivision Map or this Ordinance, if it finds that development of such real property is contrary to the public health or the Public safety. The authority to deny or approve such a permit shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the City issues a permit or grants approval for the development of any real property illegally subdivided under the provisions of paragraph (F) above, the City may impose conditions applicable to a current division of the property. If a Certificate of Compliance has been filed for recordation in accordance with the provisions of Article 11, only those conditions stipulated in that certificate shall be applicable.