



AGENDA

January 10, 2023

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers
311 Vernon Street
Roseville, CA 95678
www.roseville.ca.us

THE CITY OF ROSEVILLE WELCOMES YOUR PARTICIPATION

If an agenda item is open to public comment, such public comment shall be addressed to the chair of the meeting.

Public Comment - Speakers have three minutes under Public Comment to speak on issues that are not listed on the agenda and are within the City's jurisdiction. The Brown Act does not permit any action or discussion on items not listed on the agenda.

Consent Calendar - If applicable, the Consent Calendar consists of routine items that may be approved by one motion. Any person can remove an item from the Consent Calendar to be discussed separately.

Agenda Items - Speakers have five minutes to address items that are listed on the agenda.

Americans with Disabilities Act - Notify the City Clerk or Secretary at least 72 hours in advance if special assistance is required to participate in a meeting including the need of auxiliary aids or services.

Audio/Visual Presentations - If making a presentation regarding an agenda item, audio/visual materials must be submitted to the City Clerk or Secretary at least 72 hours in advance.

Roseville City Clerk 311 Vernon Street, Roseville, CA 916-774-5200 TDD 916-774-5220

1. **CALL TO ORDER**
2. **ROLL CALL (SILENT)**
3. **IDENTIFICATION OF CHAIR**
4. **PLEDGE OF ALLEGIANCE**
5. **PUBLIC COMMENTS**
6. **SWEAR IN**

7. MATTERS TO BE HEARD

7.1. Administrative Citation Appeal Hearing - Brandon Ruano - Citation No.: 20400

Appellant: Brandon Ruano

Roseville Municipal Code Sections:

7.12.010, Leash Law, Two Counts

7.12.050, Aggressive Behavior, Two Counts

7.16.010, Licensing, Two Counts

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Tanel Questions

E. Panel Discussion

F. Panel Decision

8. ADJOURNMENT



BOARD OF APPEALS COMMUNICATION

Title: Administrative Citation Appeal Hearing - Brandon Ruano - Citation No.: 20400
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 1/10/2023
Item #: 5.1.

RECOMMENDATION

Consider the appeal submitted by Brandon Ruano for the following violations:

Violation: RMC 7.12.010 Leash law (2 counts)
Total Fine Amount \$50 x 2 counts = \$100

"No person shall permit or allow any dog to run at large."

Additional Information:

RMC Section 7.04.060 defines "at large" as follows:

A. "At large" means the following:

1. Off the premises of the owner or the person having care, custody, control or possession of the dog unless such dog is restrained by a leash or adequate enclosure. The leash shall not exceed six feet in length and shall be of sufficient strength to restrain the dog and must be held continuously by a responsible person capable of controlling the dog.
2. On the premises of the owner or the person having care, custody, control or possession of the dog unless such dog is restrained by means adequate and sufficient to prevent the dog from leaving the premises or under the control and in the immediate presence of the owner or person having care, custody, control or possession of the dog.

Violation: RMC 7.12.050 Aggressive Behavior (2 counts)
Total Fine Amount \$100 x 2 counts = \$200

"No person shall permit or allow any dog, when unprovoked, to engage in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are not on the property of the owner or keeper of the dog."

Violation: RMC 7.16.010 Licensing (2 counts)
Total Fine Amount \$50 x 2 counts = \$100

“A dog over the age of four months must be licensed according to the provisions of this chapter.”

BACKGROUND

October 22, 2022 @ approximately 11:14 AM

Roseville Police dispatch received a call from complainant Collin McCarthy for report of an animal noise complaint and aggressive behavior for 2 dogs residing at 320 Clinton Ave. The owner of the dogs and appellant in this matter is Brandon Ruano.

This complaint was associated with a patrol call for service, handled by Officer Franklin of Roseville Police Department, regarding an argument between neighbors. Neither Officer Franklin nor Animal Control Officer S. Cooper witnessed the dogs running at large and/or engaging in aggressive behavior, and the violations of RMC Sections 7.12.010 and 7.12.050 are based on the statements of the complainant and appellant.

Animal Control Officer S. Cooper made contact with Collin and notified him a warning letter had been mailed to the dog owner for the animal noise complaint. Officer Cooper asked Collin to explain his concerns regarding the aggressive behavior.

Collin stated that earlier the same day (October 22, 2022), the 2 dogs from 320 Clinton Ave had been barking all morning, broke through the fence and were loose in the ally. He stated at approximately 10:45 AM, both dogs, while still loose in the ally, behaved aggressive toward him, barking at him and running around him, and it took approximately 30-45 minutes for the dog owners to come out and contain the 2 dogs. He stated this was an on-going issue with the 2 dogs breaking the fence boards and the dog owners refuse to adequately fix the fence to secure the dogs.

Collin requested Brandon Ruano, the owner, be fined for the violations of the leash law and aggressive behavior. Collin stated he has security video showing the violations and Officer Cooper advised him to save it for his evidence should the dog owner request an appeal hearing.

Officer Cooper completed citation #20400 on behalf of Collin, for dog owner Brandon. As indicated above, the violations of RMC Sections 7.12.010 and 7.12.050 are based on the statements of the complainant and appellant and were not directly witnessed by Animal Control Officer Cooper or Officer Franklin. Upon review, Officer Cooper also determined that neither of the dogs were properly licensed and Officer Cooper added the violations for failure to license. As of November 23, 2022, PetData shows that Brandon's dogs remain unlicensed with the City of Roseville.

