



**COURTESY NOTICE OF VIOLATION**

Date Issued: June 27, 2023

APN: 641065016

Case Number: CODE-23-1079

Subject Property: 12733 CACTUS DR DESERT HOT SPRINGS, CA 92240

Parcel Owner: PETER DOWNS  
Mailing Address: 12733 CACTUS DR  
DESERT HOT SPRINGS , CA 92242

Code Compliance Officer: Tiyler Messer Email: [tmesser@cityofdhs.org](mailto:tmesser@cityofdhs.org)

An inspection of your property has revealed the following violation(s) of the Desert Hot Springs Municipal Code section (§):

Violation Code/Description	Section
4.16.010.A.1.a - Public Nuisance- Abandoned equipment, machinery, or house items	The following shall be designated as unlawful acts and public nuisances: Attractive Nuisances. It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain on any such premises or property any condition that constitutes an attractive nuisance including, but not limited to, the following: Abandoned, damaged or broken equipment, machinery or household items; It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain any front and visible side yards without acceptable landscaping, except for improved surfaces such as walks and driveways. Acceptable landscaping shall include any groundcover, decorative rock, redwood bark, lawn and/or other material as determined to be acceptable or required by the City's Community Development Director or his or her designee.
4.16.010.A.2-Public Nuisance- Landscaping	It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any residential premises or residential property in the City to permit on such premises or property any operable vehicle, recreational vehicle, motor home, trailer, camper, camper shell and boat to be parked or stored outside of a garage or carport on an unpaved surface. "Paved" means covered by concrete, asphalt, brick, pavers, or a similar material as approved by the Director.
4.16.010.A.5-Public Nuisance- Fire Hazard	It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to abandon or permanently vacate or cause to be abandoned or permanently vacated, any building or structure, so that it becomes accessible to unauthorized persons including, but not limited to, juveniles and vagrants, for unlawful or hazardous use, or to allow the same to become infested with vermin or rodents, or to become a menace to the health or safety of the public.
4.16.010.A.12-Public Nuisance- Abandoned/ Vacated Buildings.	It is unlawful and it shall be declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain any such premises or property or improvement thereon in such a manner as to cause or to allow the premises, property or improvement to become defective, unsightly, or in such other condition of deterioration or disrepair as the same may cause substantial depreciation of the property values or

4.16.010.A.19.e-Public Nuisance- Visual Blight-  
Junk/refuse/garbage visible

similar detriment to surrounding properties, as well as an adverse effect on the health, safety, and welfare of the citizens of the City. Visual blight conditions include, but are not limited to, any of the following conditions: The presence of any improvement including, but not limited to, buildings, garages, carports, wooden fences, block walls, roofs or gutters in which the condition of the patio, stucco, siding or other exterior coating has become so deteriorated as to permit decay, excessive checking, cracking or warping so as to render the improvement or property unsightly and in a state of disrepair;

It is unlawful and it shall be declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain any such premises or property or improvement thereon in such a manner as to cause or to allow the premises, property or improvement to become defective, unsightly, or in such other condition of deterioration or disrepair as the same may cause substantial depreciation of the property values or similar detriment to surrounding properties, as well as an adverse effect on the health, safety, and welfare of the citizens of the City. Visual blight conditions include, but are not limited to, any of the following conditions: The presence of excessive junk, refuse and garbage which is visible from a public street or sidewalk or from an adjoining property.

4.16.010.A.1.b-Public Nuisance-Unprotected hazardous  
or unfilled pools or ponds

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain on any such premises or property any condition that constitutes an attractive nuisance including, but not limited to, the following: Unprotected hazardous or unfilled pools or ponds.

4.16.010.A.24-Public Nuisance- Disruptive Activities

It is unlawful and it shall be a public nuisance for any person to operate or maintain any premises or property within the City in a manner that has resulted in repeated disruptive activities including, but not limited to, disturbances of the peace, public drunkenness, drinking in public, harassment of passersby, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, loud noises between the hours of 10:00 p.m. and 6:00 a.m., traffic violations, curfew violations, or police detentions and arrests.

4.16.010.A.19.b-Public Nuisance- Visual Blight-  
Cracked/Broken Windows/Roofs

It is unlawful and it shall be declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain any such premises or property or improvement thereon in such a manner as to cause or to allow the premises, property or improvement to become defective, unsightly, or in such other condition of deterioration or disrepair as the same may cause substantial depreciation of the property values or similar detriment to surrounding properties, as well as an adverse effect on the health, safety, and welfare of the citizens of the City. Visual blight conditions include, but are not limited to, any of the following conditions: The presence of any improvement with cracked or broken windows, roofs in disrepair, damaged porches or broken steps.

