



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

SPECIAL MEETING

**Council Chambers
200 "H" Street**

**~~AUGUST 28, 2014~~
3:00 P.M.**

*CONTINUED AND
ADJOURNED TO
SEPTEMBER 4, 2014
3:00 P.M.*

3:00 P.M. ROLL CALL Diana Busenbarrick, Chairperson
Deborah Simpson, Vice Chairperson
Andrew Schleder
Mike Schneider
Frederick Rouse
Ademuyiwa "Ade" Adeyemi, Alternate

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS SPECIAL MEETING MINUTES FOR JULY 24, 2014

Recommended Action: Motion to approve the minutes

B. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR AUGUST 7, 2014

Recommended Action: Motion to approve the minutes

2. APPEALS

OATH for all intending to testify on an appeal

A. **CITATION NO. 32355** – Continued appeal of Administrative Citation issued regarding Unlicensed Dog [§6-1.20(B)], No Rabies Proof [§6-1.12.2], No Dog Fancier's (Kennel) Permit [§6-1.24.1] (x10 dogs), and Animal Care [§6-1.28 for George/Danielle Guevara, 4724 Palomino Way, Antioch, CA

PUBLIC COMMENTS—Only unagendized issues will be discussed during this time

WRITTEN/ORAL COMMUNICATIONS

ADJOURNMENT



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MINUTES

Recommended Action: Motion to approve the minutes

B. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR AUGUST 7, 2014

STAFF REPORT

Recommended Action: Motion to approve the minutes

2. APPEALS

STAFF REPORT

OATH for all intending to testify on an appeal

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PUBLIC COMMENTS—*Only unagendized issues will be discussed during this time*

WRITTEN/ORAL COMMUNICATIONS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp> or at the City Clerk's Office located on the 3rd floor of City Hall, 200 H Street, Antioch, CA 94509, Monday through Thursday, for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

Notice of Opportunity to Address the Committee

The public has the opportunity to address the Board on each agenda item. To address the Board, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Special Meeting
3:00 P.M.**

**July 24, 2014
Council Chambers**

Vice Chairperson Simpson called the meeting to order at 3:05 P.M. on Thursday, July 24, 2014 in the Council Chambers.

ROLL CALL:

Present: Board Members Schneider, Schleder, Rouse, Adeyemi and Vice Chairperson Simpson

Absent: Chairperson Busenbarrick

Staff Present: City Attorney, Lynn Tracy Nerland
City Clerk, Arne Simonsen
Supervisor Animal Services, Monika Helgemo
Animal Control Officer, Ada Gomez
Animal Control Officer, Andrea Sutherland
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

Board Member Schneider led the board, staff and public in the Pledge of Allegiance.

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR JUNE 5, 2014.

On motion by Board Member Schneider, seconded by Board Member Schleder, the Board of Administrative Appeals approved the minutes for June 5, 2014. The motion carried the following vote:

Ayes: Simpson, Schneider, Schleder, Adeyemi Abstain: Rouse Absent: Busenbarrick

City Attorney Nerland explained the manner in which the proceedings would be conducted and reviewed the options available for the Appeals Board.

2. APPEAL

OATH

City Clerk Simonsen administered the Oath for all persons present intending to testify on the appeal.

A. ANIMAL ID# A094859 "Brownie" (dog) – Appeal filed by Laquita Everett, 2209 Field Street, Antioch, CA 94509 to overturn the "Potentially Dangerous Animal" [§6-1.801(B)(3)] determination made by Antioch Animal Services

Animal Control Officer Ada Gomez presented the staff report dated July 24, 2014 recommending the Board of Administrative Appeals deny the appeal and uphold the Potentially Dangerous Animal Declaration with terms and conditions of confinement for a three (3) year period in accordance with Antioch Municipal Code § 6.1-801 (B) Potentially Dangerous Animal (3).

In response to the Board, Animal Control Officer Gomez stated the victim dog owner had identified the responsible dog. She explained that the warning letter dated May 19, 2010, indicating the animal had displayed aggressive behavior, instructed the owner to comply with applicable regulations.

