



AGENDA

April 11, 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. Appeal of Administrative Citation No.: 20861 - F45 Gym - 2310 Pleasant Grove Boulevard, Suite #160

Administrative Citation Appeal Hearing - Citation No.: 20861

Appellant: Josh Bredemeier on behalf of F45 Gym, 2310 Pleasant Grove Boulevard, Suite #160

Roseville Municipal Code Section:

9.24.150(A), Noise Disturbances

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

7.2. Appeal of Administrative Citation No.: 5618 - Carl Haupt - 218 Donner Ave

Administrative Citation Appeal Hearing - Citation No.: 5618

Appellant: Carl Haupt, 218 Donner Avenue

Roseville Municipal Code Section:

7.25.010, Animal Noise, One Count

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

7.3. Appeal of Administrative Citation No.: 5612 - Elysha Sowers Richards - 1444 New England Dr.

Administrative Citation Appeal Hearing - Citation No.: 5612

Appellant: Elysha Richards, 1444 New England Dr.

Roseville Municipal Code Sections:

7.25.010, Animal Noise, One Count, First Offense

7.25.010, Animal Noise, Two Counts, Second Offense

7.16.010, Failure to License, One Count, First Offense

7.16.010, Failure to License, One Count, Second 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: Appeal of Administrative Citation No.: 20861 - F45 Gym - 2310 Pleasant Grove Boulevard, Suite #160
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 4/11/2023
Item #: 5.1.

RECOMMENDATION

Consider the appeal submitted by Josh Bredemeier, owner of F45 Gym, for the following violation:

Violation: RMC 9.24.150 (A) Noise Disturbances

Total Fine Amount = \$100

"Notwithstanding any other provisions of this chapter, it is unlawful for any person to wilfully make or continue or cause to be made or continued, any loud, unnecessary, excessive or offensive noise or unusual sound which unreasonably disturbs the peace and quiet of any sensitive receptor or which causes discomfort or annoyance to any reasonable person of reasonable sensibilities in the area."

BACKGROUND

09/20/2022 Visited F45 Gym and made contact with Studio Manager, Brittney. I informed her of the early morning noise complaints. I advised her of the noise ordinance and provided her with a copy of the Courtesy Notice. Brittney said she will have a talk with her morning coaches.

09/26/2022 6:00 a.m. inspection at F45 Gym. I parked behind the gym and about a block away to listen for loud music / bass and did not hear loud music nor bass.

09/27/2022 I spoke to Fiona (complainant) over the phone. I provided an update to Fiona from my visit on 9/26/22. Fiona stated it is an ongoing issue especially with the 5 am class. Fiona asked if I can inspect during the 5 am class when it's at its loudest.

09/29/2022 5:00 a.m. inspection. During my inspection I confirmed that the bass travels to the residential area off of Pleasant Grove and Village Plaza. The bass travels down to Village Plaza and Acklan Alley where I was parked in my City of Roseville truck. I stayed in the area until the class ended which was at 5:45 am. I made contact with Studio Mgr., Brittney and Business Owner,

Josh. Josh asked Brittney to play the music while he walked with me to the area where the bass is traveling to. I walked with Josh to the corner of Pleasant Grove and Village Plaza. There was no bass, only traffic noise. We continued walking toward Acklan Alley and Village Plaza. Away from traffic you can hear the bass travel to Acklan Alley. I explained the noise ordinance, minimal before 7 am and after 10 pm. John was not happy about it but said he understands I am just trying to do my job. I will re-inspect to make sure they remain in compliance.

10/04/2022 I called Fiona and provided an update. I explained where the bass was picked up from, corner of Village Plaza and Acklan Alley. I also advised the bass is hard to distinguish when there is traffic. I told Fiona I will continue inspecting for noise. I reminded Fiona if noise cannot be confirmed I cannot issue a citation.

10/05/2022 6:00 a.m. inspection, I parked at Village Plaza and Acklan Alley. I could hear some bass, again only when traffic subsides. I made contact with studio manager Brittney and informed her of the bass noise as I parked on the street. Brittney was not happy and she was frustrated but agreed to lower the music.

10/06/2022 6:00 a.m. inspection, I parked at Village Plaza and Acklan Alley. I noticed improvement with the noise and bass levels. No noise violation was confirmed.

