



AGENDA

September 28, 2023

BOARD OF APPEALS HEARING
3:00 PM
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. **CONSENT CALENDAR**
7. **MATTERS TO BE HEARD**

7.1. Appeal of Citation 20799 - Kurt Miller - 149 Duranta Street

Appellant: Kurt Miller, 149 Duranta St.

Roseville Municipal Code Sections:

10.54.020(D)(4) Nuisances - Accumulation of Debris

09.12.130(A) Waste Collection - Container Collection

A. Staff Report

B. Appellant's Response

C. Rebuttals and Panel Questions

D. Panel Discussion

E. Panel Decision

8. ADJOURNMENT



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Citation 20799 - Kurt Miller - 149 Duranta Street
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 9/28/2023
Item #: 5.1.

RECOMMENDATION

Consider the appeal submitted by Kurt miller for the following violations:

Violation: 10.54.020 Nuisances - Accumulation of Debris

Total Fine Amount: \$100.00

It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any property in the city to maintain such property in such a manner that any one or more of the following conditions or activities exists:

4. Property which is inadequately maintained, such that it contains a substantial accumulation of dirt, litter or debris in vestibules or doorways of residential, commercial or industrial buildings.

Violation 9.12.130(A) Waste Collection - Container Collection

Total Fine Amount: \$100.00

A. Each container subject to this chapter shall be placed on the curb or parkway or in the alley for collection, not earlier than the evening preceding and not later than 7:00 a.m. on the day of regular collection. Those containers shall be removed from the curbs, parkways or alleys within 12 hours after the refuse has been collected therefrom.

BACKGROUND

Violation Summary:

Code Enforcement Staff has been communicating with the property owner, Kurt Miller, regarding code violations at 149 Duranta St. since February 2022. Between February 2022 and December 2022, Code Enforcement conducted multiple inspections and had multiple conversations with Mr. Miller regarding RMC violations on his property, including overgrown vegetation and accumulation of debris. On December 20, 2022, Code Enforcement Inspector Cory Rommelfanger spoke with Mr. Miller regarding the debris on his front lawn and porch, and also about garbage bins that were

not properly stored. On January 18, 2023, Inspector Rommelfanger conducted a site inspection and observed the garbage bins were still not properly stored, and called to inform Mr. Miller of the ongoing violation.

On February 1, 2023, Inspector Rommelfanger issued an Administrative Citation Warning to Mr. Miller regarding the accumulation of debris and the improper storage of garbage bins. On May 31, 2023, Inspector Rommelfanger conducted another site inspection which showed that the accumulation of debris and improper storage of garbage bins continued. A second Administrative Citation Warning was issued. On June 12, 2023, Inspector Rommelfanger conducted another site inspection, which showed that the accumulation of debris had not been abated and that the garbage bins were still not properly stored.

Code Enforcement Inspector Rommelfanger then issued an administrative citation for violations of RMC Sections 10.54.020(D)(4) and 9.12.130(A), which provide in pertinent part:

10.54.020 Nuisances described.

It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any property in the city to maintain such property in such a manner that any one or more of the following conditions or activities exists:

4. Property which is inadequately maintained, such that it contains a substantial accumulation of dirt, litter or debris in vestibules or doorways of residential, commercial or industrial buildings.

9.12.130 Container collection.

A. Each container subject to this chapter shall be placed on the curb or parkway or in the alley for collection, not earlier than the evening preceding and not later than 7:00 a.m. on the day of regular collection. Those containers shall be removed from the curbs, parkways or alleys within 12 hours after the refuse has been collected therefrom.

The full chronological history is provided below if needed for reference.

02/22/2022

Received Complaint from Roseville Police Department.

Spoke with property owner. He informed me he is out of town. He said he will start cleaning when he returns home. I informed him I will reinspect in approx. 2 weeks.

3/10/2022

Site visit. Found no change on the debris in the front yard or porch. Took pictures for reference. Spoke with Kurt (916)759-3435 on the condition and cleanup of the yard. I issued him a Courtesy Notice by hand and reinstated the violations. I informed him I will revisit the property in approx. 4 weeks.