APPELLANT

LaQuetta Everett, presented the Board with letters from individuals unable to attend the meeting. She stated "Brownie" had never displayed signs of aggression toward humans or animals. She provided a photo of the fence and reported that the dog had escaped through a board that was knocked loose by her son. She also provided a photo of "Brownie" in the company of another canine, showing no sign of aggressive behavior. She stated she believed "Brownie" felt cornered when she was tied to a pole and therefore she attacked. She noted there was a previous incident, when "Brownie" was bitten by another dog and therefore she was frightened and became defensive when dogs showed aggression. She explained that she had reviewed the Veterinarian's assessment of the victim dog, and she felt the fractures were the result of a pre-existing condition. She questioned why the victim dog was not taken to the veterinarian for surgery until the next day. She stated she was unaware of a letter dated May 19, 2010; however there was a previous occasion when pest control had let Brownie out and there was a minor incident with another dog. She stated she had not had the opportunity to review the staff report until last night and explained that her dog was loving, not dangerous and would only react, if provoked.

In response to Board Member Schneider, Ms. Everett stated there was no evidence "Brownie" was provoked however she assumed she became aggressive because she was tied to a pole. She noted the report indicated her dog was tied to the pole afterward; however she felt that information was inaccurate. She noted if Brownie wanted to hurt the dog she could have killed it, however there were only puncture wounds and reiterated that other injuries were the result of a pre-existing condition.

In response to Board Member Adeyemi, Ms. Everett stated she was able to get the staff report seventy-two (72) hours before the meeting however, last night was the first opportunity she was able to review the information.

In response to Board Member Rouse, Ms. Everett stated she had let Brownie into the backyard at 9:00 A.M. and was notified that she of the incident at approximately 10:00 A.M.

In response to Board Member Adeyemi, Ms. Everett stated she was willing to get a larger kennel and spay Brownie.

City Attorney Nerland stated that should the Board uphold the determination of a potentially dangerous dog, the dog owner would be required to comply with the Antioch Animal Service Dangerous Animal Declaration Terms and Conditions or surrender the dog.

Ms. Everett reported that she had paid for the dog license however since she was on bed rest and was unable to obtain a rabies vaccination.

Sylvia Langley, Victim Dog Owner, stated she believed the responsible dog was not a danger to humans and clarified "Brownie" was tied to the pole after the incident. She stated she was never informed by her Veterinarian that her dog had a pre-existing condition. She noted her dog was standing still when attacked and "Brownie" was not provoked.

Al Gilbert, stated he had known "Brownie" for years and she was not aggressive toward other animals or humans. He offered his sympathy to Ms. Langley.

Jamar Brown stated he had known "Brownie" for years and she had never been aggressive with other dogs or humans. He stated in order for her to have attacked, she must have felt threatened.

In response to Board Member Rouse, Mr. Brown reported when his dog had a litter, she had challenged Brownie and therefore she may have felt she needed to defend herself, when challenged.

REBUTTAL

Animal Control Officer Ada Gomez clarified the item before the Board was the potentially dangerous animal declaration of Antioch Municipal Code § 6.1-801 (B) Potentially Dangerous Animal (3), which is any dog or animal, which unprovoked has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. She stated the dog was loose when the incident occurred and there was potential that the victim dog owner could have fallen or been bitten. She reported the dog was previously impounded in 2010 which was a warning to her owner to make certain she was secure at all times. She clarified the call for service came in at 10:29 A.M.

REBUTTAL

Ms. Everett reiterated her dog was friendly with other animals and the 2010 incident was a result of her pest control service letting her out. She stated she took measures to assure the

dog would not get out again by only letting her outside to use the bathroom. She stated she was willing to purchase a large kennel.

In response to Board Member Adeyemi, Ms. Everett stated she does not have the means to build a cage and she was not willing to abide by the dangerous animal declaration terms and conditions. She stated she was willing to make sure her dog would not get out again.

