



AGENDA

January 26, 2023

BOARD OF APPEALS HEARING
3:00 P.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 - Claudia Castro - Citation No.: 21113

Appellant: Claudia Castro

Roseville Municipal Code Sections:

7.16.010, Failure to License, Three Counts

7.25.010, Animal Noise, Three Counts

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

8. ADJOURNMENT



BOARD OF APPEALS COMMUNICATION

Title: Administrative Citation Appeal Hearing - Claudia Castro - Citation No.: 21113
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 1/26/2023
Item #: 5.1.

RECOMMENDATION

Consider the appeal submitted by Claudia Castro for the following violations:

Violation: RMC 7.25.010 Animal Noise (3 counts)

Total Fine Amount: \$100 x 3 counts = \$300

A. No person shall own, possess, harbor, control or keep on any premises, any dog, fowl or other animal, that howls, barks, bays, cries, squawks or makes any other noise so continuously or incessantly for a period of 20 minutes or intermittently for an hour or more as to unreasonably disturb the peace or quiet of any person.

Violation: RMC 7.16.010 Licensing (3 counts)

Total Fine Amount: Count One, First Offense \$50.00 +
Count Two, Second Offense \$100.00 +
Count Three, Third Offense \$250.00 = \$400.00

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

BACKGROUND

June 13, 2022 @ approximately 3:08 PM

Roseville Police Animal Control dispatch received an animal noise complaint regarding barking dogs located at 514 Coronado Ave. On June 14th, at approximately 8:28 AM, Animal Control Officer S. Cooper left a voicemail message and sent a text message to dog owner, Claudia Castro, warning for the animal noise complaint and requested she call back. There have been prior Animal Control complaints regarding this address, where multiple warnings had been issued for animal noise and licensing. There was no current dog licensing at this address at the time of this complaint.

September 21, 2022 @ approximately 3:27 PM

Roseville Police Animal Control dispatch received an animal noise complaint regarding barking dogs located at 514 Coronado Ave. At the time of the complaint, there was no current dog licensing at this address. On September 22nd, Officer Cooper mailed an animal noise and license letter to dog owner, Claudia Castro, warning for the animal noise complaint and licensing. The license warning advised Claudia of the need to license her dogs within 10 days.

October 24, 2022 @ approximately 9:35 AM

Roseville Police Animal Control dispatch received an animal noise complaint regarding barking dogs located at 514 Coronado Ave. At the time of the complaint, there was no current dog licensing at this address. On October 24th, Animal Control Officer G. Sorenson left a voicemail message for dog owner, Claudia Castro, warning for the animal noise complaint and licensing. On October 25th, Claudia returned Officer Sorenson's call. Officer Sorenson explained the complaint to Claudia. Officer Sorenson noted Claudia stated she started the license process for her dog "Boris" (male, Old English sheepdog). Officer Sorenson noted Claudia stated her brother Javier Castro owns "Filepia" (female, Pug dog) and her mom Martha Castro owns a Pug dog (male) and stated that dog doesn't have a name.

November 9, 2022 @ approximately 11:39 AM

Officer Cooper received four completed animal noise affidavits. The affidavits were from Marci Gadberry, Sandra Harless, Ellen and Bret Tresidder, and Sean Raiger. Marci's affidavit included the animal noise log with dates and times of alleged violations. Marci's log noted the most recent alleged violation for animal noise occurred on October 15, 2022 between 7:30 AM and 8:35 PM, exceeding 20 minutes within an hour throughout the day. The other affidavits provided statements supporting the on-going animal noise complaints.

Officer Cooper completed citation #21113 on behalf of Marci against Claudia for Animal Noise, 3 counts. The violation of RMC Section 7.25.010 (Animal Noise) are based on the statements of the complainant and appellant and other evidence provided, and were not directly witnessed by Officer Cooper. Upon further review, Officer Cooper also determined that the 3 subject dogs are not properly licensed and added the violations for 3 counts of RMC Section 7.16.010 (Licensing).

