



AGENDA

March 14, 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 - Saeid Nejad - Citation No.: 20069

Appellant: Saeid Nejad

Roseville Municipal Code Sections:

7.25.010, Animal Noise, One Count, Second Offense

7.16.010, Failure to License, One Count, Third Offense

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 - Saeid Nejad - Citation No.: 20069
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 3/14/2023
Item #: 5.1.

RECOMMENDATION

Violation: RMC 7.25.010 Animal Noise (1 Count – 2nd Offense)

Total Fine Amount: \$200.00

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 (1 Count – 3rd Offense)

Total Fine Amount: \$250.00

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

BACKGROUND

Current Offense(s)

On September 30, 2022, Roseville Animal Control Dispatch received a noise complaint from a citizen for a dog at 8424 Roseto Rd. The property owner of this address is Mr. Saeid Nejad. Animal Control Officer Sarah Cooper issued an animal noise warning letter to Mr. Nejad along with licensing information because at the time of the complaint, no animals were licensed for this address.

On October 17, 2022, Roseville Animal Control Dispatch received a call for another animal noise complaint for a dog at 8424 Roseto Rd. Animal Control Officer Gabe Sorenson made contact with the complaint, Mindy Lybbert, and requested a completed Animal Noise Affidavit. Roseville Animal Control received a completed Animal Noise Affidavit from Mrs. Lybbert on November 9, 2022.

Officer Sorenson completed Citation No. 20069 on behalf of Mrs. Lybbert for Animal Noise, 1

count. The violation of RMC Section 7.25.010 (Animal Noise) is based on the statements of the complainant and other evidence provided and were not directly witnessed by ACO Sorenson. Upon further review, Officer Sorenson also determined that no animals were currently licensed at this address and added an additional violation for 1 count of RMC Section 7.16.010 (Licensing).

Past Offenses

Mr. Nejad was issued a citation for violation of RMC Section 7.25.010 (Animal Noise) and RMC Section 7.16.010 (Licensing) on approximately June 26, 2022.

Mr. Nejad was issued a citation for a second violation of RMC Section 7.16.010 (Licensing) on approximately September 30, 2022.

All fees for both prior citations were paid in full.

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 waive the fine in the interest of justice.

Respectfully Submitted,

Gabriel Sorenson, Animal Control Officer

Animal Control

ATTACHMENTS:

Description

Citation

Noise Affidavit

7.25.010 Animal noise

7.16.010 Licensing

Saeid Appeal

CITY OF ROSEVILLE
NOTICE OF CITATION

20069

Date	11/15/22	Time	6:40pm	Day of Week	Tuesday
Name (First, Middle, Last)					
Saeid Nejad					
Residence Address					
8424 Roseto Rd					
Roseville, CA 95678					
Business Address					
Driver's Lic.					

Description of Animal (if Applicable)	
Breed: Small Dog	Age:
Vehicle Make	License #:
Model:	Year:
Location of Violation	8424 Roseto Rd
Date / Time of Violation	10/22/22 10:00pm
Code / Ordinance	Description of Violation
RMC-7.25.010	Animal Noise

RMC-7.16.010	Licensing
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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:	11/15/22	Issuing Officer:	3042
COMPLAINING PARTY			

X Signature:	Complaint
HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.	

X Signature:	Complaint
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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-Animal Control
1051 Junction Blvd
Roseville, CA 95678

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: Mindy Lybbert Name of Animal Owner: Saeid Nejad
Your Address: 8757 Cortina Circle Address of Animal Owner: 8424 Rose's Road,
Your Telephone Number: [REDACTED]

Please complete the information below:

1. Number of animals, animal type, breed, and color
1 - small dog, chihuahua-escape, brown
2. Time of day that animal noise occurred?
Nightly
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 ^{yelled} 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.
yelled out window
8. Is the animal inside or outside when it is making noise?
outside - screen door open 24/7 animal goes in & out

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

Behind home - one house to right

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

None

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

☐ Yes

☒ No

12. Other relevant information you want to share:

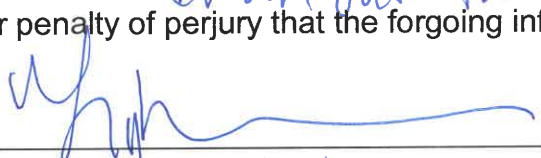
This is ongoing problem - everyone has to shut windows and use AC @ night v. not having to run AC

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
10/18	10:24 pm	called animal control, barking non-stop	2+ hours
10/19	10 pm - on	barking non-stop	2+ hours
10/20	10 pm - on	barking non-stop	2+ hours
10/22	10 pm - on	barking non-stop	
		It is not every night but pretty much every other night for 2+ hours. We have to shut windows to try and drown out the barking.	

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

Signed:


Mindy Lybbert

Date:

10/24/22

Print Name:

Mindy Lybbert

Please Return Form To:

City of Roseville Police Department- 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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Saeed Nejad

Email

Phone

24 Reseto Rd

City

Roseville

Zip

95678

Different from above

City

Zip

20069

Date of Citation

Appeal

Information to support your appeal here. Continue on second page if needed.

my name is Saeed Nejad. I have been ~~the~~ receiving Citation
Barking Dog at my house. at 8424 Reseto Rd
Roseville. my mom's Dog is a 18 year old Sick
and Deaf Dog that can't even Bark. my neighbors
and my house all own multiple Dogs that I
can't hear myself. I ~~that is why~~ Believe I have
been cited wrongfully. contact me anytime. [REDACTED]



Init

01/05/23
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