CITY OF ROSEVILLE CALIFORNIA

AGENDA

February 22, 2024

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.

Levine Act Provisions - The Levine Act requires a Party (or its agent (s)) to a Proceeding before the City of Roseville that involves any action or consideration to their contract, license, permit, or other entitlement for use, to disclose any campaign contribution made to City elected or appointed officers (including Councilmembers, Planning Commissioners, and members of other City boards and commissions) totaling more than $250 within the 12 months before the City decision.

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.

Security procedures are in place to attend Roseville City Council meetings. All attendees must successfully pass through a security metal detector. Any person with a prohibited item will not be allowed entry. Prohibited items include, but are not limited to: firearms (even with valid CCW), knives, pepper spray/mace, explosives of any kind/ any weapons and/or dangerous devices of any kind, illegal drugs and alcohol.

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 Citation No.: 20018 - Erin Kelly

Appellant: Erin Kelly, 2073 Rhodes Ln
Complainant: Vanessa Kobilis, 2056 Rhodes Ln
Roseville Municipal Code Sections:
7.12.010 Leash law, 2 Counts
7.16.010 Licensing, 1 Count
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.: 20028 - Elysha Richards Sowers

Appellant: Elysha Richards Sowers, 1444 New England Dr.
Complainant: Scott Tabarango, 1204 Chesapeake Dr.
Roseville Municipal Code Sections:
7.25.010, Animal Noise, 5 counts
7.20.010, Kennel - License Required
A. Staff Report
B. Complainant's Statement
C. Appellant's Response
C. Rebuttals and Panel Questions
D. Panel Discussion
E. Panel Decision

7.3. Appeal of Citation No.: 21173 - Desiree Apgar

Appellant: Desiree Apgar, 1708 Kent St. Apt. B
Complainant: Teresa Lasick, 1710 Kent St. Apt. B
Roseville Municipal Code Section:
7.12.010, Leash Law, 3 counts
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 Citation No.: 20018 - Erin Kelly
Contact:	Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 2/22/2024
Item #: 5.1.

RECOMMENDATION

Consider the appeal of citation 20018 for the following violations:

Violation: RMC 7.12.010 Leash law (2 counts)

"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 7.16.010 Licensing (1 count)

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

BACKGROUND

October 19, 2023 @ approximately 11:05 AM

Roseville Police dispatch received a call from complainant Vanessa Kobilis for report of an on-going issue with 2 dogs residing at 2073 Rhodes Ln. The owner of the dogs and appellant in this matter is Erin Kelly.

Animal Control is not a witness to the reported leash law violations. The violations of RMC Section 7.12.010 are based on the statements of the complainant and appellant.

Animal Control Officer S. Cooper contacted Vanessa who stated in summary that the most recent incident occurred October 17, 2023, at approximately 8:24 PM. She and her 7-year-old son were coming back from going out to dinner. As they were getting out of their vehicle in their driveway, she heard dogs barking from her neighbor's address located at 2073 Rhodes Ln. She saw the neighbor/dog owner Erin putting things in her house via a sliding glass door that is off to the side of the driveway. She saw Erin's 2 dogs were outside, not loose off the property at that time. She then heard a commotion. There was a truck parked out in the street in front of Vanessa's house that was initially blocking her view, but then she saw Erin's 2 dogs had left their property, entered the street, and continued barking at her and her son from the street. She heard Erin calling for her 2 dogs. Vanessa described the dogs as "Roxy" approximately 1 year old blonde colored Labrador type (which stayed in the street) and "Riley" approximately 6 to 7-year-old blonde colored Labradoodle type (turned back toward its house and ran to Erin). She stated Erin contained the dogs back in her home.

Vanessa requested Erin, the dog owner, be cited for the leash law violations.

Animal Control Officer S. Cooper then contacted dog owner Erin regarding the complaint. Erin stated in summary that during the time of the incident, she had the slider open to unload groceries. She had her hands full with groceries and her dogs briefly ran out into the street and she called them back right away. She stated they weren't aggressive but did bark because it was dark outside. She was aware of who the complainant was because they've had discussions in the past and have tried to resolve the leash law issues by installing hooks out front where the dogs could be tied up and not run off the property when out front. She stated the last incident was a few months prior and they've been working on not having this happen again.

Officer Cooper explained the citation process to Erin and advised her if she got "Roxy" licensed then Officer Cooper would have the license violation dismissed.