10/11/2022 6:00 a.m. inspection. I noticed improvement with the noise and bass levels. No noise violation was confirmed.

10/11/2022 Spoke to Fiona and provided her with an update on my last two inspections. I first asked Fiona for her feedback on the noise. Fiona said the noise had improved. Fiona even mentioned she is sleeping in her room again. Fiona said the noise has improved during the week but not as much on the weekend, mainly Saturdays. I explained to Fiona that our office is closed on the weekend but I can relay this information to the owner. Fiona thanked me for my time and inspections. I thanked Fiona for taking my call and advised her I will have couple more random inspections, if they continue to comply I will close out case, but if the noise returns she can open a new case.

10/13/2022 6:00 a.m. inspection. F45 Gym continues to comply. No noise violation was confirmed.

10/19/2022 6:00 a.m. inspection. F45 Gym continues to comply. No noise violation was confirmed.

10/19/2020 Spoke to Fiona and I provided her with an update. Fiona confirmed the gym is complying during the week but on the weekend music is loud from 8am -10:30am. Fiona wanted to know what can be done. I explained we are out of the office on the weekend but we can issue citation on her behalf. Fiona declined the option.

10/20/2022 Spoke to Fiona, provided her with an update. I had spoken to Code Enforcement Supervisor Ranjit Dosanjh regarding weekend noise complaint. Ranjit advised that the complainant can document and/or record the noise and request for us to issue citation on their behalf we can. Fiona said she is not sure if her phone would pick up the bass / music. Fiona declined to issue citation for the weekend noise complaint.

10/21/2022 5:00 a.m. and 6:00 a.m. inspection. F45 Gym continues to comply. No noise violation was confirmed. CE22-1490 is ready to close as complied.

10/21/2022 I spoke to Fiona and provided her with an update regarding both 5:00 a.m. and 6:00 a.m. inspections. I closed this out as complied. Fiona inquired about the citation process just in case they decide that is the route they want to go if the weekend noise continues to be an issue. I told Fiona she has my phone number and email if she has any questions.

11/07/2022 Received new complaint CE22-1880: F45 gym continues to operate outside of the noise ordinance with the bass from the gym penetrating our home, causing disruption and lack of sleep. Furthermore, F45 continues to operate during the week and weekends with bass levels that also penetrates our home with no due regard for the residences located behind the business. The continuous bass is disruptive and effecting quality of life. | Village Plaza Drive/Pleasant Grove Blvd.

11/08/2022 Spoke to Fiona. Fiona said that the noise nuisance has returned. I asked Fiona if she is able to record it on her phone. Fiona said no. I asked if walls and/or any frames rattled and she said no. Fiona said she is very frustrated that she cannot live happily due to the noise and thinks that further action be taken. I informed her we could issue a citation on her behalf and Fiona said no she does not want to do that. I told Fiona I can go out there and inspect tomorrow but if I cannot confirm the noise, there is nothing I can do. Fiona stated that she thinks gym was closed today because it was quiet. I asked Fiona if she thinks the rain might have help block out the bass and she said possibly and said that she turns on the TV to block out the noise at times also.

11/09/2022 6:00 a.m. inspection. I heard some bass while traffic was low and my windows were down. The noise was not loud but noticeable. I raised up my windows and bass was not as loud. Workout class was in session at the time of inspection. My plan will be the following: 1. Provide Fiona with update. 2. Ask Fiona to start a diary and log the days and times. Compare diary to gym schedule and determine if there a pattern, is there a problem instructor? Have an approach plan to address the issue to the business owner. 3. Ask Fiona to try and record the noise complaint rather its outside her house of inside her house to help support her complaint should the complainant want us to issue a citation on her behalf.

11/09/2022 Spoke to Fiona and provided an update. Noise was not bad during my inspection and Fiona agreed. I suggested to Fiona that she start a diary. We can try and compare her diary with gym schedule and see if there is a pattern with one of the instructors. Fiona said there is problem instructor and that his name was David. I told her to start with the diary and try to record the noise when possible. Fiona said recording might not be possible but she will try. Fiona said she knows there is a noise ordinance and they are violating it, noise / bass is constant and disturbs their living. I told her I understand her frustration but if I cannot verify it I cannot issue a citation. But with proof of pattern and noise we can revisit the approach and inspections.

11/15/2022 Sent email to Fiona asking for an update on the noise level over the weekend.

