



AGENDA

June 22, 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. Appeal of 7.12.050 Violation on Citation No.: 5627 - Nora Arellano - 3380 Apollo Circle

Administrative Citation Appeal Hearing - Citation No.: 5627

Appellant: Nora Arellano, 3380 Apollo Circle

Roseville Municipal Code Section:

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

7.2. Appeal of Citation No.: 21133 - Robert Ruud - 221 Los Vegas Ave

Administrative Citation Appeal Hearing - Citation No.: 21133

Appellant: Robert Rudd, 221 Los Vegas Ave

7.25.010, Animal Noise

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 Citation No.: 20866 - Carlos Armando - 432 Talon Reach Court

Administrative Citation Appeal Hearing - Citation No.: 20866

Appellant: Carlos Armando, 432 Talon Reach Court

16.35.110(13) Dangerous Building - No Permit, Third Offense

A. Staff Report

B. Complainant's Statement

C. Appellant's Statement

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

8. ADJOURNMENT



BOARD OF APPEALS COMMUNICATION

Title: Appeal of 7.12.050 Violation on Citation No.: 5627 - Nora Arellano - 3380 Apollo Circle

Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 6/22/2023

Item #: 5.1.

RECOMMENDATION

Consider the appeal submitted by Nora Arellano for the following violation:

Violation: 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

On March 12, 2023, Roseville Animal Control Dispatch received a call from Shelly Plescia reporting a dog bite that had just occurred in front of her house on Apollo Cir. According to Shelly, she was outside playing with her two-year-old child when 2 dogs ran toward her and her child. One of the two dogs, "Willow," that is owned by Mia Arellano lunged at Shelly's child. Shelly reported that she placed her arm in between the dog and her child and that is when the bite occurred. Shelly also reported that a second dog, "Bumi," owned by Nora Arellano was also involved in the incident. Shelly explained that although the second dog did not bite her, she did have to kick at the dog to get it away from her and her child. Shortly after the bite occurred, Mia and Nora came to the scene and got the dogs under control.

The dog "Willow" was placed on a 10-day bite quarantine at the Placer SPCA. Shelly informed Animal Control Officer Gabe Sorenson that she wanted to wait and see if the dog was redeemed after the quarantine period, or surrendered, before deciding whether to pursue citations.

On March 22, 2023, Mia Arellano redeemed "Willow" from the Placer SPCA at the end of the quarantine.

On March 25, 2023, Animal Control Officer Sorenson spoke with Shelly and informed her that the dog (Willow) had been redeemed. Shelly then informed Officer Sorenson that she wanted to go forward with the citation for both dogs involved in the incident.

On March 26, 2023, Citation No. 5626 was issued to Mia Arellano for violations of RMC 7.12.010 (Leash Law) and RMC 7.12.050 (Aggressive Behavior). The fines for both violations were paid in full.

On March 26, 2023, Citation No. 5627 was issued to Nora Arellano for violations of RMC 7.12.010 (Leash Law) and RMC 7.12.050 (Aggressive Behavior). The fine for violation of RMC 7.12.010 was paid in full. The violation of RMC 7.12.050 is under appeal.

The incident at issue was not witnessed by any Animal Control Officer, and the citations are based on the statements and evidence provided by the complainant.

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,

Gabriel Sorenson

Animal Control Officer

ATTACHMENTS:

Description

citation

7.12.050 Aggressive Behavior

Appeal Form

CITY OF ROSEVILLE

5627

NOTICE OF CITATION

Date	Time	Day of
3/26/23	7:45 AM	Sunday
Name (First, Middle, Last)		
Nora Kathleen Arellano		
Residence Address		
3380 Apollo Cir Roseville, CA 95661		
Business Address		

Description of Animal (If Applicable)	
Breed: Pit Bull	Color: Black/white Age: 2y Sex: M
Vehicle Make:	License #:
Model:	Year:
Color:	
Location of Violation	
Apollo Cir	
Date/Time of Violation	
3/12/23 12:33pm	
Code/Ordinance	Description of Violation
RMC - 7.12.010	Leash Law
RMC - 7.12.050	Aggressive
☒ 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: 3/26/23	Issuing Officer: 3042 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	

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

Name:

Nora Arellano

MAY 05 2023

Address:

3380 Apollo Circle

CITY ATTORNEY

Roseville CA 95661

Mailing Address:

☒ Same as above

Phone Number:

Email:

Citation Number:

5626

Date of Citation:

3/26/23

Reason for Appeal:

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

Bumi, our black and white dog, was only off leash. ^{He} ~~It~~ was near us and barking but he did not charge Shelly or her son. We do not feel his behavior was aggressive. We acknowledge that Willows was but Bumi was just near us.