Officer Cooper completed citation #20018 on behalf of Vanessa, for dog owner Erin. As indicated above, the violations of RMC Sections 7.12.010 are based on the statements of the complainant and appellant and were not directly witnessed by Officer Cooper. Upon review, Officer Cooper also determined that "Roxy" was not licensed, and Officer Cooper added the violation for failure to license RMC 7.16.010. As of November 14, 2023, PetData shows "Roxy" currently licensed with the City of Roseville and requests the license violation be dismissed.

Respectfully Submitted,

Sarah Cooper, Animal Control Supervisor

ATTACHMENTS:

Description

Leash Law Muni

Licensing Muni

Citation

Appeal Form

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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7.16.010 Licensing.

A dog or cat over the age of four months must be licensed according to the provisions of this chapter. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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CITY OF ROSEVILLE

NOTICE OF CITATION

20018

Date: 10-20-2023 | Time: 1400 hr | Day o k: Friday

Name (First, Middle, Last): Erin Michelle Kelly

Residence Address: 2073 Rhodes Ln Roseville CA 95747

Business Address: ———

[redacted]

Breed: 2 dogs "Riley" 7yo Blnd labradoodle + "Roxy" 1yo blnd Lab type | Color: | Age: | Sex:

Vehicle Make | License #:

Model: | Year:

Color: ———

Location of Violation: Rhodes Ln

Date / Time of Violation: 10-17-2023 / 8:24 pm

Code / Ordinance | Description of Violation

RMC 7.12.010 Leash law x2 Counts

RMC 7.16.010 License x1 count

[X] 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: 10-20-2023 Issuing Officer: S. Cooper Badge No. 3009

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

CITY OF ROSEVILLE CALIFORNIA

REQUEST FOR HEARING
Appeal of Administrative Citation

Name: Bryan Ludwig & Erin Kelly

Address: 2073 Rhodes Lane

Roseville, CA 95746

RECEIVED
NOV 29 2023
ROSEVILLE
CITY ATTORNEY

Mailing Address: ■ Same as above

Phone Number: [redacted]

Email:

Citation Number: 20018 Date of Citation: 11/3/2023

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

See attached response.

Signature of Appellant: _____ Date: _____

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

RE: Erin M Kelly
2073 Rhodes Lane, Roseville, CA 95747
Citation #20018
Dated Nov. 3, 2023
Case #12262

I am not sure how someone can make a claim without proof of incident. We have in the past had this neighbor state our dogs run through the neighborhood and we acknowledge this has happened. In the past is the key phrase.

Last spring, we had a very detailed discussion with Vanessa and worked diligently to be a good neighbor by focusing on our dogs not going to the front yard, or beyond, without a leash.

We have succeeded. Vanessa is upset because one day our puppy got out front as Erin was getting groceries from her car. The dog ran to the street when he saw Vanessa. Erin stopped the dog by voice command at the end of our property and the beginning of the street. This should not constitute an issue, or an uncontrolled dog, noting the progress of voice command to stop the dog from going beyond our property.

We are a very active family of 4, with 2 young daughters, and our dogs are very used to being with, or going places, with us. They will find an open door to access our front yard when we are there. We have worked to make sure our entire family is diligent about not allowing this.

We are a very social family and have family and guests to our home on a regular basis, we have been very diligent to not allow dogs to leave the home during these activities.

We have had numerous parties, gatherings at our home when Vanessa and her family were in attendance. During these gatherings, Vanessa and her family had no problem being in our home, on our property, with our dogs in attendance and roaming free about our property. They even allowed their toddler son to wander the gathering without fear of our dogs. Why has this changed? Other neighbors have in the past brought a dog home, if they saw it on the street. They are not vicious and have never been mean, bitten or anything else with people of any age. They have had children tug and pull at their ears, even hit them without incident. We also realize we can't assume that since nothing happened that we can be assured of any future issue.

This is a big part of why we took the spring discussion with Vanessa to heart and made changes to ensure our dogs not be in the front of our property without a leash. We strongly agree that our dogs should not wander the streets our leave our property without a leash and have made this adjustment.

Our concern is how many times will she call just because our dogs our visible?