11/16/2022 6:00 a.m. inspection, no noise violation. No violation.

11/20/2022 Received email from Fiona - "Thank you for touching base with me. It still seems it is certain instructors; however, there has been some improvement; especially, in the early mornings."

11/21/2022 Last inspection 6:00 a.m. still no violation. Sent email to complainant with status. See email saved in documents. Case closed.

11/28/2022 Received new complaint CE22-1983. F45 Gym is operating in the early morning

hours of approx. 0500 hours, 0600 hours, 0900 hours, 1000 hours, and 1900 hours. During these hours of operation, low frequency sound (bass) is amplified down the west alleyway making it clearly audible in the residence. This low frequency sound (bass) is present during a majority of the gym's classes throughout the day and appears to be instructor specific. Based on the totality of circumstances, I am filing a complaint in regards to the violation of Roseville Municipal Code 9.24.150(A).

12/06/2022 6:00 a.m. inspection, no noise violation was confirmed.

12/13/2022 6:00 a.m. inspection, no noise violation was confirmed.

12/16/2022 6:00 a.m. inspection, noise was noticeable but not much road traffic. I checked website and appears there are new instructors. I will send email to Chris Her (complainant) and ask how things have been coming along.

12/19/2022 6:00 a.m. inspection, noise level was noticeable.

12/20/2022 Spoke to business owner, Josh Bredemeier. I informed him of the new noise complaint and that noise levels are noticeable. I told Josh that I was aware the gym has new instructors. Josh thanked me for the call and told me he would have a talk with the new instructors. I told Josh I will continue to inspect to make sure they are in compliance.

12/20/2022 Spoke to Chris. Provided Chris with update on inspections and my conversation with the business owner. Inspections will continue to make sure F45 Gym complies.

12/22/2022 Reviewed all complaints. Although we have multiple complaints from complainant(s), this is only second violation.

CE22-1490 - Violation confirmed. Business owner received CN and came into compliance and case closed.

CE22-1496 - Duplicate complaint. Case closed.

CE22-1503 - Duplicate complaint. Case closed.

CE22-1508 - Duplicated complaint. Case closed.

CE22-1880 - No violation confirmed during inspections and Fiona also confirmed noise violations on days that inspected. Sent Email to Fiona before closing this case with a plan should issues continue. No response from Fiona, case closed.

CE22-1983 - Current case. (2nd violation). Case will remain open for 30 days to ensure compliance.

12/23/2022 6:00a.m. inspection, no noise violation.

12/26/2022 Received email from Chris with video surveillance and photo.

12/27/2022 I responded to Chris's email and informed him I cannot issue citation based off of video because this was not during my inspections. I forwarded email to Deputy City Attorney Travis Cochran and Deputy City Attorney My Tien Doan. I informed Chris that the City office is closed until 1/3/23 and to allow some time for a response.

12/29/2022 6:00 a.m. inspection no noise violation confirmed. Traffic was light and it was raining lightly.

01/03/2023 6:00 a.m. inspection no noise violation confirmed. Traffic was light to moderate no rain.

01/06/2023 6:00 a.m. inspection no noise violation confirmed. No rain and moderate traffic.

01/09/2023 Received email from Chris inquiring about Citizen Citation.

01/10/2023 6:00 a.m. inspection, no noise violation confirmed. Light to moderate rain and light traffic.

01/17/2023 6:00 a.m. inspection no noise violation confirmed. No rain, moderate traffic.

01/20/2023 Received email from Chris requesting to move forward with the Citizen Citation.

01/31/2023 Copy of citation sent to Deputy City Attorney Travis Cochran for review.

Activity since citation issued:

02/06/2023 Anonymous complaint filed online:

Past two weekends 1/28 and 2/4, there is a gym across from my home that has been opening up their backdoors and blasting music and bass. The music and bass has been traveling down the street and can be heard for a least over a block away. On 2/4, this happened for over two hours. As of 2/6 they opened their doors again around 9:30 in the morning. This is disturbing to my children and my work home situation because you can hear it in our home. Noticed that this also occurs throughout the week.

02/06/2023 Noon inspection. During the inspection the noise level did not appear to be in violation. The back door of the business was open during the workout session and noise level was not in violation.

