



## **AGENDA**

August 13, 2024

### **BOARD OF APPEALS HEARING**

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA 95678

[www.roseville.ca.us](http://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.

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 Citation No.: 21331 - Colleen Nicholls - 301 Gibson Dr.**

Appellant: Colleen Nicholls, 301 Gibson Dr., #2516

Complainant: Elizabeth Noble, 301 Gibson Dr., #1728

Roseville Municipal Code Sections:

7.12.010, Leash Law

7.12.050, Aggressive Behavior

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

**8. ADJOURNMENT**





## BOARD OF APPEALS COMMUNICATION

**Title:** Appeal of Citation No.: 21331 - Colleen Nicholls - 301 Gibson Dr.  
**Contact:** Kelly Aye 916-774-5325 kaye@roseville.ca.us

**Meeting Date:** 8/13/2024  
**Item #:** 5.1.

### RECOMMENDATION

Consider the appeal of citation 21331 for the following violations:

**Violation: RMC 7.12.010 Leash law (1 count)**

One count = \$50

No person shall permit or allow any dog to run at large.

**Additional Information: RMC Section 7.04.060 defines “at large” as follows:**

A. “At large” means the following:

1. Off the premises of the owner or the person having care, custody, control, or possession of the dog unless such dog is restrained by a leash or adequate enclosure. The leash shall not exceed six feet in length and shall be of sufficient strength to restrain the dog and must be held continuously by a responsible person capable of controlling the dog.
2. On the premises of the owner or the person having care, custody, control, or possession of the dog unless such dog is restrained by means adequate and sufficient to prevent the dog from leaving the premises or under the control and in the immediate presence of the owner or person having care, custody, control, or possession of the dog.

**Violation: RMC 7.12.050 Aggressive Behavior (1 count)**

One count = \$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

Colleen Nicholls was issued Citation 21331 on April 2, 2024 at the request of Elizabeth Nobles.

Colleen Nicholls appealed citation 21331 on April 30, 2024.

Respectfully Submitted,

Kelly Aye, Board Secretary

Travis Cochran, Deputy City Attorney

**ATTACHMENTS:**

**Description**

Staff Report

7.12.010 Animal at Large

Animal at Large Defined

7.12.050 Aggressive Behavior

Citation 21331

Appeal



**Roseville Police Department**

1051 Junction Blvd  
Roseville, CA 95678

Troy Bergstrom, Chief of Police

**Administrative Citation Appeal Hearing  
Staff Report**

Date of Hearing: Tuesday, July 30<sup>th</sup>, 2024 @ 09:00 AM  
Appellant: Colleen Nicholls @ 301 Gibson Dr. Apt 2516  
Citation: 21331

**Violation: RMC 7.12.010 Leash law (1 count)**

No person shall permit or allow any dog to run at large.

**Additional Information: RMC Section 7.04.060 defines "at large" as follows:**

A. "At large" means the following:

1. Off the premises of the owner or the person having care, custody, control, or possession of the dog unless such dog is restrained by a leash or adequate enclosure. The leash shall not exceed six feet in length and shall be of sufficient strength to restrain the dog and must be held continuously by a responsible person capable of controlling the dog.

2. On the premises of the owner or the person having care, custody, control, or possession of the dog unless such dog is restrained by means adequate and sufficient to prevent the dog from leaving the premises or under the control and in the immediate presence of the owner or person having care, custody, control, or possession of the dog.

**Violation: RMC 7.12.050 Aggressive Behavior (1 count)**

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.

**Narrative:**

March 10<sup>th</sup>, 2024 @ approximately 11:10 PM

Roseville Police dispatch received a call from complainant Elizabeth Noble requesting contact from Animal Control to request a report be made of an incident regarding her dog being attacked by another dog who resides at 301 Gibson Drive, apt 2516.

Animal Control is not a witness to the reported violations. The violations of RMC Section 7.12.010 and 7.12.050 are based on the statements of the complainant and appellant.

Animal Control Officer B. Chacon contacted Elizabeth who stated the following in summary; Elizabeth stated that on March 10<sup>th</sup> at approximately 10:30 PM, she was at Venu at Galleria Apartments walking her dog on leash around the complex when she saw Colleen was also walking a dog on leash. When Colleen's dog saw Elizabeth's Shih Tzu type dog, it turned and ran towards her dog. When the dog ran it pulled Colleen to the ground resulting in her letting go of the leash. The dog Colleen had been walking then grabbed Elizabeth's dog by the collar resulting in her dog slipping out of its collar, to seek shelter under a nearby car. Elizabeth was "rolling around" on the floor in an attempt to separate the two dogs. Elizabeth stated no injuries

were sustained to herself nor her dog. During this contact she also advised that she was unsure if Colleen was the actual owner of the dog she was walking at the time of the incident, she described the dog that Colleen was with as a very large Great Dane/greyhound mix type dog. Elizabeth requested the dog's custodian be issued a citizen's citation on her behalf for the violations of leash law and aggressive behavior.