Board Member Schneider stated the issue before the Board was whether Brownie was a potentially dangerous animal. He noted there was no evidence she was provoked and the only witness testified to that matter. He further noted the case meets the definition of the potentially dangerous dog and he recommended the citation be upheld and the appeal be denied.

In response to Board Member Rouse, City Attorney Nerland clarified if the Board determined that the dog was potentially dangerous, and the owner would need to abide by the terms and conditions or surrender the dog to the City. She noted Animal Services would provide the standards for the appropriate kennel size to the appellant.

On motion by Board Member Schneider, seconded by Board Member Schleder, the Board of Appeals unanimously upheld the determination that "Brownie" was a Potentially Dangerous Animal as determined by Antioch Animal Services and denied the appeal.

City Attorney Nerland stated she would provide the Board of Appeals determination in writing to the appellant and her recourse would be to either appeal to the Contra Costa Superior Court; agree to abide by the terms and conditions and work with staff to get those in place so that the dog could be released; or surrender the dog to Antioch Animal Services.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS

City Attorney Nerland announced the next Board of Appeals meeting would be held on August 7, 2014. She stated she anticipated Deputy Director of Community Development/Recreation Graham would make a presentation on the citation process with Code Enforcement. She stated Board Members would be receiving an email from Deputy City Clerk Garcia regarding a continued item scheduled for August 28, 2014.

ADJOURNMENT

Vice Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 4:01 P.M. to the next regularly scheduled meeting on August 7, 2014.

Respectfully Submitted,

Kitty Eiden, Minutes Clerk

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting
3:00 P.M.**

**August 7, 2014
Council Chambers**

Vice Chairperson Simpson called the meeting to order at 3:06 P.M. on Thursday, August 7, 2014 in the Council Chambers.

ROLL CALL:

Present: Board Members Schneider, Schleder, Adeyemi and Vice Chairperson Simpson
Absent: Board Member Rouse and Chairperson Busenbarrick

Staff Present: City Attorney, Lynn Tracy Nerland
Deputy Director of Community Development, Ryan Graham
Environmental Resource Coordinator, Julie Hass-Wadjowicz
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

Vice Chairperson Simpson led the board, staff and public in the Pledge of Allegiance.

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS SPECIAL MEETING MINUTES FOR JULY 24, 2014

On motion by Board Member Schneider, seconded by Board Member Schleder the Board of Appeals continued the minutes for July 24, 2014.

City Attorney Nerland explained the manner in which the proceedings would be conducted and reviewed the options available for the Appeals Board. She administered the Oath for all persons present intending to testify on the appeal.

2. APPEAL

A. CASE NO. CE1406-033 / APN NO. 056-190-005-1 – Appeal of Abatement Notice issued regarding Solid Waste and Recycling; Mandatory Service [§6-3.02(F)] and Solid Waste and Recycling Containers; Location [§6-3.03(C)] for Tony Vuong/Stephanie Tran, 5254 Prewett Ranch Drive, Antioch, CA

Environmental Resource Coordinator Wadjowicz presented the staff report dated July 29, 2014 recommending the Board of Administrative of Appeals uphold the abatement process initiated by staff. In doing so, staff will subscribe the property for six months of service in compliance

with Antioch Municipal Code §6-3.02(F) on August 18, 2014 unless service has been initiated by the resident prior to that date.

In response to Board Member Schneider, Environmental Resource Coordinator Wadjowicz clarified she had spoken to Ms. Tran who conceded that she had not subscribed to garbage service.

APPELLANT

Stephanie Tran, Antioch resident, stated she was aware of the City's requirements however she was appealing since they had not produced enough garbage to fill the smallest cart and neither had her brother, therefore they shared service to save money and reduce time for waste management. She stated the City allowed for a yard waste exemption and therefore she requested the Board consider amending the City ordinance to allow exemptions for shared waste services. She stated being forced by the City to pay for services that were not needed, was unfair.

REBUTTAL

Environmental Resource Coordinator Wadjowicz reported the yard waste exemption form was created in 1999 for residences that generated no yard for disposal. She noted the appellant had garbage for disposal therefore they need to have garbage service.