02/07/2023 Spoke to Chris, provided an update. Chris is upset that this is continuing and his wife Fiona is in tears because of all this. She is unable to work due to noise and does not feel it is fair that she is having to modify her work due to the noise. Chris said F45 opens back door and noise travels. People working out outside. Video shows one person working out outside right by the back door. I told Chris he can send in videos and I can add it to his complaint. Chris sent email and included Deputy City Attorney Travis Cochran.

02/15/2023 6:00 a.m. inspection and no noise violation.

02/22/2023 Communication between Deputy City Attorney Travis Cochran and Chris Her.

03/02/2023 Inspection performed by Code Enforcement Inspector Saul Chacon from 515am-548am. 5 am class no loud music I was parked next to the building across the street from 3008 Village Plaza Dr. Inspector Yuri Zinzun and myself went into complainant's backyard at 6am-620am and heard no bass vibrations, however the pickup trucks did make loud noises when driving down Pleasant Grove.

03/02/2023 6:00 a.m. inspection with Inspector Saul Chacon. Inspection was performed in the complainant's backyard per the complainant's request. Inspector Saul and I stood in the back yard of 3008 Village Plaza Dr. at 6 am and could not verify a noise violation. However, the traffic noise was very noticeable especially when large vehicles are traveling on Pleasant Grove Blvd. During the inspection, Inspector Saul and I also walked to the front of the residence and also stood in the front porch area and still could not verify a noise violation. However, while standing in the front porch area I observed a total of four school busses travel on Pleasant Grove Blvd and the traffic noise from the bus was very noticeable. Weather was clear no rain or wind. Pleasant

Grove Blvd traffic was moderate to busy traffic.

03/17/2023 6:00 a.m. inspection, I parked in the alley next to the backyard fence of 3008 Village Plaza Dr. and there was no noise violation.

03/17/2023 Inspection performed by Code Enforcement Inspector Saul Chacon 6:00 a.m. I was parked next to the building across the street from 3008 Village Plaza Dr. No noise violation.

03/24/2023 6:15 a.m. inspection. I parked on Village Plaza Dr across the street from 3008 Village Plaza Dr. No noise violation. Traffic was moderate.

03/28/2023 6:00a.m. inspection, I parked in the alley next to the backyard fence of 3008 Village Plaza Dr. and there was no noise violation.

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,

Yuri Zinzun, Permit Technician

Development Services

ATTACHMENTS:

Description

Citation

9.24.150(A), Noise Disturbances

Appeal Form

ROSEVILLE
NOTICE OF CITATION

20861

Date 1/30/23		Time 10:00 am		Day of Week Monday	
Name (First, Middle, Last) F45 Gym c/o Brad Coonradt					
Residence Address					
Business Address 2310 Pleasant Grove Blvd #160 Roseville CA 95747					
Driver's Lic. No.		State	Class	Date of Birth	
Sex M F	Hair	Eyes	Height	Weight	Decent Age
Description of Animal (If Applicable)					
Breed:		Color:		Age: Sex:	
Vehicle Make		License #:			
Model:		Year:			
Color:		Year:			
Location of Violation 2310 Pleasant Grove Blvd #160					
Date / Time of Violation 1/23/22 @ 5:00 am					
Code / Ordinance 9.24.150 (A) RMC		Description of Violation			
Noise Regulation, Noise disturbances, The noise volume and vibration intensity of the sound.					
I 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: 1/30/23		Issuing Officer: 21866 Badge No.			
COMPLAINING PARTY					
Signature: <i>upnfm</i>					
HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.					
Signature: .					
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					

9.24.150 Noise disturbances.

A. Notwithstanding any other provisions of this chapter, it is unlawful for any person to wilfully make or continue or cause to be made or continued, any loud, unnecessary, excessive or offensive noise or unusual sound which unreasonably disturbs the peace and quiet of any sensitive receptor or which causes discomfort or annoyance to any reasonable person of reasonable sensibilities in the area.

B. In determining whether a violation of the provisions of this section exists the enforcement officer shall consider the following:

1. The volume and intensity of the sound;
2. The vibration intensity of the sound;
3. Whether the nature of the sound is usual or unusual;
4. Whether the origin of the sound is natural or unnatural;
5. The volume and intensity of the background sound, if any;
6. The proximity of the sound to residential sleeping facilities;
7. The nature and zoning of the area within which the sound emanates;
8. The population density of the area within which the sound emanates;
9. The time of the day or night the sound occurs;
10. The duration of the sound; and
11. Whether the sound is recurrent, intermittent, or constant. (Ord. 3638 § 1, 2001.)

