

public nuisance. The manner of giving notice of such filing shall be provided in the same manner as a notice to abate.

8.12.080 Manner of giving notice.

A. The notice to abate shall be served upon the property owner and any other responsible person, and the holder of any other estate or legal interest of record. The notice may be personally delivered or sent by first class mail and posted conspicuously on or in front of the property. If service is by mail, service shall be deemed completed at the time of deposit into the United States mail. The failure to serve any person required herein to be served shall not invalidate any proceedings under this chapter as to any other person duly served.

B. Any duly issued notice shall be conclusively deemed to be adequate notice, and the failure of any person to see, read, understand, or otherwise receive the notice shall not invalidate any of the proceedings under this chapter.

8.12.090 Hearing of appeal on notice to abate.

A. The City shall have the burden of establishing by a preponderance of the evidence a violation of this chapter. The Hearing Examiner shall hear testimony offered on behalf of the City and rebuttal testimony offered on behalf of the owner or other responsible person. The failure to appear by the owner or other responsible person shall be deemed a final adjudication of the notice to abate as to such person.

B. The decision of the Hearing Examiner shall be issued in writing within 10 days of the conclusion of the hearing and shall be personally delivered or sent to the parties by first class mail. In the event the Hearing Examiner upholds the notice to abate, the decision shall inform the owner or other responsible person that he or she may seek review of the decision within 90 days in accordance with Section [1094.6](#) of the California Code of Civil Procedure.

C. The Hearing Examiner does not have the authority to order the owner to evict a tenant or any other person who has a possessory or legal interest in the property.

8.12.100 Abatement by City.

A. Upon the abatement by the City of a violation of this chapter, all the costs of abatement shall constitute a civil debt owing to the City jointly and severally by the owner or other responsible person. The debt shall be collectible in the same manner as any other civil debt owing to the City.

B. If the debt is not paid upon demand, then a special assessment or lien against the property may be applied in accordance with this chapter, or in accordance with applicable state law, including, but not limited to, Sections [38773.1](#) and [38773.5](#) of the California Government Code.

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C. It is unlawful for any person to interfere, hinder or refuse to allow the City to lawfully enter upon private property for the purpose of abating the act or condition.

8.12.110 Summary abatement of immediate dangers.

Whenever any violation causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the public health, safety and welfare, the enforcement officer shall have the authority to summarily abate the same, and the owner or other responsible person shall be liable for the City's costs of abatement.

8.12.130 Notice to pay costs of abatement and administrative fines.

A. In the event the owner or other responsible person fails to abate the violation within the time provided in the notice to abate, the enforcement officer may provide such person with a notice to pay the costs of abatement and administrative fines. The notice shall be substantially in the following form:

NOTICE TO PAY COSTS OF ABATEMENT AND ADMINISTRATIVE FINES

(Name and address of person notified)

On _____ you were notified that you were responsible for the following violation(s) of the Winters Municipal Code:

You failed to abate the violation(s) within the time period provided in the notice.

You are hereby assessed the following costs of abatement, which may be charged to you as a civil debt and/or made a lien or special assessment:

You are hereby further assessed the following administrative fines:

The foregoing costs of abatement and administrative fines are due and payable by you no later than 10 days from the date of this notice. If you fail to pay the foregoing amounts within the 10 day time period, a 10% late payment fee will additionally be assessed against you.

You may appeal this notice by filing a written request for appeal hearing with the city department listed below, no later than 10 days from the date of the mailing of this notice. Failure to appeal this notice within such 10 day time period will constitute a waiver of all rights to an administrative hearing and will be a final determination of the matter.

Dated: _____

By: _____

Department: _____

B. The giving of notice, the right to an administrative hearing and the conduct of the hearing shall be provided in the same manner as a notice to abate. In the event the Hearing Examiner upholds the notice to pay, the decision shall inform the owner or other responsible person that he or she may seek review of the decision within 20 days in accordance with Section [53069.4](#) of the California Government Code.