Sincerely,

Bryan Ludwig & Erin Kelly

CITY OF ROSEVILLE

NOTICE OF CITATION

20018

Date	Time	Day of Week
10-20-2023	1400 hr	Friday

Name (First, Middle, Last): Erin Michelle Kelly

Residence Address: 2073 Rhodes Ln Roseville CA 95747

Business Address: ———

[redacted]

Vehicle Make: Color: Riley Age: 1yo Blk Mastiff Mix

Model: Color: Roxy 1yo blk Lab type Year:

Location of Violation: Rhodes Ln

Date / Time of Violation: 10-17-2023 / 8:24 pm

Code / Ordinance	Description of Violation
RMC 7.12.010	Leash law x2 Counts
RMC 7.16.010	License x1 count

☐ 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: 10-20-2023 Issuing Officer: S. Cooper Badge No. 3099

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

Roseville, CA

Log In Info
Owner Info
Your Pets
Logout

Receipt

Print Receipt »

Thank you for your payment! Please keep a copy of this receipt for your records. This receipt is not proof of current license.

A copy of your receipt has been sent to [redacted]

Your license application will be reviewed and entered. Once it is complete with all required paperwork, your license receipt will be mailed within 10 business days. A license tag will be included with all first-time licenses. A new tag will not be issued for a renewal license unless purchased at the time of renewal.

Billing Information

2073 Rhodes Ln
Roseville, CA 95747
Paid with card ending in 5175

Residence

2073 RHODES LN
ROSEVILLE, CA 95747-9024

Receipt Number & Date

RVL-12EZYKC 11/14/2023

Pet Name	Requirements	License
Roxy	Proof of vaccination Proof of sterilization	$30.00
Subtotal		$30.00
Service Charge		$1.95
Total		$31.95

Authorize.Net Verified Merchant Click
TRUSTED COMMERCE CLICK TO VALIDATE

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BOARD OF APPEALS COMMUNICATION

Title:	Appeal of Citation No.: 20028 - Elysha Richards Sowers
Contact:	Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 2/22/2024
Item #: 5.2.

RECOMMENDATION

Consider the appeal of Citation 20028 for the following violations:

Violation: RMC 7.25.010 Animal Noise (5 counts)
Two counts are a first offense, and three counts are a second offense.

"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."

Additional Information:

RMC Section 7.25.010 defines "Animal Noise" as follows:

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.

Violation: RMC 7.20.010 Kennels-License required (1 Count)

"No more than three dogs over the age of four months shall be kept at or upon any premises or dwelling unit without first securing from the animal control officer a license to operate a kennel regardless of the number of persons residing in such dwelling unit."

BACKGROUND

The following narrative is regarding the specific Animal Control incident regarding the citation subject to this appeal (Citation #20028).

November 11, 2023

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. Scott documented on the animal noise affidavit that the most recent incident of barking was on October 31, 2023, at 3:00 p.m. for a duration of approximately 3 hours.

Animal Control Officer Sammons completed citation#20028 on behalf of Scott against Elysha for Animal Noise, a violation of RMC Section 7.25.010. Animal Control Officer Sammons also added one count for Kennel, a violation of RMC Section 7.20.010. The animal noise affidavit from Scott stated there was five dogs at the residence. These violations are based on the statements of the complainant and appellant and other evidence provided and were not directly witnessed by Animal Control Officer Sammons.

The following narratives are historical and provided as background information and for additional context, as necessary.

October 22, 2022

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. Animal Control Officer Cooper completed citation #20398 on behalf of Scott against Elysha for Animal Noise. Animal Control Officer Cooper also added one count of violation of failure to license to the citation. This citation was appealed to the Board of Appeals and was denied based on the appellant's failure to appear.

Elysha was provided warnings regarding animal noise on three separate occasions prior to the issuance of this citation.

November 28, 2022

Roseville Police Animal Control received an online complaint from Scott regarding three 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.

January 11, 2023

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

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. Scott documented on the animal noise affidavit; 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.

Upon further review, Officer Sammons also determined that there was only one current dog license in PetData under Elysha's name. Officer Sammons added the violation for failure to license for two counts. This citation was appealed to the Board of Appeals and was denied. During this appeal hearing, Elysha was identified per RMC definition as "dog owner" and deemed responsible for all three dogs.

Respectfully Submitted,

Nicole Sammons, Animal Control Officer

ATTACHMENTS:

Description

Animal Noise

Kennels

Noise Affidavit

Citation

Appeal Form

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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§ 7.20.010. Kennels—License required.

