



AGENDA

May 9, 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. BOARD MEMBER / COMMISSIONER / STAFF REPORTS**
- 3. IDENTIFICATION OF CHAIR**
- 4. PLEDGE OF ALLEGIANCE**
- 5. PUBLIC COMMENTS**
- 6. CONSENT CALENDAR**
- 7. MATTERS TO BE HEARD**

7.1. Appeal of 7.12.020 Violation on Citation No.: 5610 - Shirley Murray - 1454 Oak Grove Dr.

Administrative Citation Appeal Hearing - Citation No.: 5610

Appellant: Shirley Murray, 1454 Oak Grove Drive

Roseville Municipal Code Section:

7.12.020, Aggressive Behavior

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 Citation No.: 5613 - Jamie Yust - 1905 Glenmark Way

Administrative Citation Appeal Hearing - Citation No.: 5613

Appellant: Jamie Yust, 1905 Glenmark Way

7.12.010, Leash Law

7.12.050, Aggressive Behavior

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 7.12.020 Violation on Citation No.: 5610 - Shirley Murray - 1454 Oak Grove Dr.
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 5/9/2023
Item #: 5.1.

RECOMMENDATION

Consider the appeal submitted by Shirley Murray for the following violation:

Violation: RMC 7.12.050 Aggressive Behavior (1 count)

Total Fine Amount = \$100

"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."

BACKGROUND

January 8, 2023 @ approximately 1:58 PM

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

On January 8, 2023 at 1358 hours, Roseville Police dispatch received a 911 call requesting medical aid for a female that fell on her back in the area of Misty Wood Dr and Brook Park Way. The 911 caller advised dispatch that the female fell as a result of trying to get away from a loose dog. Roseville Police Dispatch verbally voiced the call to Animal Control Officer (ACO) G. Sorenson who was the ACO on duty.

At approximately 1451 hours, ACO Sorenson attempted to contact the 911 caller to obtain if they had contact information for the victim or owner of the loose dog.

January 9, 2023 @ approximately 13:30 PM

On January 9th, at approximately 1330 hours, the victim's husband, Matt Nishimine contacted Roseville Police dispatch to report that his wife was the woman who fell and was transported to the

hospital the day prior. Matt had advised dispatch that his wife, Susan "Suzie" Nishimine was still in the hospital from the incident. Matt also advised dispatch that Susan and their dog were both attacked by the loose dog and Susan was bit during the attack. Matt stated to dispatch that Susan broke her back as a result of the incident and that the extent of her injuries was currently unknown.

Matt provided dispatch the name and phone number of the loose dog owner. Matt provided the name of Shirley Murray, the appellant in this matter, residing at 1454 Oak Grove Dr.

At approximately 1704 hours, ACO Sorenson was able to make contact with Matt via telephone. Matt provided the following statement in summary to ACO Sorenson: Matt was not with Susan when the incident occurred. Matt was told that Susan was walking their Yorkshire terrier, also known as a yorkie, near Misty Wood Dr & Brook Park Way. Susan was walking across the street from Shirley and her dog. Susan picked up their yorkie when she saw the other dog. Susan then walked across the street to the opposite side of the road to get away from Shirley and her dog. Susan then heard Shirley yell something indicating that her dog being loose, and that her dog had gotten away from her. Susan picked up her dog to avoid being attacked by the loose dog. While the loose dog was trying to attack Susan's yorkie, it started to bite Susan on her boots. As Susan was attempting to get away from the loose dog, she tripped and fell on the concrete.

Just after Susan fell, Shirley was able to regain control of her dog and pull him away. A passerby called Matt and 911. When Matt arrived on scene, Susan was still laying on the ground. Roseville Fire and AMR arrived on scene and transported Susan to the hospital. Matt stated that while he was on scene, the other dog owner Shirley, explained to him that the leash slipped through her hands and her dog had gotten away from her. Matt stated that Shirley admitted to him that her dog had bit at Susan. Matt believed that the dog bite to Susan did not break skin because she was wearing boots.

ACO Sorenson explained to Matt that if Susan wanted, Shirley could be cited for leash law and aggressive behavior. Matt stated to ACO Sorenson that Susan was still in the hospital under sedation and unable to give a statement at that time. Matt stated he would speak with Susan once he was able and call Roseville Animal Control back if they wanted further action taken.

January 11, 2023 @ approximately 3:16 PM

ACO Sammons followed up with Matt regarding the incident. Matt provided the following statement in summary: Matt stated that on today's date, Susan was finally able to roll onto her back in the hospital bed. Hospital staff discovered that Susan had puncture marks on her left thigh that were consistent with a dog bite. Susan told Matt that when the incident occurred she was walking her dog on leash. Matt stated Susan was requesting that Shirley be cited for leash law and aggressive behavior. Matt stated that Shirley's dog was a 20lb terrier mixed breed dog, possibly white in color.