Signature of Appellant:

Date:

4/29/2023

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 was waiting to send this in until I got paid. I wanted to make sure there was money in the account before send payment in for being off leash and I wanted to send both items together.

Nora Arellano

A stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

RECEIVED

MAY 05 2023

CITY ATTORNEY



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Citation No.: 21133 - Robert Ruud - 221 Los Vegas Ave
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 6/22/2023
Item #: 5.2.

RECOMMENDATION

Consider the appeal submitted by Robert Ruud for the following violation:

Violation: RMC 7.25.010 Animal Noise (1 count)

Total Fine Amount = \$50

“ 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

October 12, 2022 @ 08:29 AM

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

Roseville Police dispatch received a complaint, for Ashley Wood, the complainant's wife, regarding a Cocker Spaniel mixed breed dog that excessively barks and howls. Animal Control Supervisor Bennett mailed an animal noise letter to Robert Ruud, the appellant in this matter.

January 29, 2023 @ 02:47PM

Roseville Police Dispatch received a call from a neighbor regarding a dog in the backyard of 221 Los Vegas Ave that howls all night. Animal Control Officer Sorenson attempted to call Robert, however there was no answer. Animal Control Sorenson left a voicemail message on Robert's phone advising Roseville Animal Control received a second barking complaint. Animal Control Officer Sorenson noted that Robert had one dog named "September" currently licensed to him.

April 7, 2023 @ 08:28 PM

Roseville Police dispatch received a complaint from Ashley regarding a tan medium sized dog barking since 1200 hours. Animal Control Officer Sammons attempted to contact Robert via telephone, with no answer. Animal Control Officer Sammons left a voicemail message for Robert, explaining that Roseville Animal Control received a third barking complaint and that the next complaint could result in a citizen's citation.

April 23, 2023 @ 03:17 PM

Roseville Police dispatch received a complaint from Michael Wood, the complainant in this matter, regarding a mixed breed dog named "September" barking for several hours. Animal Control Officer Sammons responded to 221 Los Vegas Ave to contact Robert. There was no answer at the door so Animal Control Officer Sammons left a door card at the residence. Animal Control Officer Sammons mailed an animal noise affidavit to Michael.

May 2, 2023 @ approximately 03:17 PM

- Roseville Police Animal Control received an animal noise affidavit from Michael Wood, the complainant in this matter, residing at 505 Pleasant St. to make a complaint about a barking dog, residing at 221 Los Vegas Ave, belonging to Robert Ruud. Michael documented on the animal noise affidavit, the most recent incident of barking was on April 8th at 09:16AM for a duration of three plus hours.

Animal Control Officer Sammons completed citation #21133 on behalf of Michael against Robert for 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 violation but waive the fine in the interest of justice.

Respectfully Submitted,

Nicole Sammons

Animal Control Officer

ATTACHMENTS:

Description

Citation

Noise Affidavit

7.25.010 Animal Noise

Appeal Form

CITY OF ROSEVILLE
NOTICE OF CITATION

21133

Date 5/6/2023	Time 1448	Day of Week Saturday
Name (First, Middle, Last) Robert David Rund		
Residence Address 221 Los Vegas Ave. Roseville, CA 95678		
Business Address /		

Description of Animal (If Applicable) "September"			
Breed: Begle mix	Color: tri	Age: 14yo	Sex: SF
Vehicle Make	License #:		
Model:	Year:		
Color:			
Location of Violation 221 Los Vegas Ave			
Date / Time of Violation 04/08/2023 0916hrs			
Code / Ordinance		Description of Violation	
RMC 7.25.010 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: 5/6/23	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 - Issue Dept Copy			

RECEIVED
MAY 09 2023
CITY ATTORNEY



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: Michael Woods Name of Animal Owner: Robby
Your Address: 505 Pleasant St. Roseville, CA 95678 Address of Animal Owner: 221 Las Vegas
Your Telephone Number: _____ Roseville, CA 95678

Please complete the information below:

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

1 - DOG (WHITE / BLONDE / BROWN) NAME: SEPTEMBER

2. Time of day that animal noise occurred?

4-23-23 10AM - 4PM

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.