4/11/2022

Site visit. Found slight progress on cleanup. Property is still not in compliance. Found weeds and vegetation are overgrown. I will send a Citation Warning. I will reinspect on 5/2/2022.

4/14/2022

Site visit. Found progress on front porch/yard area. Found ramp encroaching the sidewalk. I phoned Kurt to inform him of the violation and asked to always remove the ramp after he is done with its use.

4/14/2022

I issued Administrative Citation Warning for RMC 10.54.020(D)(1) for overgrown weeds and RMC10.54.020(D)(4) Substantial Accumulation of Debris.

4/28/2022

Site visit. Phone call with Kurt. We will meet to discuss the violations and concerns the week of May 2. Found ramp encroaching sidewalk. Informed Kurt of the encroachment violation.

5/11/2022

Met with property owner Kurt. We discussed all violations with regards to garbage/debris, vegetation and ramp encroachment. Kurt brought to my attention upgrades to the curb/sidewalk that were not properly finished. I informed him I will follow up with the appropriate department and inform them of his concerns.

7/20/2022

Phoned Kurt. He informed me he is working on the porch area of his house. He has made progress and is complying with RMC standards. He informed me he had a delay due to his son (handicapped) being hospitalized and a death in the family. He will continue to work on removing debris.

9/26/2022

Site visit. Found debris scattered on front lawn and excessive debris on the front porch visible from the public right of way. Also found garbage cans are out and encroaching on the sidewalk and a ramp from the front side yard to the street encroaching the sidewalk. I have spoke with Kurt before about the ramp being left over the sidewalk. Issued Administrative Citation Warning with addition of RMC 13.12.010 for the ramp encroaching the sidewalk.

9/27/2022

I issued Administrative Citation Warning for RMC violations:

10.54.020(D)(1) Overgrown weeds

10.54.020(D)(4) Substantial Accumulation of Debris

13.12.010 Obstruction of Sidewalks

10/13/2022

I received a phone call from Kurt. He informed me he cleaned the porch area and vegetation has been trimmed. I spoke with him once again about the ramp and also informed he cannot leave the garbage cans on the sidewalk. I informed him I will re-inspect the property.

10/17/2022

Site visit. Found front porch and vegetation are within compliance. Found ramp encroaching sidewalk.

10/18/2022

Site visit. Found ramp encroaching sidewalk.

10/27/2022

Due to repeat violation and non-compliance, I issued Citation #20794 for RMC 13.12.010, Obstructing Sidewalks/Streets

12/20/2022

Phone call to Kurt. Spoke with him about the debris on the front lawn and front porch. Also spoke with him about the garbage cans not being put away properly and keeping them in the sidewalk. Kurt informed me his garage caught on fire and he is not able to store his belongings. He is waiting for insurance to drop a POD for storage. I informed him he needs to put all debris in storage when the POD arrives, or I will cite him for the RMC violations.

1/5/2023

Left message for Kurt.

1/12/2023

Site visit to check for POD. Found POD is on site and encroaching the street.

1/18/2023

Site visit. Found POD is still encroaching the street and garbage cans are in street as well. Did not receive phone call back from Kurt from 1/5/2023, left message. Call Kurt to inform him of RMC violations. No answer, left message.

2/1/2023

I issued an Administrative Cite Warning for excessive debris and encroachment violations.

10.54.020(D)(4) Nuisance-Accumulation of debris

13.12.010 Obstructing Streets/Sidewalks (POD, Garbage Cans)

5/31/2023

Phoned Kurt. Informed him again of the violations with the debris in his front yard. I informed him, if the debris is not removed by 6/12/2023, I will move forward with another cite.

5/31/2023

I issued another Administrative Citation Warning for the following RMC violations:

10.54.020(D)(1) Substantial Accumulation of Debris

13.12.010 Obstructing Streets/Sidewalk (POD)

9.12.130(A) Waste Collection-Container Collection

6/12/2023

Kurt received the encroachment permit for the POD.

6/20/2023

I issued citation #20799 for two RMC violations after site inspection of property and found no compliance.