ACO Sammons advised Matt that the citation for leash law and aggressive behavior would be completed and forwarded to the City Attorney's Office for review. ACO Sammons also advised Matt that she would contact Shirley and place her dog on quarantine.

At approximately 1656 hours, ACO Sammons spoke with Shirley via telephone. Shirley provided the following statement in summary: on the date of the incident, Shirley was walking her dog on

leash, when her dog got loose and ran across the street to where Susan was located. Shirley's dog began running around and jumping on Susan. Susan was holding her dog and turned her back towards Shirley's dog in an attempt to keep Shirley's dog from biting her dog.

ACO Sammons advised Shirley of the suspected dog bite to Susan. ACO Sammons advised Shirley that her dog "Kaleb" was required to remain on home quarantine for ten days from the date of the bite, until January 18th.

Animal Control Officer Sammons completed citation #5610 on behalf of Susan against Shirley for Leash law and Aggressive Behavior. The violations of RMC Sections 7.12.010 and 7.12.050 are based on the statements of the complainant and appellant and other evidence provided, and were not directly witnessed by Animal Control Officer Sammons.

January 18, 2023 @ approximately 10:19 AM

Officer Sammons contacted Matt to advise him of the disposition of quarantine. Matt stated to Officer Sammons that hospital staff discovered what appeared to be an additional bite wound below Susan's right knee.

PANEL ACTION

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

Respectfully Submitted,

Nicole Sammons, Badge #3075

Animal Control Officer

ATTACHMENTS:

Description

Citation

7.12.050 Aggressive Behavior

Appeal

CITY OF ROSEVILLE

NOTICE OF CITATION

5610

Date	1/11/2023	Time	1602	Day of	Wednesday
Name (First, Middle, Last) Shirley Diane Murray					
Residence Address 1454 Oak Grove Dr. Roseville, CA 95747					
Business Address 					
Description of Animal (If Applicable) Breed: Jrt Color: white Age: 1YR Sex: IM Vehicle Make: "Kaleb" License #: Model: Year: Color:					
Location of Violation Misty Wood Dr / Brook Park Wy					
Date/Time of Violation 1/8/23 1358hr					
Code/Ordinance		Description of Violation			
RMC 7.12.050		Aggressive behavior			
RMC 7.12.010		leash law			
RMC 7.12.010		licensing NS			
☒ 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: 1/11/23		Issuing Officer: Badge No. NS 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					

7.12.050 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

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REQUEST FOR HEARING

Appeal of Administrative Citation

RECEIVED
FEB 17 2023

CITY ATTORNEY

Name:

Shirley Murray

Address:

1454 Oak Grove Dr.

Roseville, CA 95747

Mailing Address:

☒ Same as above

Phone Number:

Email:

Citation Number:

5610

Date of Citation:

1.11.23

Reason for Appeal:

(Include all information and evidence to support your appeal here. Attach additional pages if necessary.)

see attached

Signature of Appellant:

Shirley Murray

Date:

2.16.23

**Please return this form along with a copy of the citation
no later than 30 days after the date of your citation notification letter to:**

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

I am not contesting RMC 7.12.010 leash law. This is accurate as my puppy (Kaleb) came loose from his leash while on our daily walk. I am contesting RMC 7.12.050 Aggressive behavior. Kaleb is a 17 lb. Jack Russell Puppy and is not an aggressive dog. Kaleb approached Susie's dog wanting to play. I had him enrolled in a 3 month puppy play class. Throughout the duration of the class, Kaleb was a favorite of the other puppies, their owners and the dog trainer as he has lots of energy and played well.

I find it very difficult to believe Kaleb bit Susie as her husband claims as I never witnessed this. Why did Susie's husband wait over 3 days to contact Animal Control? Doctors / Nurses, as mandated reporters, are required to contact animal control within 24 hours per California law. There was never any report made from anyone other than Susie's husband. I would like to see some kind of confirmation of this accusation.



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Citation No.: 5613 - Jamie Yust - 1905 Glenmark Way
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 5/9/2023
Item #: 5.2.

RECOMMENDATION

Consider the appeal submitted by Jamie Yust 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

RMC Section 7.12.050 defines "Aggressive Behavior" as follows:

"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."

BACKGROUND

January 27, 2023 @ approximately 9:50 AM

Roseville Police dispatch received a call from a United Parcel Service (UPS) supervisor to report that a dog that resides at 1905 Glenmark Way had bitten a UPS Driver on January 26th, who was on duty delivering packages in the neighborhood.