DON'T REMEMBER THE DATES. I WOULD YELL OVER THE FENCE AT LEAST ON 4 OR 5 SEPARATE OCCASIONS.

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

USUALLY OUTSIDE, BUT THERE ARE TIMES WHEN YOU CAN HEAR COMING FROM INSIDE AS WELL. IT'S EXTREMELY LOUD. EVEN WORSE WHEN DOG IS IN FRONT YARD AND BARKING AT ANYTHING THAT MOVES. I HAVE SEEN THE DOG GET OUT OF YARD AND GO AFTER OTHER DOGS WALKING WITH THEIR OWNERS.

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

SIDE of the house.

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

NO. DOG JUST HOWLS AND BARKS INCESSANTLY.

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

Yes

No

12. Other relevant information you want to share:

WHEN THE DOG IS HOWLING AND BARKING YOU CAN
HEAR IT FROM 1-2 BLOCKS AWAY.

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
10-10-22	12:39 pm	DOG HOWLING + BARKING NON STOP.	3+ Hours
10-12-22	2:09 pm		
10-15-22	11:27 am		
1-29-23	2:44 pm		
2-3-23	7:32 pm		
4-8-23			
4-8-23	9:14 am		

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

Signed: [Signature]

Date: 4/26/23

Print Name: MICHAEL WOOD

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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View Edit

ADMINISTRATIVE CITATION APPEAL - REQUEST FOR HEARING 2023-05-23 10:42 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:** Robert Ruud

***Citation
Number:** 21133

***Home
Address:** 221 Los Vegas Ave

***City** Roseville

***Zip** 95678

Mailing
Address
(if

different
from
above):

***Phone
Number:**

***Email:**

***Reason
for
Appeal:**

I do not agree with the Animal Noise Affidavit that Mike Wood supposedly filled out and submitted to you. First off all, some of the information provided to you is false and or misleading. I feel that Mike and I have a good neighbor relationship for the entire 12 plus years he have lived next to me. Not once has he or his current girlfriend come over, call or even talk through the fence about September's excessive barking...not once, not ever. It was noted in the affidavit, question #6 that they have spoke to us about the animal noise. That is 100% a false answer. That applies to never talking to me or my girlfriend Meg Cruz. Our back yard fences don't even line up to be able to talk over or through the fence. They can't remember the dates because we were never talked to about the barking as noted in question #7. The 4 or 5 times they supposedly talked to us is complete falsification of a police document. Also, an animal that barks for 20 minutes is a very long time. The times and dates that the complaints are made are mostly made when Mike was at work and would not have been home to hear September barking. Monday. 10-10-22. Complaint at 12:39pm. Mike was at work. He leaves every morning at 7am during the week and doesn't get home til 5pm. He has a loud Harley Davidson with loud pipes and a loud stereo so we never need a 7am alarm during weekdays. 10-12-22 complaint made at 2:09pm. That is Wednesday, he's not home. 10-15-22 complaint was made at 11:27am. Saturday. I have a copy of my work schedule and I was off from work and at home all day with my kids. September would never have been aloud to bark long enough to have been a violation. On 1-29-23, Sunday we had Veronica Cruz, the girl's grandmother over at the house with September. She would never allow September to bark for an extended period to justify a violation. On Friday 2-3-23 Meg and I both worked until 9pm. The girls were being watched by their grandmother Veronica Cruz at the house until we got home from work. Again, Veronica would never allow September to bark excessively. Further more, September doesn't excessively bark when someone is home. Yes, September is a dog, and she does bark, but excessive bark is not gonna happen. On 4-8-23, Saturday call was made at 9:16am. My Schedule that day was 11:30am to 8pm. I was home until I leave for work. I leave 15 minutes before start of schedule which means I left for work at 11:15 am. September wasn't in violation that day. On 4-23-23, Sunday Meg and Myself both had that day off. We go to church at 11am and are home way before that complaint was called in. I have owned this house for almost 15 years and September has lived with me for almost the entire time. She has never had a complaint for loud barking or having an aggressive behavior. We have neighbors across the street and one door down that are will to testify that September has never been heard barking excessively or been aggressive. September will be 15 years old July 6th. She is loosing her eyesight and her hearing is getting bad as well. Ever since the first complaint we have registered her with Roseville and updated her rabies shot. She was fixed at 7 months old. She is predominantly Beagle mix. Not an aggressive Cocker Spaniel as noted in complaint. We have found out that she has early signs of dementia when we took her for her booster. We have made arrangements