8.12.140 Imposition of special assessment or nuisance abatement lien to recover costs of abatement.

When the costs of abatement are not paid within 10 days as required by the notice to pay or order of the Hearing Examiner, in addition to all other remedies available to the City, the City may:

A. Special Assessment. Impose the costs of abatement as a special assessment against the real property pursuant to Section [38773.5](#) of the California Government Code, following confirmation of the assessment amount by the City Council. Thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. Pursuant to Section [38773.5](#) of the California Government Code, notice shall be given to the record owner prior to the recordation of the assessment by certified mail, if the owner's identity can be determined from the County Assessor's or County Recorder's records, and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. Subject to the requirements of Section [3691](#) of the California Revenue and Taxation Code, the City shall have the right to conduct a sale of vacant residential developed property for which the payment of the assessment is delinquent; or

B. Lien. Impose the costs of abatement as a lien against the real property pursuant to Section [38773.1](#) of the California Government Code, following confirmation of the lien amount by the City Council. Thereafter said lien shall have the force, effect, and priority of a judgment lien. Pursuant to Section [38773.1](#) of the California Government Code, notice shall be given to the record owner prior to the recordation of the lien in the same manner as summons in a civil action pursuant to Section [415.10](#) et seq. of the California Code of Civil Procedure. If the owner cannot be located after a diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation in Yolo County. A nuisance abatement lien authorized by this section shall specify the amount of the lien, that the lien is being imposed in the name of the City, the date of the notice to abate, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the

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parcel. The proposed lien shall be confirmed by resolution of the City Council in the same manner as a special assessment.

8.12.150 Special assessment and nuisance abatement liens – Notice of hearing.

Pursuant to Section [54988](#) of the California Government Code, the record owner shall be provided by certified mail with a notice of hearing at least 45 days prior to the hearing. The notice of hearing shall be in substantially the following form:

NOTICE OF HEARING ON SPECIAL ASSESSMENT/NUISANCE ABATEMENT LIEN

NOTICE IS HEREBY GIVEN that the City of Winters has abated a nuisance from the real property owned by you, which real property is described as follows: (insert description of real property sufficient for reasonable and ready identification)

The costs of abatement proposed to be assessed against said property is \$_____.

FURTHER NOTICE IS HEREBY GIVEN that on _____, 20__, at ____ p.m., in the council chambers of the city hall of the City of Winters, located at 318 First Street, Yolo County, California, the cost report for the proposed assessment/nuisance abatement lien will be presented to the city council for consideration, correction and confirmation and that at said time and place any and all persons interested in or having any objections to said report may appear and be heard. The failure to make any objection to said report shall be deemed a waiver of the same.

FURTHER NOTICE IS HEREBY GIVEN that the real property may be sold after three years by the tax collector for unpaid delinquent assessments.

Dated: _____

City of Winters

8.12.160 Treble costs of abatement.

In addition to any other remedy provided in this chapter or available at law, upon the entry of a second or subsequent civil or criminal judgment within a two-year period finding a property owner is responsible for a condition that may be abated in accordance with this chapter, the court may order that person to pay treble the costs of abatement pursuant to Section [38773.7](#) of the California Government Code. This section does not apply to conditions abated pursuant to Section [17980](#) of the California Health and Safety Code.

8.12.170 Attorneys' fees.

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Pursuant to Section [38773.5](#) of the California Government Code, reasonable attorneys' fees may be recovered by the prevailing party in any action, administrative proceeding, or special proceeding to abate a violation of this chapter, if the City elects, at the initiation of the proceeding, to seek recovery of its own attorneys' fees.

8.12.180 Chapter not exclusive.

The procedures provided in this chapter shall be cumulative and in addition to any other procedure or procedures provided in ordinances of this City or by state or federal law. The use of one remedy shall not prevent or diminish the use of any other remedy.

Notice is hereby given that on March 17, 2026, the City Council of the City of Winters adopted Ordinance No. 2026-01 making certain amendments and additions to the Winters Municipal Code to Repeal and Recast Title 8, Chapter 8.12, Weed and Rubbish Abatement.

The Ordinance was adopted by the City Council by the following vote:

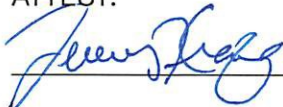
Ayes:	Council Members Casavecchia, Loren, Scianna, Mayor Pro Tem Biasi, Mayor Vallecillo
Noes:	None
Abstain:	None
Absent:	None

CITY OF WINTERS:



Albert Vallecillo, Mayor

ATTEST:



Jeremy Craig, City Clerk