RMC 10.54.020(D)(4) Nuisances-Accumulation of Debris

RMC 09.12.130(A) Waste Collection-Container Collection

Respectfully Submitted,

Cory Rommelfanger

Code Enforcement Officer

ATTACHMENTS:

Description

Citation

Appeal Form

10.54.020(D)(4)

09.12.130(A)

Picture 1

Picture 2

Picture 3

picture 4

Picture 5

Picture 6

Picture 7

Picture 8

Picture 9

Picture 10

Picture 11

Picture 12

Picture 13

Picture 14

Picture 15

Picture 16

Picture 17

Picture 18

Picture 19

Picture 20

Picture 21

CITY OF ROSEVILLE
NOTICE OF CITATION

20799

Date 6/20/2023		Time 1727		Day of Week TUESDAY	
Name (First, Middle, Last) KURT MILLER					
Residence Address 149 DURANTA ST ROSEVILLE, CA 95678					
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 PROPERTY ADDRESS					
Date / Time of Violation 6/20/2023					
Code / Ordinance			Description of Violation		
10.54.020 (4) ACCUMULATION OF DEBRIS					
9.12.130 (A) GARBAGE CONTAINER COLLECTION					
☐ 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: Issuing Officer: Badge No.					
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					

View

[Edit](#)

Administrative Citation Appeal – Request For Hearing 2023-07-22 12:08 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:** Kurt Miller

***Citation
Number:** 20799

***Home
Address:** 149 Duranta St

***City** Roseville

***Zip** 95678

Mailing
Address
(if
different
from
above):

149 Duranta St

***Phone
Number:**

***Email:**

I am appealing both violations on this citation. For the first violation, I am appealing for several reasons. The "debris" in my front yard was actually my Halloween decorations, some of which are on my front porch, as well. They would have been stored in my garage, but as is easily verified, my garage was damaged by a fire, in November, and, which is also easily verified, the garage reconstruction is still in process, do to circumstances beyond my control. Said "debris" was stored, temporarily, under tarp in my front yard. The inspector suggested that I put up some kind of screen or blinds on the porch, which I did, and asked me to move the items under the tarp to the back yard, which I also did. We agreed on a time period, which I complied with, and he cited me anyway.

***Reason
for
Appeal:**

The trashcan issue was that they were reported to be blocking the sidewalk. I occasionally pull the trashcans, temporarily, to the edge of my raised lot (on the sidewalk) to dump the garage and my disabled son's incontinence stuff into the trashcan. they have occasionally sat there for several minutes or more, simply because I have very little free time between taking care of him, my full-time swing shift job at the railroad, and, for half of April and May, taking care of my wife who badly broke her leg and couldn't walk at all. My son was also hospitalized for the majority of March and April, and I spent my days, from 6:30am until I had to go to work, in the hospital with him. I moved the trashcans onto the grassy area between the sidewalk and the street, and the inspector said that I couldn't store them there. I moved them to the curb and he cited me, anyway. At this time, I cannot put them in my driveway because they will block the construction on my garage. I have pictures of many of my neighbors' trashcans blocking sideways, at the curbs, and in the "landscaping areas" between the sidewalks and the street. If that is city property, the city needs to maintain it. If it's my property, and the sidewalk is city property, then I'm not blocking the sidewalk by storing my trashcans there. It's not ethical to fine me for the exact same thing most of my neighbors are guilty of.

- ☒ 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

10.54.020 Nuisances described.

It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any property in the city to maintain such property in such a manner that any one or more of the following conditions or activities exists:

A. Abandoned Building or Structure.

1. A building or structure which has not been inhabited, occupied or used for more than 120 days, except for buildings that meet the standards of Section 16.34.020(B).

2. A partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of six months or more.

B. Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

C. A Building or Structure Which is in a State of Disrepair.

1. A building or structure which has exterior wall and/or roof coverings which have become so deteriorated so as to not provide adequate weather protection as to be likely to or have resulted in termite infestation or dry rot.

2. A building or structure which has broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.

3. A building or structure, the exterior, walls, fences, retaining walls, driveways, or walkways of which are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety. For purposes of this subsection defacing includes, but is not limited to, writings, inscriptions, figures, scratches or other markings commonly referred to as "graffiti."

