

ARTICLE XV. VIOLATIONS AND REMEDIES

Sec. 26-161. Not exclusive

The procedures and remedies set forth in this Article are not intended to be exclusive but are in addition to any other prohibitions, penalties, remedies and other procedures provided for in this Code, the Subdivision Map Act, or any other provision of law.

(Ord. No. 1608, §2)

Sec. 26-162. Prohibitions

Any sale, lease or financing of property contrary to the provisions of this Chapter or the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable as set forth in Government Code section 66499.31. All other violations of the provisions of this Chapter or the Subdivision Map Act shall be a misdemeanor and any person, firm, corporation or partnership, upon conviction thereof shall be punishable as provided in Chapter 1, Section 1-17 of this Code. Nothing contained shall be deemed to bar any legal, equitable or summary remedy to which the County of Solano or other local agency or person, firm, corporation or partnership may otherwise be entitled and the County of Solano, or other public agency or such person, firm, corporation or partnership may file suit in the Superior Court of the County of Solano to restrain or enjoin any attempted or proposed division or sale, lease or financing in violation of this title.

(Ord. No. 1608, §2)

Sec. 26-163. Conveyance or remainder parcel

No person shall sell, lease or finance any remainder parcel or commence construction of any building for sale, lease or financing thereon until a certificate of compliance or a conditional certificate of compliance, in full compliance with the Subdivision Map Act and this Chapter, has been filed for record by the Solano County Recorder.

(Ord. No. 1608, §2)

Sec. 26-164. Notices of violation

Whenever the County acquires knowledge that a certain identified lot may have been illegally created by a subdivision in violation of the Subdivision Map Act or this Chapter, the Zoning Administrator shall file for record with the County Recorder, and mail by certified mail to the record owners of such lot, a notice of intention to record a notice of violation. The notice of intention shall give a legal description of the lot, name the record owners thereof, describe the suspected violation, state the reasons why it is believed that the lot is not lawful under Section 66412.6 of the Subdivision Map Act, and state that a hearing will be held at the time, date and place stated therein for purpose of determining whether the

lot was created by such an illegal subdivision. The notice of intention shall further state that the owners may present evidence at the hearing and that, if the preponderance of the evidence received at the hearing shows that the lot was created by such an illegal subdivision, a notice of violation respecting the lot will be recorded. The notice of intention shall be mailed to the record owners not less than 30 calendar days nor more than 60 calendar days before the hearing. The Zoning Administrator shall conduct the hearing regardless of whether the record owners appear or have responded to the notice of intention. The hearing shall be informal and shall not be governed by rules of evidence applicable to courts of law. The record owners shall have a right to present relevant evidence at the hearing. The Zoning Administrator may, but need not, receive relevant evidence presented by persons other than the record owners. At the conclusion of the hearing, or within a reasonable period of time thereafter, the Zoning Administrator shall determine whether the lot was created by an illegal subdivision. Such determination shall be in writing and shall contain a brief outline of the findings of fact upon which the determination is based. Such findings of fact shall be supported by the preponderance of the evidence received by the Zoning Administrator at the hearing. If the determination is that the lot was not created by an illegal subdivision, the Zoning Administrator shall mail a clearance letter to the current owner of record and shall file for record with the County Recorder a release of the notice of intention; provided that, if an otherwise illegal lot is determined to be lawful solely by operation of subdivision (b) of Section 66412.6 of the Subdivision Map Act, the release shall state that, as a condition precedent to the issuance of any building permit or other grant of approval for development of the lot, the owner shall be required to obtain a certificate of compliance or a conditional certificate of compliance for the lot and to satisfy all of the conditions thereof. If the determination is that the lot was created by an illegal subdivision, the Zoning Administrator shall file for record with the County Recorder a notice of violation complying with the provisions of Section 66499.36 of the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-165. Remedies

A certificate of compliance or a conditional certificate of compliance may be obtained pursuant to Article V of this Chapter.

(Ord. No. 1608, §2)

(Ord. No. 1065, §1; Ord. No. 1066, §1, §2; Ord. No. 1078, §§ 3, 4, 5; Ord. No. 1079, §1; Ord. No. 1107, §1; Ord. No. 1138, §1; Ord. No. 1150, §§ 1, 2, 6; Ord. No. 1173, §4; Ord. No. 1246, §1; Ord. No. 1263, §1; Ord. No. 1269, §1; Ord. No. 1419, §1)