Contact:

City Clerk: 916-774-5263

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

Print This Page

View

[Edit](#)

Administrative Citation Appeal – Request For Hearing 2023-02-22 08:57 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:** F45 Gym- C/O Josh Bredemeier

***Citation
Number:** 20861

***Home
Address:** 2310 Pleasant Grove Boulevard #160

***City** Roseville

***Zip** 95747

Mailing
Address
(if
different
from
above):

***Phone
Number:**

***Email:**

Hello,

We recently received a citation for RMC Section 9.24.150 (A), Noise Disturbance, at our place of business. We were warned about our noise levels, which we worked with the Citation Officer to adhere to after this was brought to our attention. We made the necessary adjustments at our 5am & 6am classes to keep the music levels restricted during these hours specifically. The Code Enforcement did her due diligence and confirmed during 3 separate occurrences that our music level was satisfactory according to the city code. Unfortunately, we had a new employee start who was unaware of the noise ordinances and on 1/30/2023 the officer confirmed the noise issues, however, she also noticed the employee wasn't our typical morning instructor. We then made the necessary training to bring the employee up to speed, and all current employees, so this wouldn't occur again. The Officer also confirmed another 3 instances after 1/30/2023 and noted we were in compliance once again.

I feel this was a one-off situation that shouldn't result in a citation as we have been more than willing to work with the city to conform to the codes.

This is the reason I am looking to appeal this citation.

***Reason
for
Appeal:**

- ☒ 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



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Administrative Citation No.: 5618 - Carl Haupt - 218 Donner Ave
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 4/11/2023
Item #: 5.2.

RECOMMENDATION

Consider the appeal submitted by Carl Haupt for the following violation:

Violation: RMC 7.25.010 Animal Noise (1 count)

Total Fine Amount \$100

"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."

BACKGROUND

The following narrative is specifically regarding the Animal Control matter that is involved with this citation.

February 20, 2022 @ 08:47 AM

Roseville Police dispatch received a complaint from Andrew Spurlock, the complainant's husband, regarding a German shepherd mix breed dog that continually barks. Andrew stated to dispatch that the barking begins at approximately 5:00AM -6:00AM and goes all day. Animal Control Officer Cooper mailed an animal noise letter to Carl Haupt, the appellant in this matter.

February 24, 2022 @ 08:11 PM

Roseville Police Dispatch received a call from Carl. Animal Control Officer Sorenson spoke with Carl and answered his questions regarding the barking complaint process.

June 28, 2022 @ 10:48 AM

Roseville Police dispatch received a complaint from Andrew Spurlock regarding a possible

German shepherd mix breed dog barking all day and night. Andrew requested that animal control provide Carl with a second warning for animal noise. Animal Control Officer Cooper explained the barking complaint process to Andrew. Animal Control Officer Cooper left a voicemail message on Carl's phone, advising of the second complaint.

June 29, 2022 @ 10:05 AM

Animal Control Supervisor Bennett spoke with Carl and advised him of the complaint.

December 16, 2022 @ 7:59 AM

Roseville Police dispatch received a complaint from Andrew Spurlock, regarding a barking dog complaint. Animal Control Officer Sammons spoke with Andrew and documented that Andrew was requesting to file a third complaint. Animal Control Officer Sammons informed Andrew that his next complaint will require a completed animal noise affidavit and to request a citation. Animal Control Officer Sammons spoke with Carl and advised him that we received a third complaint regarding animal noise. Officer Sammons informed Carl that the next complaint could result in a citation.

February 18, 2023 @ approximately 12:34 PM

Roseville Police Animal Control received an animal noise affidavit from Christine Spurlock, the complainant in this matter, residing at 106 Ben Ezra Ave. to make a complaint about a barking dog, residing at 218 Donner Ave, belonging to Carl Haupt. Christine documented on the animal noise affidavit that the most recent incident of barking was on February 17th at 1:13PM for a duration of twenty plus minutes.

Animal Control Officer Sammons completed citation #5618 on behalf of Christine against Carl for Animal Noise, which includes (1) count of violation of RMC Section 7.25.010 (Animal Noise).