D. Property Inadequately Maintained.

1. Property which is inadequately maintained, such that it contains overgrown, diseased, dead, decayed or decaying trees, weeds or other vegetation which:

- a. Constitute a fire hazard; or
- b. Are likely to harbor rats, vermin and other nuisances; or
- c. Substantially detract from aesthetic and property values of neighboring properties;
- d. Include weeds or grasses exceeding 12 inches in height.

2. Property which has landscaping which is not installed or maintained as required by any permit issued pursuant to the Roseville Municipal Code or the Zoning Ordinance.

3. Property which is inadequately maintained, such that it contains garbage or rubbish, as defined in Section 9.12.010 of this code, which by reason of its location, character and visibility:

- a. Detrimentally impacts the surrounding neighborhood or community; or
- b. Is allowed or permitted to be transported by wind or otherwise onto or upon any public street, alley or sidewalk.

4. Property which is inadequately maintained, such that it contains a substantial accumulation of dirt, litter or debris in vestibules or doorways of residential, commercial or industrial buildings.

5. Property which contains any swimming pool, pond, creek, stream, watercourse, drainage swale, or other body of water, including backwater or ponds resulting from beaver dams, or other obstructions to the flow of water in creeks or drainages, which is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted, or creating or contributing to the potential for or actual flood damage. Polluted water is defined for the purpose of this chapter, as water which contains bacterial growth or algae, rubbish, refuse, debris, papers and any other foreign matter or material which, because of its nature or location, constitutes an unhealthy or unsafe condition.

E. Property Which Creates a Dangerous Condition.

1. Property having a topography, geology, or configuration which, as a result of grading operations, other improvements or lack of maintenance, causes erosion, subsidence, unstable soil conditions or surface or subsurface drainage problems which pose a threat to or are injurious to adjacent properties.

2. Any condition or object maintained on property which obscures the visibility of public street intersections to the motoring public to such a degree as to constitute a hazard, or which encroach into the clear vision triangle as described in the Zoning Ordinance of the City of Roseville Section [19.95.030\(C\)\(4\)](#). Such conditions include, but are not limited to, landscaping, fencing and signs.

3. Property having any condition which due to ease of accessibility to the public may prove hazardous or dangerous to the public including, but not limited to:

- a. Unused and broken equipment;
- b. Abandoned wells, shafts or basements;
- c. Hazardous or unprotected pools, ponds or excavations;
- d. Structurally unsound fences or structures;
- e. Machinery which is inadequately secured or protected;
- f. Lumber, trash, fences or debris which may prove a hazard for the public;
- g. Storage of chemicals, motor oil, or toxic or hazardous materials.

F. Parking, Storing or Maintaining of the Following Items in Areas Zoned for Residential Uses.

1. Residentially zoned property containing any airplane or other aircraft, or any parts thereof in the front of side yard.

2. Residentially zoned property containing any construction or commercial equipment, machinery or material. Provided, however, that construction equipment, machinery or materials shall not be considered a nuisance if temporarily kept within or upon the residentially zoned property for and during the time such equipment, machinery or materials are required for the construction or installation of improvements or facilities on the property.

3. Residentially zoned property containing special mobile equipment as defined in Section 575 of the [Vehicle Code](#) in front or side yard areas in excess of 72 consecutive hours.

a. Special mobile equipment stored in rear yard areas of residentially zoned property shall be either in an accessory building constructed in accordance with the provisions of this chapter or shall be set back at least five feet from any property line.

b. In addition to the setback requirement, 1,500 square feet or at least 60 percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

c. No special mobile equipment shall be parked, stored or kept within five feet of any required exit, including exit windows.

4. Residentially zoned property containing any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture (other than furniture designed and used for outdoor activities), appliances, or any parts of any of the listed items outside an enclosed structure for a period of time in excess of 72 consecutive hours or any such items when not secured so as to avoid the possibility of children becoming trapped inside or otherwise injured. The following shall not be considered a nuisance:

- a. Machinery installed in the rear setback areas for household or recreational use;
- b. Furniture designed and used for outdoor activities;

c. Any item stored or kept within an enclosed storage structure or unit. For the purpose of this subsection, a storage unit is a prefabricated enclosure which is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile.