111.1.5.7 Dangerous structure or premises.

The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act  
Registration Required. An owner of a vacant building must register his or her property with the City within 10 days of the building becoming vacant or deemed vacant by the City. If any building shows evidence of vacancy, it shall be deemed vacant and abandoned.

8.40.030.A Inspection, registration and fees.

Minimum Standards. Properties subject to this chapter shall be maintained as follows: There shall be no evidence of vacancy;

8.40.040.B.1 - Maintenance requirements, notice, and  
remedies for violation of maintenance requirements.

Minimum Standards. Properties subject to this chapter shall be maintained as follows: There shall be no weeds, dry brush, dead vegetation, trash, junk, debris and excessive foliage growth that diminishes the value of surrounding properties;

8.40.040.B.2 - Maintenance requirements, notice, and  
remedies for violation of maintenance requirements

8.40.040.B.4 Maintenance requirements, notice, and  
remedies for violation of maintenance requirements.

Minimum Standards. Properties subject to this chapter shall be maintained as follows: There shall be no building materials, any

accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law) discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, or printed material;

8.40.040.B.6 Maintenance requirements, notice, and remedies for violation of maintenance requirements.

Minimum Standards. Properties subject to this chapter shall be maintained as follows: Landscaping shall be maintained and kept free of weeds, dry brush, dead vegetation, and excessive foliage growth;

8.40.040.B.7 Maintenance requirements, notice, and remedies for violation of maintenance requirements.

Minimum Standards. Properties subject to this chapter shall be maintained as follows: Pools and spas shall either: (a) be kept in working order so the water remains clear and free of pollutants and debris, or (b) drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California; and

8.40.060.A Signage requirements.

Any abandoned property shall be posted with the name and 24-hour contact phone number of the owner or trustee/beneficiary or a property management company that must be retained by an out-of-area owner or beneficiary/trustee. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the abandoned property so it is visible from the street or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street; if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.

8.40.065.B.1 Boarding.

If an owner, beneficiary, trustee, or property management company chooses or is required to board up the windows, doors, and other openings of a vacant building on an abandoned property for more than 30 days, the owner, beneficiary, trustee, or property management company must comply with the following requirements: All materials used to board up the vacant building shall be painted to a compatible color of the existing buildings and structures.

8.40.065.B.2 Boarding

If an owner, beneficiary, trustee, or property management company chooses or is required to board up the windows, doors, and other openings of a vacant building on an abandoned property for more than 30 days, the owner, beneficiary, trustee, or property management company must comply with the following requirements: Exterior doors, windows, and openings must be secured with exterior-grade plywood with minimum thickness of three-fourths inch. Other materials may be used that meet City standards at the discretion of the Code Compliance Manager or designee, provided the materials are painted in a compatible color to the boarded property.

**Corrective Actions Required:**

**Violation Code/Description**

**Corrective Action**


4.16.010.A.1.a - Public Nuisance- Abandoned equipment, machinery, or house items	Remove all household items, construction material, fence posts, furniture, and all other miscellaneous items from the exterior of the property and do not store outside.
4.16.010.A.2-Public Nuisance- Landscaping	Maintain all landscape vegetation in good healthy growing condition. Remove, properly dispose of, and replace all dead or dying vegetation.  The front of the property is void of acceptable ground coverage material. Acceptable landscaping shall include any groundcover, decorative rock, decomposed granite, lawn and/or other material as determined to be acceptable or required by the City's Community Development Director or his or her designee. Install acceptable ground coverage material in all unpaved areas of the property.
4.16.010.A.5-Public Nuisance- Fire Hazard	Remove and properly dispose of all dry or dead plant matter, landscape trimmings, combustible refuse and waste or any other matter which by reason of its size, manner of growth and location, constitutes a fire hazard
4.16.010.A.12-Public Nuisance- Abandoned/ Vacated Buildings.	It is unlawful and it shall be a public nuisance to abandon or permanently vacate or cause to be abandoned or permanently vacated, any building or structure, so that it becomes accessible to unauthorized persons including, but not limited to, juveniles and vagrants, for unlawful or hazardous use, or to allow the same to become infested with vermin or rodents, or to become a menace to the health or safety of the public.
4.16.010.A.19.a-Public Nuisance- Deteriorated Walls/Fences/ Stucco	Repair or replace all dilapidated portions of fencing material. Paint all areas of fencing to match.  Repair or replace all dilapidated portions of fascia boards on the property and paint all fascia boards to match.  Repair or replace the dilapidated patio cover and paint the patio cover.
4.16.010.A.19.e-Public Nuisance- Visual Blight- Junk/refuse/garbage visible	Remove and properly dispose of all junk, trash, debris, and discarded items on the property.
4.16.010.A.1.b-Public Nuisance-Unprotected hazardous or unfilled pools or ponds	Repair or replace the empty spa at the front of the property so it functions as intended and fill with water. Or remove the spa from the front of the property.
4.16.010.A.24-Public Nuisance- Disruptive Activities	Numerous calls for service to the Desert Hot Springs Police Department regarding disruptions at this property. Discontinue activities that cause/create calls for service to the Police Department. Continued violations can result in fines/citations.
4.16.010.A.19.b-Public Nuisance- Visual Blight- Cracked/Broken Windows/Roofs	Repair or replace all broken, cracked, or damaged windows, doors, and gates on the building.
111.1.5.7 Dangerous structure or premises.	Properly secure this property so it does not become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.