Associated patrol call for service:

Roseville Police Officer Franklin was also involved with these two parties regarding an argument over this incident. Officer Franklin stated in his notes on the call that Brandon admitted to him that his dog was outside that morning while he was sleeping, woke up to his dog barking very loudly/aggressively and the fence board was down. Officer Franklin stated in his notes on the call that Collin told him Brandon's dog knocked the fence board down that morning when he was outside walking with his dog. Collin stated Brandon's dog tried to get Collin and his dog, but Collin was able to get his dog inside.

PANEL ACTION

1. Deny the appeal and uphold the citation.
2. Grant the appeal and dismiss the citation.
3. Deny the appeal and uphold the citation but wave the fine in the interest of justice.

Respectfully Submitted,

S. Cooper, Badge #3009

Animal Control

ATTACHMENTS:

Description

Ruano Citation

7.12.010 Leash Law

7.04.060 At large defined

7.12.050 Aggressive Behavior

7.16.010 Licensing

Ruano Appeal Form

CITY OF ROSEVILLE
NOTICE OF CITATION

20400

Date	10-22-2022	Time	1400 hrs	Day of Week	Saturday
Name (First, Middle, Last) Branden Francisco Ruano					
Residence Address 320 Clinton Ave Roseville CA 95678					
Business Address _____					
Driver's License No. [REDACTED]					
Description of Animal (If Applicable)					
Breed:	2 dogs		Age:	Sex:	
Vehicle Make	_____		License #:	_____	
Model:	_____		Year:	_____	
Location of Violation 320 Clinton Ave / Rainier Aly					
Date / Time of Violation 10-22-2022 / approx. 1045 hrs					
Code / Ordinance					
Description of Violation					
Rmc 7.12.010 Leash law x2					
Rmc 7.12.050 Aggressive Behavior					
Rmc 7.16.010 Licensing x2 x2					
☒ VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.					
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.					
Date:	10-22-2022		Issuing Officer:	S. Cooper / 3009	
COMPLAINING PARTY					
X Signature: Complaint					
I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.					
X Signature: Complaint					
YOU DO NOT NEED TO DO ANYTHING AT THIS TIME. YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS. CITY ATTORNEY'S OFFICE (916) 774-5325					
1 - City Attorney Copy 2 - Defendant Copy 3 - Issue Dept Copy					

Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.12 DOGS-RUNNING AT LARGE

7.12.010 Leash law.

No person shall permit or allow any dog to run at large. This section may be cited as the “leash law.” (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).

7.04.060 At large defined.

A. “At large” means the following:

1. Off the premises of the owner or the person having care, custody, control or possession of the dog unless such dog is restrained by a leash or adequate enclosure. The leash shall not exceed six feet in length and shall be of sufficient strength to restrain the dog and must be held continuously by a responsible person capable of controlling the dog.

2. On the premises of the owner or the person having care, custody, control or possession of the dog unless such dog is restrained by means adequate and sufficient to prevent the dog from leaving the premises or under the control and in the immediate presence of the owner or person having care, custody, control or possession of the dog.

B. A dog shall not be considered “at large” if it is:

1. A guide dog, signal dog, or service dog as defined in Section 54.1 of the California [Civil Code](#), as may be amended, while performing the duties it is trained to perform;

2. Assisting or in training to assist a peace officer who is engaged in law enforcement duties;

3. Enrolled and actively participating in a commercial dog training or obedience class, exhibition or competition;

4. Within the confines of a city-designated dog park and licensed pursuant to this chapter;

5. Securely confined in a vehicle. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).

7.12.050 Aggressive behavior.

No person shall permit or allow any dog, when unprovoked, to engage in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are not on the property of the owner or keeper of the dog. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).

Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.16 LICENSING

7.16.010 Licensing.

A dog or cat over the age of four months must be licensed according to the provisions of this chapter. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).

RECEIVED

emailed to Sarah 10/31/22

Administrative Citation Appeal Form

Request For Hearing

OCT 31 2022



CITY ATTORNEY

Name Brandon F Ruano		
Address 320 Clinton Ave	City Roseville	Zip 95678
Mailing Address (if different from above)	City	Zip
Citation Number 26400	Date of Citation 10-22-2022	

Reason for appeal?

(Include all information to support your appeal here. Continue on second page if needed.)

I want to appeal the citation against my dogs and appeal the complainant statement that day. On the citation stated that 2 dogs (American bulldog and brown mix) went out on the Alley that day and it is untrue about Two dogs which was only one dog (small one) was out but not the American bulldog. I am assure that both dogs are not aggressive but very protective of each other (American bulldog and small brown).

Signature of Appellant

10-27-2022

Date

Please mail or personally deliver this form within 30 days after the date of the citation notification letter to the Roseville City Attorney's office located at:

City of Roseville
City Attorney's Office
311 Vernon Street
Roseville, CA 95678
(916) 774-5325 • FAX (916) 773-7348

Forms received later than 30 days after the date of the citation notification letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.

Both dogs does not bark ~~anymore~~ ^{excessively} than 2 minutes, not 20 minutes or more. Most of the time the small dog is in the house while the bulldog stays outside because of the bladder problems, pees constantly. I called the police that day against Collin McCarthy about his behavior and threat he said at me that day, he cussed and being a nuisance at the alley. He blurted out excessively profanity toward me from the alley and I told the officer that I believe that Collin McCarthy might have kicked on my small dog in the alley, my dog was distraught when I had to tell my small dog to come back in the yard. Second of all about the fence board that came off twice and I believe that Collin McCarthy pulls off the board to make my dog went out. That day Collin McCarthy snickered at me after the incident.

Both of the dogs are not a vicious animal, American bulldog is a sweet female dog that likes being around people, only problem is when a neighbor or a dog on the other side is when she gets protective. Small dog is sweet only to the owner but does not trust others strangers, he likes playing with others dogs. I will get both of the dogs licensed and asking for a waive on the citation fees on both of the dogs. Thank you.