- ☒ 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



enough to have been a violation. On 1-29-23, Sunday we had Veronica Cruz, the girl's grandmother over at the house with September. She would never allow September to bark for an extended period to justify a violation. On Friday 2-3-23 Meg and I both worked until 9pm. The girls were being watched by their grandmother Veronica Cruz at the house until we got home from work. Again, Veronica would never allow September to bark excessively. Further more, September doesn't excessively bark when someone is home. Yes, September is a dog, and she does bark, but excessive bark is not gonna happen. On 4-8-23, Saturday call was made at 9:16am. My Schedule that day was 11:30am to 8pm. I was home until I leave for work. I leave 15 minutes before start of schedule which means I left for work at 11:15 am. September wasn't in violation that day. On 4-23-23, Sunday Meg and Myself both had that day off. We go to church at 11am and are home way before that complaint was called in. I have owned this house for almost 15 years and September has lived with me for almost the entire time. She has never had a complaint for loud barking or having an aggressive behavior. We have neighbors across the street and one door down that are will to testify that September has never been heard barking excessively or been aggressive. September will be 15 years old July 6th. She is loosing her eyesight and her hearing is getting bad as well. Ever since the first complaint we have registered her with Roseville and updated her rabies shot. She was fixed at 7 months old. She is predominantly Beagle mix. Not an aggressive Cocker Spaniel as noted in complaint. We have found out that she has early signs of dementia when we took her for her booster. We have made arrangements with my parents to watch her if we aren't going to be home for an extended period or have someone here t the house so she's not alone. We have been proactive in trying to make sure she doesn't have anymore complaints. Mike Wood has a new girlfriend that has been living with him, Her name is Ashley Poulter. she is the one that I believe is making the complaints, not Mike Wood. I don't think that Mike Wood is the one that filled out the Affidavit for Animal Noise. I believe it was Ashley that filled out the paperwork and may have forged Mikes signature. I'm not accusing her but it doesn't look like a man's handwriting. Ever since she moved in, she has been the aggressor and the agitator towards September. We live on the corner and we have a white picket fence around the front of the house. September can be outside and not get out. Last Summer Meg and I were sitting on the porch in the evening. September was outside with us. September heard someone around the long side of the front yard and ran around the front of the house. She started barking and a lady started yelling foul language at September. She was yelling "come at me Bitch" "Yeah, come at me bitch, bite me bitch. I will "F" you up bitch" that's aggressive behavior towards my animal to say the least. Meg told her that she needs Jesus in her life. That was the only words exchanged between her and Meg and I. She probably didn't realize that we were sitting on the porch until she got to the side of our porch and hopefully she was embarrassed by her actions and offensive foul mouth towards September.

*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 Citation No.: 20866 - Carlos Armando - 432 Talon Reach Court
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 6/22/2023
Item #: 5.3.

RECOMMENDATION

Consider the appeal of Administrative Citation No.: 20866, submitted by Carlos Armando for the following violation:

Violation: RMC 16.35.110(13) Dangerous Buildings - No Permit (Failure to have permits as required by RMC 19.22.030(C) (3))
Total Fine Amount = \$500

"...any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Uniform Building Code or Uniform Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings;"

BACKGROUND

On approximately 04/24/2022, the City of Roseville Code Enforcement Department received a complaint that the owner/person responsible for 432 Talon Reach Court in Roseville added a room to the house that is not up to code, with plywood exposed. The complainant believed it to be a dangerous addition.

On approximately April 26, 2022, the complainant informed Code Enforcement that the original owners of the home built an attached Pergola, and then recently, the current owners added plywood to the top and side of the Pergola, added windows, and some form of siding. The complainant believed there may be someone living in the structure.