During a prior Animal Control complaint on August 19, 2021, it was noted by Officer Cooper that Claudia stated she owned the dog "Boris", Javier owned the dog "Filepia", and Martha owned the dog "no name".

During an Animal Control complaint following that complaint, on August 30, 2021, it was noted by Officer Sorenson, Claudia stated she owned all three dogs.

As indicated above, Roseville Police Animal Control has received multiple prior complaints of animal noise at 514 Coronado Ave., and I have been involved in other Animal Control issues at this address. Throughout my involvement in handling any prior Animal Control complaints and issues at 514 Coronado Ave., I have only contacted and directly spoken with Claudia. Claudia also informed Animal Control Officer G. Sorenson that she is the owner of all 3 dogs, and I have not been able confirm any current ownership of the other dogs by Javier nor Martha, via verbal nor by any current dog licensing.

As of January 7, 2023, PetData shows that Claudia's 3 dogs still remain unlicensed with the City of Roseville.

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

Castro Citation

Noise Affidavits

7.25.010 Animal Noise

7.16.010 Licensing

Castro Appeal Form

CITY OF ROSEVILLE
NOTICE OF CITATION

21113

Date: 11-09-2022 Time: 11:50 am Day of Week: Wednesday

Name (First, Middle, Last): Claudia Lorena Castro

Residence Address:
514 Coronado Ave
Roseville CA 95678

Business Address:

Description of Animal (If Applicable)

Breed: 3 dogs Age: Sex:
Vehicle Make: License #:
Model: Year:
Color:

Location of Violation: 514 Coronado Ave

Date / Time of Violation: 10-15-2022 / 0130am - 2035 hrs

Code / Ordinance: Description of Violation:

Rmc 7.25.010 Animal Noise
(x3 counts)

Rmc 7.16.010 Licensing (x3 counts)

☒ 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: 11-09-2022 Issuing Officer: Scooter / 309
Badge No.

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 Police Department
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

Animal Noise Affidavit

This form must be completed before a citizen complaint can be issued. If you elect to sign a citizen complaint against the animal owner, you will be required to testify under oath before a panel of citizens comprising the City of Roseville's Board of Appeals. If you sign a citizen's complaint, this form and the information provided in it will be shared with the animal owner and the Board of Appeals and is considered a public record.

Contact Information:

Your Name: MARCI GADBERRY
Your Address: 512 CORONADO AVE
Your Telephone Number: [REDACTED]

Name of Animal Owner: _____
Address of Animal Owner: 514 CORONADO AVE

Please complete the information below:

1. Number of animals, animal type, breed, and color
ONE SHAVED BLACK/WHITE SHEEPDOG AND TWO FAWN PUGS
2. Time of day that animal noise occurred?
ALL TIMES OF THE DAY AND NIGHT
3. Did the animal make noise for more than 20 minutes without stopping?
☒ Yes
☐ No
4. If the answer to number 3 is no, did the animal make noise intermittently for an hour or more?
☐ Yes
☐ No
5. If something other than 3 or 4 above, please describe:

6. Have you spoken to the animal owner about the noise?
☐ Yes
☒ No
7. If yes, please state the dates and method for speaking to the animal owner (i.e. in person, over phone, etc.) and whether there was improvement.

8. Is the animal inside or outside when it is making noise?
BOTH INSIDE AND OUTSIDE - THE NOISE IS QUITE NOTICEABLE INSIDE MY HOUSE, EVEN WITH THE WINDOWS SHUT AND THE TV VOLUME TURNED UP.

9. In relation to your property, where is the noise taking place? (Example: behind home, two doors down, on side of house, etc.) THE PUGS ARE KEPT IN A DOG RUN THAT IS TEN FEET FROM MY BEDROOM WINDOWS - SOMETIMES THEY PUT THE SHEEPDOG IN IT. THE SHEEPDOG BARKS AND JUMPS AGAINST THEIR WINDOW AND AGGRESSIVELY BARKS WHEN I AM ON MY FRONT PORCH.
10. Does there appear to be any reason for the noise? (Example: people coming to house) THE DOG PEN LACKS PROPER SHELTER - THE DOGS WANT TO BE INSIDE.