January 30, 2023 @ approximately 4:50 PM

Roseville Police Animal Control Dispatch received a call from Yvette Pierce, the complainant in this matter. Animal Control Officer (ACO) Sammons spoke with Yvette and she provided the following statement in summary. On January 26, 2023, Yvette was on duty for UPS delivering packages in the neighborhood of Glenmark Way. Yvette exited her UPS vehicle and observed two loose dogs running towards her. Yvette turned around to jump back into her work vehicle to retreat away from the loose dogs and was bit on the inside of her left knee by a small tan dog. Yvette stated to ACO that both dogs reside at 1905 Glenmark Way. Yvette requested that the dog owner be cited for two counts of leash law.

February 3, 2023 @ approximately 10:00 AM

Animal Control Officer Sammons made contact with dog owner, Jamie Yust, the appellant in this matter and established a home quarantine on her dog "Teddy".

Animal Control Officer Sammons followed up with Yvette. Yvette confirmed with ACO Sammons that she wanted the dog owner cited for two counts of leash law and two counts of aggressive behavior.

Animal Control Officer Sammons completed citation #5613 on behalf of Yvette against dog owner Jamie for 7.12.010 leash law (2 counts) and 7.12.050 Aggressive Behavior (2 counts). The violations of RMC sections 7.12.010 and 7.12.050 are based on the statements of the complainant and appellant and other evidence provided, and were not directly witnessed by Animal Control Officer Sammons.

PANEL DECISION

1. Deny the appeal and uphold the violation(s).
2. Grant the appeal and dismiss the violation(s).
3. Deny the appeal and uphold the violation(s) but waive the fine in the interest of justice.

Respectfully Submitted,

Nicole Sammons, Badge #3075

Animal Control

ATTACHMENTS:

Description

Citation

7.12.010 Leash Law

7.04.060 At large defined

7.12.050 Aggressive Behavior

Appeal

CITY OF ROSEVILLE

NOTICE OF CITATION

5613

Date	2/3/2023	Time	1014	Day of	Friday
Name (First, Middle, Last)					
Jamie Michelle Yust					
Residence Address					
1905 Glenmark Way Roseville, CA 95747					
Business Address					
Description of Animal (If Applicable)					
Teddy, mother mix breed					
Breed: mated mix Color: grey Age: 8 Sex: MN					
Vehicle Make:					
Model:					
Color:					
License #:					
Year:					
Location of Violation					
Glenmark Way					
Date/Time of Violation					
1/26/23 approximately 1100-1115hrs					
Code/Ordinance					
Description of Violation					
RMC 7.12.010 leash law X 2					
RMC 7.12.050 Aggressive behavior 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: 2/3/23 Issuing Officer: NS 3075					
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 - Issuing 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

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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

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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

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Administrative Citation Appeal – Request For Hearing 2023-03-15 03:01 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:** Jamie Yust

***Citation
Number:** 5613

***Home
Address:** 1905 Glenmark Way

***City** Roseville

***Zip** 95747

Mailing
Address
(if
different
from
above):

***Phone
Number:**

***Email:**

I was charged with two violations each of RMC 7.12.010 and RMC 7.12.050.

First, 7.12.010 states "No person shall permit or allow any dog to run at large." I did not permit or allow either of my dogs to run at large. I have two dogs, a 55 lb golden doodle lab and a 12 lb maltese yorkie mix that are always on their leash when I take them out front. I can get declarations from my neighbors. Unbeknownst to me, my larger dog learned and managed to open the front door. I have proof to show this to be true. The dogs ran out of the house. Immediately after the incident, I changed the handle on my door so that my larger dog could no longer open the front door.

Second, 7.12.050 states "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 a bodily injury when the person and the dog are not on the property of the owner or keeper of the dog." The golden doodle is NEVER aggressive and has never bit anyone or come close. In fact, if anyone (even a stranger) comes in contact she lays on her belly for belly-rubs. The smaller dog has a loud and obnoxious bark, but has never bit anyone. I requested evidence that he actually bit the UPS driver but never received the evidence. He is my emotional support dog that I purchased in 2015. Regardless, because of this incident I have made arrangements for him to move out of state to a smaller family without any other animals, and to provide emotional support to someone else who needs it since I am finally doing better. All of my neighbors know me and know my dogs. If allowed the opportunity for a hearing, I can produce declarations from my neighbors that will attest that my dogs are not aggressive. Many of my neighbors have young children (even under one years old). My neighbors and their children run up to my dogs and pet them often. They are not aggressive unless provoked.

Thank you for your consideration and I hope to provide evidence to show the above facts to be true, especially since I never got an opportunity to address the allegations that were made against my dogs.

***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