ACO B. Chacon located a possible dog owner based on the apartment number provided by Elizabeth. I was able to make contact with Colleen by telephone, who stated the following in summary; Colleen stated that on March 10<sup>th</sup> at approximately 10:30 PM she was walking a dog that she was dog sitting around the apartment complex when she saw Elizabeth's dog run out the front door, without a leash. She stated she had just seen Elizabeth open her front door when this occurred. The dog then began barking and running around while Elizabeth called for the dog to return. Colleen stated the dog she was walking then turned around due to Elizabeth's dogs behavior, causing her to fall to the ground, she stated she broke her arm, shoulder, and humorous due to the fall. Colleen did state that during her fall she let go of the leash and once she had looked up, the dog she was walking had ran down the sidewalk and immediately after turned around and ran back into the apartment it resides at. Colleen stated a couple then came to aid her back to her feet when Elizabeth began to yell profanities at her. While Colleen had started to provide information on the dog's owner, the call had dropped. I was not able to get back in contact with Colleen.

ACO B. Chacon completed citizen's citation #21331 on behalf of Elizabeth, against the dog's custodian at the time of the incident Colleen.

Respectfully Submitted,  
B. Chacon-Raoul, Badge #3090  
Animal Control Officer

Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.12 DOGS-RUNNING AT LARGE

### **7.12.010 Leash law.**

No person shall permit or allow any dog to run at large. This section may be cited as the “leash law.” (Ord. 6268 § 1, 2020.)

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### **Contact:**

City Clerk: 916-774-5263

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### **7.04.060 At large defined.**

A. “At large” means the following:

1. Off the premises of the owner or the person having care, custody, control or possession of the dog unless such dog is restrained by a leash or adequate enclosure. The leash shall not exceed six feet in length and shall be of sufficient strength to restrain the dog and must be held continuously by a responsible person capable of controlling the dog.

2. On the premises of the owner or the person having care, custody, control or possession of the dog unless such dog is restrained by means adequate and sufficient to prevent the dog from leaving the premises or under the control and in the immediate presence of the owner or person having care, custody, control or possession of the dog.

B. A dog shall not be considered “at large” if it is:

1. A guide dog, signal dog, or service dog as defined in Section 54.1 of the California [Civil Code](#), as may be amended, while performing the duties it is trained to perform;

2. Assisting or in training to assist a peace officer who is engaged in law enforcement duties;

3. Enrolled and actively participating in a commercial dog training or obedience class, exhibition or competition;

4. Within the confines of a city-designated dog park and licensed pursuant to this chapter;

5. Securely confined in a vehicle. (Ord. 6268 § 1, 2020.)

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### **Contact:**

City Clerk: 916-774-5263

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### **7.12.050 Aggressive behavior.**

No person shall permit or allow any dog, when unprovoked, to engage in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are not on the property of the owner or keeper of the dog. (Ord. 6268 § 1, 2020.)

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### **Contact:**

City Clerk: 916-774-5263

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CITY OF ROSEVILLE  
NOTICE OF CITATION

21331

|                                                                                                                                                                                                                                            |                                                    |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------|
| Date                                                                                                                                                                                                                                       | Time                                               | Day of Week         |
| 04-02-2024                                                                                                                                                                                                                                 | 12:10pm                                            | Tuesday             |
| Name (First, Middle, Last)<br>Colleen Clarissa Nicholls                                                                                                                                                                                    |                                                    |                     |
| Residence Address<br>301 Gibson Dr #2516<br>Roseville CA 95678                                                                                                                                                                             |                                                    |                     |
| Business Address<br>_____                                                                                                                                                                                                                  |                                                    |                     |
| Driver's Lic. No.                                                                                                                                                                                                                          | State                                              | Class               |
| [REDACTED]                                                                                                                                                                                                                                 |                                                    |                     |
| Description of Animal (If Applicable)                                                                                                                                                                                                      |                                                    |                     |
| Breed: Grt Dane                                                                                                                                                                                                                            | Color: Bk/Brn                                      | Age: Adult Sex: unk |
| Vehicle Make: Greyhound                                                                                                                                                                                                                    | License #:                                         |                     |
| Model: type mix dog                                                                                                                                                                                                                        | Year: _____                                        |                     |
| Color: *very large                                                                                                                                                                                                                         |                                                    |                     |
| Location of Violation<br>301 Gibson Dr.                                                                                                                                                                                                    |                                                    |                     |
| Date / Time of Violation<br>03-10-2024 @ 2030 hrs                                                                                                                                                                                          |                                                    |                     |
| Code / Ordinance                                                                                                                                                                                                                           | Description of Violation                           |                     |
| RMC 7.12.010                                                                                                                                                                                                                               | Leash law                                          |                     |
| RMC 7.12.050                                                                                                                                                                                                                               | Aggressive Behavior                                |                     |
| <input checked="" type="checkbox"/> VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.<br>I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT. |                                                    |                     |
| Date: 04-02-2024                                                                                                                                                                                                                           | Issuing Officer: B. Chacon-Raoul<br>Badge No. 3090 |                     |
| 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.<br>YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS.<br>CITY ATTORNEY'S OFFICE (916) 774-5325<br>1 - City Attorney Copy    2 - Defendant Copy    3 - Issue Dept Copy                            |                                                    |                     |