The violation of RMC Section 7.25.010 is based on the statements of the complainant and appellant and other evidence provided and were not directly witnessed by Animal Control Officer Sammons.

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,

N. Sammons, Badge #3075

Animal Control Officer

ATTACHMENTS:

Description

Haupt Citation

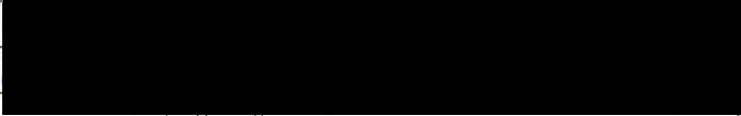
Spurlock Noise Affidavit

7.25.010 Animal Noise

Haupt Appeal Form

NOTICE OF CITATION

5618

Date 02/18/2023	Time 1234hrs	Day of Week Saturday
Name (First, Middle, Last) Carl Franklin Haupt		
Residence Address 218 Donner Ave. Roseville, CA 95678		
Business Address 		
Breed: mixed	Color: brown/tan	Age: _____ Sex: _____
Vehicle Make: _____	Model: _____	License #: _____
Color: _____	Year: _____	
Location of Violation 218 Donner Ave		
Date/Time of Violation 2/17/23 1319hrs		
Code/Ordinance RMC 7.25.010	Description of Violation Animal Noise x1	
☒ 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: 2/18/23	Issuing Officer Badge No. N. Sammons 3075	
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 - Issuing 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: Christine Spurlock

Your Address: 106 Ben Ezra Ave

Your Telephone Number: [REDACTED]

Name of Animal Owner: ?

Address of Animal Owner: 218 Donner Ave
Roseville, CA

Please complete the information below:

1. Number of animals, animal type, breed, and color

One dog, large, unsure/mixed breed brown/tan

2. Time of day that animal noise occurred?

Daily, morning and afternoon

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 also

☐ 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.

January 21, 2024. No improvement. They stated that
the "squirrels" are taunting him" (the dog)

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

Outside

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

When in my backyard, it's on the left side two properties down

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

No - might be caused when owner goes to work

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

☐ Yes

☒ No

12. Other relevant information you want to share:

The noise from barking is constantly disrupting my sleep. Additionally, it's disruptive to the peace of the neighborhood. Other neighbors have dogs but this is the only one who consistently barks.

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
11/20/22	7:50 10am	Have recording of dog barking for 20+ min.	20+ min.
1/2/23	9:20am		20+ min.
1/7/23	12:45pm		1 hour
1/10/23	1:36pm		30+ min.
1/11/23	8:38am		20+ min.
1/12/23	8:00am		intermitt.
1/26/23	11:08am	All day off and on	intermitt.
2/7/23	11:10am		20+ min.
2/8/23	8:30am	All morning intermittently	intermitt.
2/17/23	1:19pm		20+ min.

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

Signed: 

Date: 2/17/23

Print Name: Christine Spurlock

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

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

Print This Page

View

[Edit](#)

Administrative Citation Appeal – Request For Hearing 2023-03-06 07:56 PM(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:** Carl and Katie Haupt

***Citation
Number:** 5618

***Home
Address:** 218 Donner Ave.

***City** Roseville

***Zip** 95678

Mailing
Address
(if
different
from
above):

***Phone
Number:**

***Email:**

We are filing an appeal because we do not feel that our dog is a nuisance or violated section 7.25.010 animal noise. After the second complaint we installed a motion activated camera in out back yard. We have also reviewed our recording from the dates and times given by Christine and they don't match up with what we have. We have talked to our immediate neighbors and they don't feel that he barks excessively. We would like to see if we can submit letters from our neighbors as support to our claim. Please let us know what information you would need in the letters.

Thank you,
Carl and Katie Haupt

***Reason
for
Appeal:**

- ☒ 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



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Administrative Citation No.: 5612 - Elysha Sowers Richards - 1444 New England Dr.
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 4/11/2023
Item #: 5.3.