No more than three dogs over the age of four months shall be kept at or upon any premises or dwelling unit without first securing from the animal control officer a license to operate a kennel regardless of the number of persons residing in such dwelling unit. (Ord. 6268 § 1, 2020)

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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: Scott Tabarango
Your Address: 1204 Chesapeake Dr. Roseville Ca. 95661
Your Telephone Number: [redacted]

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

Please complete the information below:

1. Number of animals, animal type, breed, and color
   3 small dogs Pomeranian and 2 others
2. Time of day that animal noise occurred?
   Mornings, days, evenings
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 Have been to multiple civil hearings about
   No barking pets in Roseville Hearing court.
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.
   No improvements. Hearing April 11th, 2025
8. Is the animal inside or outside when it is making noise?
   outside / inside

Rev. SC 12/26/2022

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

10. Does there appear to be any reason for the noise? (Example: people coming to house)
No.

11. Do you or anyone at your property own any animals that go outdoors?
Yes
(NO)

12. Other relevant information you want to share:
Dogs roam free at 2 dog ~~dark~~ doors.
1 door at Living Room. 1 Door at home owners bedroom. Access to backyard from both doors.
No one appears to be home. Video recordings saved.

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
SEPT. 22	9:23 PM	Incessant Barking	3 hours
Sept. 25	9:09 PM	Incessant Barking	2 1/2 hours
Oct. 2	7:15 PM	Ineessant Barking intervals of approx.	1 1/2 HR
JUNE 6	9:59P	20 mins ongoing for 3 hours	3 hours
SEPT 23	8:57P	Constant BARKING over 20 MIN	2 Hours
OCT. 4	9:07P	DOG Barking intermittent duration	45 mins
OCT. 11	7:30 AM	DOGS BARKING	3 hours
OCT. 11	7:30 PM	DOGS Barking NON STOP	20 mins
OCT. 14	8:25 PM	BARKING	45 mins
OCT. 29	6:45 PM	BARKING On / off erratic	45 mins
OCT. 31	3:00 PM	BARKING On / off - over	3 hours

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

Signed: S Tabarango Date: 10-12-23

Print Name: Scott Tabarango

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

Rev. SC 12/26/2022

ini: ne.

CITY OF ROSEVILLE

NOTICE OF CITATION

20028

Date	Time	Day of Week
11/28/23	1820hrs	Tuesday

Name (First, Middle, Last)
Elysha Marie Sowers Richards

Residence Address
1444 New England Dr.
Roseville, CA 95661

Business Address

[redacted]

Description of Animal (If Applicable) 5 dogs
Breed: Color: Age: Sex:

Vehicle Make License #:
Model:
Color: Year:

Location of Violation
1444 New England

Date / Time of Violation
10/31/23 1500hrs

Code / Ordinance	Description of Violation
RMC 7.25.010	Animal Noise x5
RMC 7.20.010	Kennel

X VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: 11/28/23 Issuing Officer: Badge No. 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

ADMINISTRATIVE CITATION APPEAL – REQUEST FOR HEARING 2024-01-10 07:43 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:**	20028
***Home Address:**	1444 NEW ENGLAND DRIVE
***City**	ROSEVILLE
***Zip**	95661
Mailing Address (if different from above):	1444 NEW ENGLAND DRIVE
***Phone Number:**	[redacted]
***Email:**	[redacted]

***Reason for Appeal:**

I am appealing the administrative citation issued against me. My appeal is based on the following reasons:

Significant Delay in Notification:
The alleged initial violation according to the affidavit is dated 6/6/2023, while the letter containing the citation was dated 12/11/2023. The substantial lapse of time between the alleged violation and the issuance of the citation raises concerns about the timeliness and fairness of the notice.

Due Process Considerations:
A fundamental principle of due process is the right to timely and adequate notice of alleged violations. The extended duration between the alleged violation and the notification compromises my ability to effectively address and remedy or contest the charges.

Preservation of Evidence and Recollection:
The prolonged period diminishes the reliability and availability of evidence and challenges the accuracy of recollection for events that transpired over six months earlier. This impairs my ability to present a robust defense.

Discrepancies in Counts:
The citation dated 11/28/2023 charges me with one violation of RMC 7.25.010 (for animal noise x 5), yet the accompanying letter dated 12/11/2023 references two violations– a first and a second offense. How can a first and second offense be given at the same time? I seek clarification on these discrepancies.