11. Do you or anyone at your property own any animals that go outdoors? MOSTLY INDOORS
- ☒ Yes
☐ No

12. Other relevant information you want to share:

5-10 TIMES A DAY THE PUGS BARK, SCREAM, HOWL - ITS A BLOOD CURDLING NOISE AND IT IS AFFECTING MY QUALITY OF LIFE. THIS HAS BEEN ONGOING FOR 1 1/2 YEARS. WHEN I TRY TO DO YARDWORK NEAR THE PEN, THE PUGS BECOME AGGRESSIVE AND BARK, DIG AND SCRATCH AT THE FENCE.

Please complete the below log describing animal noise (we encourage you to keep a similar log to track the animal noise):

Date	Time	Comments	Duration
10/1/22	0645, 0945, 1000, 1050, 1400	WS PUGS INTERMITTENTLY SCREAMING, BARKING	
10/2/22	0845, 1700	WS - PUGS BARKING/SCREAMING	
10/7/22	1930, 2000, 2045	PUGS	
10/10/22	0645, 0830, 0951, 1150, 1245, 1527, 1602, 1732, 1900	PUGS	
10/11/22	0930 - 1000	CONTINUAL BARKING - PUGS	
10/14/22	0830, 0930, 1100	PUGS	
10/13/22	1600 - 1800	SHEEPDOG IN DOG PEN - CONTINUOUS BARKING	
10/14/22		SHEEPDOG -	
10/15/22	0730, 1400 - 1430	CONTINUOUS BARKING - PUGS 1438 - 1730, 1815, 1930, 2035	
10/17 - 10/29/22	FOR TWO WEEKS, WE HARDLY HEARD ANY BARKING BUT AS OF 10/31/2022 THE BARKING HAS STARTED AGAIN		

I state under penalty of perjury that the foregoing information in this Animal Noise Affidavit is true and correct.

Signed: MARCI GADBERG

Date: 11-1-22

Print Name: MARCI GADBERG

Please Return Form To:
City of Roseville Police Department
Attn: Animal Control
1051 Junction Blvd
Roseville, CA 95678

(916) 774-5090 Phone
(916) 781-2344 Fax



Roseville Police Department
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

Animal Noise Affidavit

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Contact Information:

Your Name: SANDRA HARLESS
Your Address: 511 CORONADO AVE
Your Telephone Number: [REDACTED]

Name of Animal Owner: CASTRO
Address of Animal Owner: 514 CORONADO AVE

Please complete the information below:

1. Number of animals, animal type, breed, and color
1 LARGE Sheep dog - AGGRESSIVE 2 pug dogs - AGGRESSIVE
2. Time of day that animal noise occurred?
ALL TIMES OF THE DAY AND NIGHT
3. Did the animal make noise for more than 20 minutes without stopping?
☒ Yes INTERMITTENTLY
☐ No
4. If the answer to number 3 is no, did the animal make noise intermittently for an hour or more?
☒ Yes
☐ No
5. If something other than 3 or 4 above, please describe:

6. Have you spoken to the animal owner about the noise?
☐ Yes
☒ No
7. If yes, please state the dates and method for speaking to the animal owner (i.e. in person, over phone, etc.) and whether there was improvement.

8. Is the animal inside or outside when it is making noise?
MOSTLY INSIDE - OUT THE FRONT WINDOW THAT IS OPEN

9. In relation to your property, where is the noise taking place? (Example: behind home, two doors down, on side of house, etc.)

ACROSS THE STREET FROM my House.

10. Does there appear to be any reason for the noise? (Example: people coming to house)
?? Neglect ??

?? Neglect ??

11. Do you or anyone at your property own any animals that go outdoors?
☐ Yes

☐ Yes☒ No

12. Other relevant information you want to share:

I've lived here for 50+ years and this
is impacting the entire neighborhood.