RECOMMENDATION

Consider the appeal submitted by Elysha Sowers Richards for the following violations:

Violation: RMC 7.25.010 Animal Noise

1 count – first offense = \$100

2 counts – second offense \$200 x 2 = \$400

Total violation amount owed for all counts = \$500

"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 – first offense = \$50

1 count – second offense = \$100

Total violation amount owed for all counts = \$150

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

BACKGROUND

October 22, 2022 @ 7:56 AM (Past Offense)

Roseville Police Animal Control received an animal noise affidavit from Scott Tabarango, the complainant in this matter, residing at 1204 Chesapeake Dr. to make a complaint about barking dogs, residing at 1444 New England Dr, belonging to Elysha Sowers Richard, the appellant in this matter. The complaint alleged two (2) dogs barking. Animal Control Officer Cooper completed citation #20398 on behalf of Scott against Elysha, which included two (2) counts of violation of

RMC Section 7.25.010 (Animal Noise). Animal Control Officer Cooper also added one count of violation of failure to license to the citation.

Citation No. 20398 was not appealed, and the fines have not been paid.

November 28, 2022 @ 1:39 PM

Roseville Police Animal Control received an online complaint from Scott regarding three (3) dogs that reside at 1444 New England Dr constantly barking at all hours of the day and into the late evening. Animal Control Officer Sorenson noted in the call that Elysha had one current dog license on this date. Animal Control Officer Sorenson left a voicemail message for Elysha stating that she needed to license her two other dogs. Officer Sorenson also stated in his voicemail that this was the only warning Elysha would be provided for animal noise, since she was previously issued a citation on October 22, 2022, for animal noise (Citation No. 20398).

January 11, 2023 @ approximately 4:52 PM

Roseville Police Animal Control received an online complaint from Scott, alleging that Elysha owns three dogs that she allows to bark and howl all night and into the following day. Animal Control Officer Sammons mailed an animal noise affidavit to Scott via mail.

January 25, 2023 @ approximately 7:44 AM (Current Offense)

Roseville Police Animal Control received an animal noise affidavit from Scott Tabarango, the complainant in this matter, residing at 1204 Chesapeake Dr. to make a complaint about barking dogs, residing at 1444 New England Dr, belonging to Elysha Sowers Richard. The complaint alleged three (3) dogs barking. Scott documented on the animal noise affidavit that the most recent incident of barking was on January 18th at 6:15PM for a duration of twenty-five minutes.

Animal Control Officer Sammons completed citation #5612 on behalf of Scott against Elysha for Animal Noise. The Citation includes three (3) total counts of violation of RMC Section 7.25.010 (Animal Noise), with one first offense and two second offenses. Upon further review, Officer Sammons also determined that there was only one dog currently licensed in PetData under Elysha's name, and that two (2) dogs are currently unlicensed. Officer Sammons added two (2) counts for violation for failure to license, with one first offense and one second offense.

The violations 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 Animal Control Officer Sammons.

As of March 11, 2023, PetData shows that Elysha's two other dogs 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,

N. Sammons, Badge #3075

Animal Control Officer

ATTACHMENTS:

Description

Citation

Animal Noise

Licensing

Noise Affidavit

Appeal Form

CITY OF ROSEVILLE

NOTICE OF CITATION

5612

Date	1/25/2023	Time	0749	Day of	Wednesday
Name (First, Middle, Last)					
Elysha Marie Sowers Richards					
Residence Address					
1444 New England Dr. Roseville, CA 95661					
Business Address					
Description of Animal (If Applicable)					
Breed:	3 dogs	Color:		Age:	Sex:
Vehicle Make:		License #:			
Model:		Year:			
Location of Violation					
1444 New England Dr.					
Date/Time of Violation					
1/18/23 1815hrs					
Code/Ordinance		Description of Violation			
RMC 7.25.010		Animal Noise x 3			
RMC 7.10.010		licensing x 2			
☒ 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:	1/25/23	Issuing Officer: Badge No. N. Sammons 3075			
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 - Issuing Dept Copy					

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

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

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

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



Roseville Police Department
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

2013-2014

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: Scott Tabaranga
Your Address: 1204 Chesapeake Dr.
Your Telephone Number: [REDACTED]

Name of Animal Owner: Elysha Sowers Richards
Address of Animal Owner: 1444 New England Dr.
Roseville, 95661

Please complete the information below:

1. Number of animals, animal type, breed, and color
3 dogs Small, light colored, furry
2. Time of day that animal noise occurred?
afternoon, night, early morning, weekends, weekdays
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. Tried past personal contact and notes on house. multiple notices and warning letters with animal control have been sent. Ongoing issue for ~~many~~ years. Previous citation contested with city and she was found at fault.
8. Is the animal inside or outside when it is making noise?
outside

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

Small house subdivision, backyard, 20.ft from our living room to her backyard.

