

Chapter 16.136

NOTICE OF SUBDIVISION VIOLATION

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16.136.010 Purpose.

The purpose of this Chapter is to provide for notice of violations of the subdivision provisions of this Title. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.136.020 Tentative Notice of Violation.

Whenever the City Engineer finds that any real property has been divided, or any boundary line of any parcel relocated, in violation of subdivision provisions of this Title he/she shall cause to be mailed, by certified mail to the then current owner of record of the property, a notice of intent to record a Notice of Violation. Said tentative Notice of Violation shall contain the following:

- A. Property Description. A description of the real property;
- B. Record Owner. The name(s) and address(es) of the owner(s) of record;
- C. Violations. A description of the violation(s) alleged;
- D. Explanation. An explanation as to why the subject parcel is not lawful under the relevant provisions of this Title and the Subdivision Map Act; and
- E. Notice of Meeting. A time, date, and place where the City Engineer will conduct a meeting to

consider said violation(s) of the subdivision provisions of this Title. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.136.030 Response by Owner.

Within fifteen (15) mailing days of receipt of the tentative Notice of Violation described herein the property owner of record shall inform the City Engineer in writing of his or her objection to the recordation of a Notice of Violation. Failure to so inform the City Engineer shall result in a Notice of Violation being recorded with the County Recorder pursuant to Section 16.136.050. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.136.040 Opportunity to Present Evidence.

The meeting described in Section 16.136.020 shall be conducted no less than thirty (30) days after the mailing of the tentative Notice of Violation. At the meeting the owners of the property shall be given the opportunity to present any evidence relevant to show why a Notice of Violation should not be recorded. (Ord. 606, 1999)

16.136.050 Action by City Engineer

After the owner has had the opportunity to present evidence at the meeting, the City Engineer shall take either of the following actions:

- A. Clearance Letter. Determine that there has been no violation and mail a clearance letter to the then current owner of record; or
- B. Notice of Violation. Determine that the property has in fact been illegally divided and record a Notice of Violation with the San Joaquin County Recorder. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)