of the Roseville Municipal C  
Joble:

**Fine Am**  
\$50.00  
\$100.00

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Office  
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5678

e to the City of Roseville, or  
contest the citation, you ma  
he City's website at [www.roseville.ca.gov](http://www.roseville.ca.gov)  
i can also complete the form  
mpleted and returned to the

For payment questions or questions regarding the appeal process, please co

Attorney's Office at (916) 774-5325.



# Administrative Citation Appeal Form

Request For Hearing

RECEIVED

APR 30 2024



ROSEVILLE  
CITY ATTORNEY

|                                           |                            |                     |
|-------------------------------------------|----------------------------|---------------------|
| Name<br>Coleen, Nichols                   | Email<br>[REDACTED]        | Phone<br>[REDACTED] |
| Address<br>301 Gibson Dr Apt 2516         | City<br>Roseville CA       | Zip<br>95678        |
| Mailing Address (if different from above) | City                       | Zip                 |
| Citation Number<br>21331                  | Date of Citation<br>4/2/24 |                     |

## Reason for appeal?

(Include all information to support your appeal here. Continue on second page if needed.)

SEE ATTACHMENT.

Signature of Appellant

Date

Please mail or personally deliver this form within 30 days after the date of the citation notification letter to the Roseville City Attorney's office located at:

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

Forms 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.



I am shocked that fellow VENU Apartments (301 Gibson Drive; Roseville, California 95678) resident Elizabeth Noble has filed a complaint against me regarding an encounter that occurred almost two months ago, especially since she was the one at fault in our dog encounter.

I am formally contesting these two citations and respectfully request that they be dismissed.

As a favor to a friend on Saturday, March 2, 2024, I was dog-sitting for the day. (I do not own a dog). While taking this friend's 45-pound puppy for a walk in our apartment complex, I encountered Ms. Noble and her dog. My dog (Zoey) was on a leash.

Ms. Noble's small puppy was NOT on a leash. Therefore, Ms. Noble is in violation of 7.12.010 (Lease Law) - not me.

When Ms. Noble's unleashed dog started walking toward my dog Zoey (who, again was leashed), Zoey suddenly jerked hard to run toward Ms. Noble's dog. The leash wrapped around my feet causing me to fall violently to the cement sidewalk.

It turned out this incident caused me to have a broken shoulder and two fractures in my upper arm. I have experienced over \$1200 in medical bills to date and have had a cast/brace on for the past 6 weeks.

This entire situation was all precipitated by Ms. Noble's dog being unleashed and outside of her control and then allowing her dog to approach my leashed dog - causing my dog to unexpectedly react.

Ms. Noble is in violation of 7.12.050 (Aggressive Behavior) - not me.

Ms. Noble allowed her unleashed dog to approach my much larger dog without my permission which then resulted in my dog's reaction to run toward her dog.

If anything, I should be the one bringing a complaint against Ms. Noble for both of these violations.

#### FOOTNOTES:

As I lay on the concrete in severe pain, Ms. Noble began screaming at my dog and me - using an excessive amount of profanity.

She made no attempt to come to my aid or call 911. She was only concerned with if her dog was bit or injured in the encounter. (Neither was true.)

Her loud screaming and cursing resulted in a tenant (Tim) come out from a nearby apartment rush to my assistance. Ms. Noble then proceeded to direct her ire and cursing at this tenant! Tim told her that if she did not calm down and stop threatening him, that he was going to call the police.

I reported the incident to our Apartment Manager. Late in the day, he informed me that Ms. Noble's dog was not injured.

I vehemently deny the two violations.

I further am requesting that these same two violations be brought against Ms. Noble based on this incident.

If these violations are not dismissed by the City of Roseville based on this appeal, notify me of the next step in the appeal process.

Otherwise, I will need to resort to legal means to rectify this injustice.

Colleen Clarissa Nicholls  
301 Gibson Drive #2516  
Roseville, CA 95678  
Thursday, April 25, 2025