

## ARTICLE 3

### PLATTING JURISDICTION, ENFORCEMENT AND PENALTIES FOR VIOLATION

The enforcement of these regulations and penalties for the unapproved recording or transfer of land are provided by state law in the authority granted by public acts of the State of Tennessee.

**Section 3.01. Platting Authority.** From and after the passage of these regulations, the Planning Commission shall be the official platting authority, and no plat of a land subdivision shall be entitled to record in the office of the McMinn County Register unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission, as required by these regulations, is declared to be a misdemeanor, punishable by law, with each day of noncompliance being a separate offense.

**Section 3.02. Use of Plat.** The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a subdivision plat that has not been given final approval by the Planning Commission and recorded in the office of the McMinn County Register is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties.

**Section 3.03. Enforcement.** No plat or plan of a subdivision located within the area of planning jurisdiction shall be admitted to the land records of the county or received or recorded by the County Register of Deeds until said plat or plan has received final approval in writing by the Secretary of the Planning Commission as provided in Section 13-3-402, Tennessee Code Annotated.

**Section 3.04. Opening and Improving Public Roads.** No public officer, authority or county governing body shall accept, layout, open, improve, grade, pave or light any road, lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any road located within the area of planning jurisdiction unless such road shall have been accepted, opened, or otherwise received the legal status of a public road prior to the adoption of these regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat approved by the Planning Commission, or on a road plan made and adopted by the Commission as provided in Section 13-3-406, Tennessee Code Annotated.

**Section 3.05. Erection of Buildings.** No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the Regional Planning Commission unless the road giving access thereto has been accepted as a public road in accordance with these regulations, or unless such road has been accepted as a public road prior to the effective date of these regulations.

Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building commissioner or the county attorney or other official designated by the McMinn County Council may bring action to enjoin such erection or cause it to be vacated or removed.

**Section 3.06. Penalties.** No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Section 13-3-402, Tennessee Code Annotated, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

Tennessee Code Annotated, Section 13-3-410, provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by its chief legislative body, may enjoin such transfer or sale or agreement by action or injunction.