5. Residentially zoned property containing, storing or keeping packing boxes, lumber, dirt and other debris, in the front yard area in excess of 72 consecutive hours except as allowed by the Roseville Municipal Code or the Zoning Ordinance for the purposes of construction.

6. Residentially zoned property on which more than four used tires are stored, abandoned or maintained.

G. Activities in Areas Zoned for Residential Uses. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing, of any airplane, aircraft, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property, unless within the residence or the garage. This subsection shall not apply to incidental or occasional washing, cleaning or servicing of such items.

H. Any condition detrimental to the public health, safety or welfare; declared to be a nuisance pursuant to an ordinance of the city or the laws of the state; deterioration or disrepair creating a substantial impact on neighboring properties; or recognized in law or in equity as constituting a public nuisance.

I. The accumulation, storage, leaving, abandoning or discarding within any commercial or industrial zone within the city (except in an enclosed building when permitted by the Zoning Ordinance) of more than 500 used tires. (Ord. 4918 § 3, 2011; Ord. 4155 § 1, 2004; Ord. 3797 § 1, 2002; Ord. 3722 § 4, 2001; Ord. 2632 § 1, 1992; Ord. 2396 § 1, 1991.)

Contact:

City Clerk: 916-774-5263

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9.12.130 Container collection.

A. Each container subject to this chapter shall be placed on the curb or parkway or in the alley for collection, not earlier than the evening preceding and not later than 7:00 a.m. on the day of regular collection. Those containers shall be removed from the curbs, parkways or alleys within 12 hours after the refuse has been collected therefrom.

B. The collection services provided under this chapter are rendered to all properties within the limits of the city, and no service shall be rendered outside the corporate limits of the city. (Ord. 6501 § 1, 2022.)

Contact:

City Clerk: 916-774-5263

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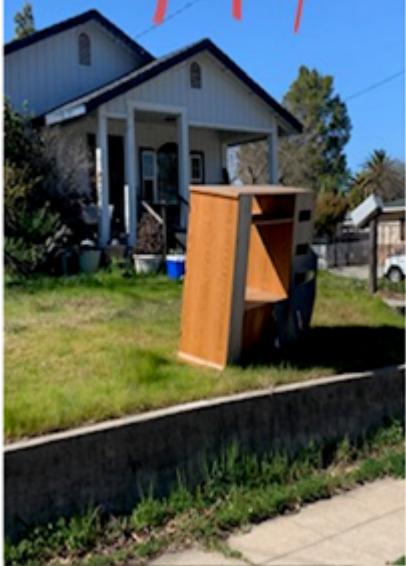


149

149



1419



149 Duranta
4/11/2022
1503





149 Duranta
4/11/2022
1503

148 Duranta
4/11/2022
1508



149 Duranta
4/11/2022
1503





Apr 28, 2022 at 12:16:41
Roseville

ROSEVILLE

STOP

ALL WAY



Sep 26, 2022 at 15:14:51
Roseville



DURANTA

Oct 17, 2022 at 12:22:09
Roseville



Oct 18, 2022 at 18:50:40
Roseville

DURANTA ST

OAKLAND

STOP

ALL WAY

Kevin
Kiley





B-LINE

CONSTRUCTION
718-646-6200



Jan 12, 2023

The logo for 'UNIT'S' is displayed in a stylized, bold, blue font with a white outline, set against a dark blue oval background. Below the main text, there is a line of smaller, less legible text.

UNIT'S

916-929-4435

WASTE MANAGEMENT & RECYCLING



May 31, 2023 at 17:02:30
Roseville



May 31, 2023 at 17:02:37
Roseville



Jun 12, 2023 at 10:32:47
Roseville



Jun 12, 2023 at 10:00:13
Roseville



Jun 2, 2023 at 10:33:50
Roseville



Jun 12, 2023 at 10:33:43
Roseville