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

No. At night house is often dark no lights. Dogs have

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

Yes
☒ No No pets.

12. Other relevant information you want to share:

Dogs have multiple dog doors installed and roam freely from inside house to backyard. I record dogs barking with phone video. Often, I am sleeping or too tired to record dogs every time.

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
10/27	3:09 PM	Dogs Barking all day	8 hours
10/30	7:00 PM	Dogs Barking Her house lights off	4 hours
11/12	10:50 P	Dogs Barking erratically No lights	1.5 hours
11/15	9:20 P	Dogs Barking Lights out at her house	30 mins
11/20	9:42 P	Continuous Barking	3 1/2 hours
11/22	6:40 P	Barking on/off all night	6 hours
11-23	8:45 P	Barking, Whining, Yelping	25 mins
11-25	8:48 PM	Dogs Barking night	2:00 hours
11-26	9:48 P	Dogs Barking night	18 mins
1-7	8:36 P	Dogs Barking night, no lights	1:35 hours
1-18	6:15 P	Dogs Barking, lights off nighttime	1:25 mins

I have video timestamped for above

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

Signed: Scott Tabarango

Date: 1-18-23

Print Name: Scott Tabarango

I did not record full durations

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

I ~~don't~~ don't complain if dogs bark for short duration because dogs will bark. The excessive barking late and too early are problematic and loud because yards are quite small.

Print This Page

View

[Edit](#)

Administrative Citation Appeal – Request For Hearing 2023-03-09 01:03 PM(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:** Elysha Richards

***Citation
Number:** 5612

***Home
Address:** 1444 New England Drive

***City** Roseville

***Zip** 95661

Mailing
Address
(if
different
from
above):

***Phone
Number:**

***Email:**

This citation alleges that my dog is unlicensed. I own 1 dog and he is licensed in the city of Roseville. His license number is 0030117 and expires 2/28/2025. I have informed several animal control officers of this and I realize that there is sometimes employee turnover, however this information is also on petdata.com and I would imagine accessible somewhere within Roseville's animal control. In addition, I live with 2 other roommates who also have dogs over. I have informed animal control of my living situation as well.

In regards to the Animal Noise Affidavit signed by Scott Tabarango, under question number 6, Scott circled "Yes" to the question "Have you spoken to the animal owner about the noise?". He then responded under item number 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."

You'll notice his answer is vague and generalized with no dates / methods of speaking to the animal owner noted. He basically does not answer the question. This is because he cannot cite any dates since he did not make any personal contact with me. My house is not far from his, just around the corner and he clearly knows the address and could have mailed a letter at the very least. Also, years ago we exchanged phone numbers to have the fence in between our properties replaced so even a phone call could have been made. But none of these things were done.

***Reason
for
Appeal:**

I received a call from animal control last fall regarding my dog barking "all day". Since this was one of the times I happened to be home all day I knew this was not the case and informed the animal control officer. The call I received from animal control stated that the complainant could not be named until they reached a certain number of complaints. Upon speaking with my neighbors to either side of my house, neither indicated they had complained to animal control or experienced any problems with my dog barking excessively. My dog will bark when there is a cat or squirrel along the fence or when he hears dogs being walked in front of the house. He will also bark at opossums that walk along the fence in the evening if he is out. This does not occur all day or all night nor does my dog bark for hours on end as described on the statement. My dog and roommate / guest dogs also do not behave like this and all wear bark collars. The collar that my dog wears provides a shock after a warning beep and he is aware of this so his barking when it occurs does not last long. The other dogs wear beep/vibration bark collars. I am typically home in the evenings and not oblivious to my dog or roommates dogs barking and check the bark collars and bring them inside if a cat or opossum runs along the fence.

I believe that the situation with my dog barking is being over exaggerated. Scott Tabarango signed the Animal Noise Affidavit under penalty of perjury stating that the information on there is true and correct. Mr. Tabarango has perjured himself with his answer to question number 6 and 7 and his overexaggeration of my dog barking. There are 4 other houses within "earshot" of my backyard in addition to Mr. Tabarango's property and not one complaint from anyone but him.

- ☒ 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