On approximately May 6, 2022, Code Enforcement spoke with an individual named Carlos, who

said that they put up plywood around a patio for privacy purposes.

On May 16, 2022 an inspection of the property was completed. Inspector Proper deemed that the modification qualifies the structure as habitable and so requires an after the fact (ATF) permit. Inspection demonstrates that electrical work has also been done. The owner agreed to contact a contractor and to submit plans for a permit within two weeks.

Between July and October 2022, Code Enforcement followed up with the property owners regarding the necessary permits and notified the property owners of the potential for a citation. The property owners did not make any progress on the needed permit. On October 10, 2022, Citation No. 20608 was issued for the structure not having the proper permit under 16.35.110(13) Failure to have permits as required by RMC 19.22.030(C)(3) - Unauthorized Accessory structure.

On approximately December 7, 2022, I spoke with the owner, Randy, who said they were aware of the violation and would start the process of getting an ATF permit. Randy was notified that if progress was not made within a few weeks the City would issue another citation. Code Enforcement spoke with Randy again on January 27, 2023, and Randy said they are working on the plans and trying to obtain ATF permit. Code Enforcement spoke with Randy again on February 24, 2023. Randy said they are only using the structure for their dog.

As of March 10, 2023, property owners have not achieved compliance as there is no permit, and owner is no longer returning calls. Citation No. 20866 was issued for a 3rd violation of failing to have the proper permits for the structure under RMC 16.35.110(13) Failure to have permits, as required by RMC 19.22.030(C)(3) - Unauthorized Accessory structure.

Citation No. 20866 is under appeal.

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,

Saul Chacon

Code Enforcement Officer

ATTACHMENTS:

Description

Staff Report Picture Attachment

Citation

16.35.110(13)

19.22.030(C)



CITY OF ROSEVILLE
NOTICE OF CITATION

20866

Date 03/13/2023		Time 8:00AM		Day of MONDAY	
Name (First, Middle, Last) Carlos Armando					
Residence Address 432 Talon Reach Ct. Roseville Ca 95747					
Business Address					
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:		
Location of Violation 432 Talon Reach Ct. Roseville Ca					
Date / Time of Violation 03/10/2023 10:00AM 95747					
Code / Ordinance			Description of Violation		
16.35.110(13) RMC					
NO Permit for					
enclosed Attached Structure					
☐ 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: 03/13/2023		Issuing Officer: Badge No. 22502			
COMPLAINING PARTY					
X Signature: 					
I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.					
X 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					

16.35.110 Dangerous building.

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Uniform Building Code or Uniform Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings;

19.22.030 Accessory structures.

C. Permitted Accessory Structures to Dwelling Use Type (Single-Family)

3. Enclosed structures are subject to the following requirements:

c. General.

i. If the building or structure is located within a required rear yard setback, the total size of the building or buildings, cumulatively, shall be less than 50 percent of the required rear yard area.

ii. The required front yard of the applicable residential zone district shall be maintained.

iii. A maximum of 700 square feet of detached building(s) or structure(s) is permitted on the same lot. Additional square footage of detached accessory building(s) or structure(s) (excluding Accessory Dwelling Units), in excess of 700 square feet, may be permitted upon approval of an Administrative Permit.

iv. An extension of the main building or accessory building roof (e.g., a breezeway) may connect the accessory building to the primary building, but it shall not be considered part of (attached to) the main (primary) building, except as specified below. The breezeway and accessory building must maintain required side yard setbacks.

v. Any accessory structure located less than six feet from the primary building shall be considered attached to (and part of) the primary building for purposes of this article, and shall be subject to the development standards for the primary building. Additions to primary structures are regulated pursuant to Section [19.10.030](#) (Residential Zone General Development Standards).



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View Edit

ADMINISTRATIVE CITATION APPEAL - REQUEST FOR HEARING 2023-04-19 12:16 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:** Armando Carlos

***Citation
Number:** 20866

***Home
Address:** 432 Talon Reach Ct

***City** ROSEVILLE

***Zip** 95747

Mailing
Address
(if
different
from
above):

***Phone
Number:**

***Email:**

I'm requesting more time regarding this citation. I'm in the process of finding someone to do the blueprint for the enclosed patio.

***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