Please complete the below log describing animal noise (we encourage you to keep a similar log to track the animal noise):

[illegible]

I state under penalty of perjury that the forgoing information in this Animal Noise Affidavit is true and correct.

Signed: Sandra A. Hines *

Date: 11-6-22

Print Name: SANDRA L. HARLESS

Please Return Form To:
City of Roseville Police Department
Attn: Animal Control
1051 Junction Blvd
Roseville, CA 95678

✓ SEE ATTACHED
SIGNATURE PAGE —

(916) 774-5090 Phone
(916) 781-2344 Fax

NAME

SIGNATURE

ADDRESS

Joanne Howard
Susan Ruiz

Joanne Howard
Susan Ruiz

524 Coronado Ave.
Roseville

521 Coronado Ave
RSVI

520 Coronado Ave
RSVL

Therwood Thomson

Therwood Thomson

Krissy Berger

Krissy Berger

CHERYL BENNETT

Cheryl Bennett

506 Coronado Ave
Roseville CA 95678
526 CORONADO AVE.
ROSEVILLE, CA. 95678



Roseville Police Department
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

Animal Noise Affidavit

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Contact Information:

Your Name: Ellen & Bret Tresidder
Your Address: 513 Coronado Ave.
Your Telephone Number: [REDACTED]

Name of Animal Owner: Castro Family
Address of Animal Owner: 514 Coronado Avenue

Please complete the information below:

1. Number of animals, animal type, breed, and color
Three dogs: 1 sheepdog, 2 pugs
2. Time of day that animal noise occurred?
It occurs all times of day & night. Nighttime is the worst when trying to sleep.
3. Did the animal make noise for more than 20 minutes without stopping?
☒ Yes
☐ No
4. If the answer to number 3 is no, did the animal make noise intermittently for an hour or more?
☒ Yes
☐ No
5. If something other than 3 or 4 above, please describe:

6. Have you spoken to the animal owner about the noise?
☐ Yes
☒ No
7. If yes, please state the dates and method for speaking to the animal owner (i.e. in person, over phone, etc.) and whether there was improvement.

8. Is the animal inside or outside when it is making noise?
Both. Often the sheepdog is halfway in/out a window by the front door. Other times it pushes out an a/c unit on a front window and barks. The pugs are usually outside in a dog pen for hours - heat, rain, cold - no matter.

9. In relation to your property, where is the noise taking place? (Example: behind home, two doors down, on side of house, etc.)

Directly across the street from our house.

10. Does there appear to be any reason for the noise? (Example: people coming to house)

Most often no. Sometimes someone walking down the street, owners coming or going. who knows.

11. Do you or anyone at your property own any animals that go outdoors?

☒ Yes 1 cat that is exclusively in the house and fenced back yard.
☐ No

12. Other relevant information you want to share:

This family has many, many, animal issues over the years. Dogs, geese, and chickens ~~abandoned~~. Many have had to be relinquished, some have died from neglect, others sold, etc. There has to be a file on the Castro Family that's quite thick, showing history. Please help us!!

Please complete the below log describing animal noise (we encourage you to keep a similar log to track the animal noise):

Date	Time	Comments	Duration
		<u>See log created by one neighbor who shares a fence; we hear most of what she hears as our living & sleeping rooms face the dogs barking.</u>	

I state under penalty of perjury that the forgoing information in this Animal Noise Affidavit is true and correct.

Signed: Ellen Tresidder & Bret Tresidder Date: Nov. 4, 2022

Print Name: Ellen Tresidder & Bret Tresidder

Please Return Form To:

City of Roseville Police Department

Attn: Animal Control

1051 Junction Blvd

Roseville, CA 95678

(916) 774-5090 Phone

(916) 781-2344 Fax



Roseville Police Department
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

Animal Noise Affidavit

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Contact Information:

Your Name: Sean Raiger
Your Address: 505 Coronado Ave.
Your Telephone Number: [REDACTED]

Name of Animal Owner: _____
Address of Animal Owner: 514 Coronado Ave

Please complete the information below:

1. Number of animals, animal type, breed, and color
4? Pugs + Sheep Dog
2. Time of day that animal noise occurred?
All day/night off and on
3. Did the animal make noise for more than 20 minutes without stopping?
☒ Yes
☐ No
4. If the answer to number 3 is no, did the animal make noise intermittently for an hour or more?
☒ Yes
☐ No
5. If something other than 3 or 4 above, please describe:

6. Have you spoken to the animal owner about the noise?
☐ Yes
☒ No
7. If yes, please state the dates and method for speaking to the animal owner (i.e. in person, over phone, etc.) and whether there was improvement.

8. Is the animal inside or outside when it is making noise?
Both inside and outside

9. In relation to your property, where is the noise taking place? (Example: behind home, two doors down, on side of house, etc.)

Two houses down/across street

10. Does there appear to be any reason for the noise? (Example: people coming to house)

no

11. Do you or anyone at your property own any animals that go outdoors?

☐ Yes

☒ No

12. Other relevant information you want to share:

Please complete the below log describing animal noise (we encourage you to keep a similar log to track the animal noise):

Date	Time	Comments	Duration
		Loud barking happens on and off all day every day.	

I state under penalty of perjury that the forgoing information in this Animal Noise Affidavit is true and correct.

Signed: 

Date: 11/6/2022

Print Name: Sean Raigor

Please Return Form To:

City of Roseville Police Department
Attn: Animal Control
1051 Junction Blvd
Roseville, CA 95678

(916) 774-5090 Phone
(916) 781-2344 Fax

7.25.010 Animal noise.

A. No person shall own, possess, harbor, control or keep on any premises, any dog, fowl or other animal, that howls, barks, bays, cries, squawks or makes any other noise so continuously or incessantly for a period of 20 minutes or intermittently for an hour or more as to unreasonably disturb the peace or quiet of any person.

B. In determining whether any sound or noise is “unreasonable” under subsection A above, the following shall be considered:

1. The volume of the sound;
2. The proximity of the sound to residential sleeping facilities;
3. The time of the day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is intermittent or constant.

C. Any person who shall keep or permit to remain on any premises any animal as defined in subsection A of this section is guilty of a violation of this chapter, provided that during the time that the animal is making such a noise, no person or other animal is trespassing or threatening to trespass or no person is intentionally provoking or intentionally teasing the animal.

D. After determination that a violation of this provision has occurred and prior to issuance of a citation pursuant to Chapter 2.50 of this code, an enforcement officer shall issue at least one warning to the owner or person having care, custody, control or possession of the animal creating the nuisance.

E. This chapter shall not apply to public animal control agencies or shelters, society for the prevention of cruelty to animals shelters, or humane society shelters. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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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

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View

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Administrative Citation Appeal – Request For Hearing 2022-12-07 11:50 AM(PST)

Completely fill out all required information prior to submitting. The City Attorney's office will contact you once a hearing date has been set.

Submissions 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.

***Name:** Claudia Castro

***Citation
Number:** 21113

***Home
Address:** 514 Coronado Ave

***City** Roseville

***Zip** 95678

Mailing
Address

(if
different
from
above):

***Phone
Number:** [REDACTED]

***Email:** [REDACTED]

***Reason
for
Appeal:**

To whom it may concern:

I, Claudia Castro, hereby appeal this citation on the grounds of mistaken identity. The citation

states that I am being cited for three counts of animal noise. I however, am the rightful and legal

owner of only one dog, not three. The canines in question do not belong to me, but to my

brother and my sister. Also, my dog was in the house, not in the backyard on the day of the

complaint. In addition, the citation also lists three counts of failure to license said animals.

However, I licensed my dog previous to the date of this citation, and for such reason I am

contesting that as well.

Thank you, Claudia Castro

☒ By checking this box, I certify that I am the individual named on the citation and am appealing the administrative citation issued to me.

☒ I certify under penalty of perjury that the information above is true and correct to the best of my knowledge.

Submit

Cancel