- 8.40.030.A Inspection, registration and fees. Immediately register this property as an abandoned/vacant property with the City of Desert Hot Springs.
- 8.40.040.B.1 - Maintenance requirements, notice, and remedies for violation of maintenance requirements. Maintain the property so there is no evidence of vacancy.
- 8.40.040.B.2 - Maintenance requirements, notice, and remedies for violation of maintenance requirements. Maintain all landscape vegetation in good healthy growing condition. Remove, properly dispose of, and replace all dead or dying vegetation.
- 8.40.040.B.4 Maintenance requirements, notice, and remedies for violation of maintenance requirements. Remove and properly dispose of all junk, trash, debris, and discarded items on the property.
- 8.40.040.B.6 Maintenance requirements, notice, and remedies for violation of maintenance requirements. Remove all household items, construction material, fence posts, furniture, and all other miscellaneous items from the exterior of the property and do not store outside.
- 8.40.040.B.7 Maintenance requirements, notice, and remedies for violation of maintenance requirements. Cut away and remove all overgrown, dead, or dying vegetation on the property.
- 8.40.060.A Signage requirements. Repair or replace the spa at the front of the property to be kept in working order so the water remains clear and free of pollutants and debris, or drain and keep dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California
- 8.40.065.B.1 Boarding. Post the appropriate abandoned property signage. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL."
- 8.40.065.B.2 Boarding. All materials used to board up the vacant building shall be painted to a compatible color of the existing buildings and structures.
- 8.40.065.B.2 Boarding. Exterior doors, windows, and openings must be secured with exterior-grade plywood with minimum thickness of three-fourths inch and painted to match the existing color of the building.
- \*\*\*\*ALL VACANT/ABANDONED PROPERTY VIOLATIONS ARE SUBJECT TO A \$1,000.00 FINE, PER VIOLATION, PER DAY\*\*\*\*

**COMPLIANCE DATE: July 11, 2023**

**In order to avoid potential Citations, fines, and other administrative costs as referenced in Municipal Code 4.24.470 "Special Assessment", the corrective actions listed above must be completed by the compliance date above.**

Signature:  \_\_\_\_\_

**Code Compliance Officer: Tyler Messer**



## PROOF OF SERVICE

I am employed in the City of Desert Hot Springs, State of California. I am over the age of 18 years and not a party to this action. My business address is 65950 Pierson Blvd. Desert Hot Springs, California 92240.

On June 27, 2023 , I caused to be served the within document:

### ***COURTESY NOTICE OF VIOLATION AT REAL PROPERTY LOCATED AT***

***12733 CACTUS DR***

***DESERT HOT SPRINGS, CALIFORNIA 92240***

**APN 641065016**

On the parties in this action by placing a true copy thereof in a sealed envelope, each envelope addressed as follows:

X      **(By First-Class Mail)** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with City of Desert Hot Springs practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

—      **(By Certified Mail)** I caused each such envelope to be sent by USPS Return Receipt Certified Mail to the offices of each addressee.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED at Desert Hot Springs California on June 27, 2023.



Tyler Messer  
Code Compliance Officer

**SERVICE LIST**

**NOTICE OF VIOLATION AT REAL PROPERTY LOCATED AT 12733 CACTUS DR DESERT HOT SPRINGS,  
CALIFORNIA 92240  
PARCEL # 641065016**

**PETER DOWNS  
12733 CACTUS DR  
DESERT HOT SPRINGS , CA. 92242**

Peter Downs

12733 CACTUS DR

EARP,

CA.

92242