Number of Dogs:
The citation also alleges I have five dogs on my property, exceeding the permissible limit of three as per RMC 7.20.010. I affirm that I do not and have not kept five dogs on my property and I request a review of the evidence for this claim.

Violation of RMC 7.25.010:
I also contest the assertion that the dogs on my property have violated RMC 7.25.010.

I request a thorough review of this matter, taking into consideration the significant delay in notifying me of the alleged violations. I am open to providing any additional information or clarification necessary for the appeal process.

Thank you for your attention to my concerns.

☑ 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.: 21173 - Desiree Apgar
Contact:	Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 2/22/2024
Item #: 5.3.

RECOMMENDATION

Consider the appeal of citation 21173 for the following violation:

Violation: RMC 7.12.010 Leash law (3 counts)

"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.

BACKGROUND

The following narrative is regarding the specific Animal Control incident regarding the citation subject to this appeal (Citation #21173).

December 18, 2023

Roseville Police dispatch received a call from a Teresa Lasick, the complainant in this matter,

residing at 1710 Kent St. Apt B. to make a complaint about three loose dogs inside her residence, which reside at 1708 Kent St. Apt B., belonging to Desiree Apgar. Teresa advised Animal Control Officer Sammons that Desiree's three dogs broke through their shared fence and entered her residence through an open back door slider. Teresa requested a citation against Desiree as this is not the first time the dogs have entered her residence.

Animal Control Officer Sammons completed citation #21173 on behalf of Teresa against Desiree for Leash Law, a violation of RMC Section 7.12.010. These violations are based on the statements of the complainant and appellant and other evidence provided and were not directly witnessed by Animal Control Officer Sammons.

The following narratives are historical and provided as background information and for additional context, as necessary.

September 12, 2023

Roseville Police Animal Control Dispatch received a call from Teresa. Teresa advised dispatch that two of Desiree's dog broke through their shared fence and entered her residence at approximately 3:00 A.M. Animal Control Officer Sammons contacted Teresa later that day. Teresa stated that she was in her bedroom when the incident occurred, and she did not see the dogs inside her residence. Teresa stated when the incident occurred, her son was in the living room and screamed for her to stay inside her bedroom. Teresa's son declined to do a citizen's citation for this incident.

August 25, 2023

Roseville Police Animal Control Dispatch received a call from Teresa. Teresa advised dispatch that her neighbors two dogs broke their shared fence and were currently in her backyard.

Animal Control Officer Cooper contacted dog owner, Desiree. Desiree advised Animal Control Officer Cooper that her two dogs were already back inside her residence. Animal Control Officer Sammons warned Desiree regarding leash law and dog licensing.

Respectfully Submitted,

Nicole Sammons, Animal Control Officer

ATTACHMENTS:

Description

At Large

Citation

Appeal Form

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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CITY OF ROSEVILLE

NOTICE OF CITATION

21173

Date	Time	Day / Week
12/18/23	1625hrs	Monday

Name (First, Middle, Last)
DeSinee Apgar

Residence Address
1708 Kent St. Apt B
Roseville, CA 95661

Business Address

[redacted]

Description of Animal (If Applicable)
Breed: 3 dogs Color: Age: Sex:

Vehicle Make
Model:
Color: License #:
Year:

Location of Violation
1710 Kent St. Apt B

Date / Time of Violation
12/18/23 1524hrs

Code / Ordinance	Description of Violation
RMC 7.12.010	leash law x 3

☒ 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: 12/18/23 Issuing Officer: Badge No. 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

ADMINISTRATIVE CITATION APPEAL – REQUEST FOR HEARING 2024-01-21 09:47 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:**	Desiree Apgar
***Citation Number:**	21173
***Home Address:**	1708 Kent St Unit B
***City**	Roseville
***Zip**	95661
Mailing Address (if different from above):	
***Phone Number:**	[redacted]
***Email:**	

LET'S CHAT

I would like to please appeal this citation because the complaint is 50 percent responsibility to have a reliable fence along with our landlord has the other 50 percent. Our landlord has offered to do the fence and she has not wanted to. The night of this complaint there was a bad storm and a board came out of the fence and as soon as we were made aware we patched fence immediately. This was not neglagence on our end. Thank you for listening.

***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

LET'S CHAT