Board Member Schneider stated the appellant admitted she did not have the required service which was a violation of the Antioch Municipal Code. He noted it was not under the purview of the Board of Appeals to give an exemption or exception.

In response to Board Member Schleder, Environmental Resource Coordinator Wadjowicz clarified the \$250.00 abatement fee had not been charged and if the Board of Appeals upheld the abatement process and the appellant acquires garbage service within ten (10) days after the meeting, there would be no abatement fee.

On motion by Board Member Schneider, seconded by Board Member Schleder the Board of Appeals upheld the abatement process. The motion carried the following vote:

Ayes: Schneider, Schleder, Adeyemi Abstain: Simpson Absent: Busenbarrick, Rouse

3. NEW ITEM – CODE ENFORCEMENT, ABATEMENT AND CITATION PRESENTATION

Deputy Director of Community Development Graham gave a Code Enforcement, Abatement and Citation presentation.

City Attorney Nerland added Code Enforcement and Animal Services did not generate revenue for the City; the goal was to have residents comply with the City's codes and ordinances.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS

City Attorney Nerland announced Councilmember Gary Agopian had passed away on July 28, 2014 and his Memorial Service would be held at 2:00 P.M. on August 12, 2014 at Golden Hills Church. She noted the August 12, 2014 City Council meeting would be at 7:00 P.M. and dedicated in his honor and a proclamation recognizing his service to the City would be read.

ADJOURNMENT

Vice Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 3:52 P.M. to the Special Meeting on August 28, 2014.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

SUPPLEMENTAL STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING OF AUGUST 28, 2014

PREPARED BY: Ada Gomez, Animal Control Officer
Andréa Castro-Sutherland, Animal Control Officer

APPROVED BY: Monika Helgemo, Supervisor of Animal Services

DATE: August 28, 2014

SUBJECT: Animal Services Case No. A14-000018 – [REDACTED] Palomino Way

CONTINUANCE:

During deliberations at the Board of Administrative Appeals on June 5, 2014, Appellants George and Danielle Guevara requested a continuance of the hearing until a later date. The Board granted the continuance and the matter was adjourned until August 28, 2014.

LICENSE VIOLATION AMC § 6-1.20(b):

On June 10, 2014, the Guevaras purchased dog licenses for the following nine dogs. [R14-001688]:

1. TALA [A510012]
2. PAIGE [A508967]
3. CHLOE [A508349]
4. SVASTIKA [A510011]
5. PRUE [A509411]
6. AVA [A510233]
7. AUSTRIA [A510234]
8. HITLER [A510010]
9. TEMUJIN [A508415]

Prior to purchasing these licenses, none of the dogs belonging to the Guevaras had ever been legally licensed in the City of Antioch. The Guevaras have failed to comply with all previous requests from Animal Control to license their dogs, including 4 other additional Administrative Citations which have since gone to collections. [AC#200481, AC#200482, AC#200484, AC#200485]

On the date that Officer Gomez issued the current Administrative Citation, the Guevaras were in violation of Antioch Municipal Code § 6-1.20(b) as none of their dogs were licensed. The appropriate Administrative Fine for those violations is \$100 per dog (x 9) which totals \$900.

Staff requests that the Board uphold the citation for violations of 9 unlicensed dogs and the fine for \$900 that was issued on April 3, 2014 by Officer Gomez.

RABIES PROOF VIOLATION AMC § 6-1.12.2:

On June 10, 2014, when purchasing their licenses, the Guevaras provided proof of current rabies vaccinations for the following dogs:

1. TALA [A510012] Expires 12/11/14
2. PAIGE [A508967] Expires 12/19/14
3. CHLOE [A508349] Expires 11/26/16
4. SVASTIKA [A510011] Expires 06/18/15
5. PRUE [A509411] Expires 11/26/16
6. AVA [A510233] Expires 07/11/15
7. AUSTRIA [A510234] Expires 07/16/15
8. HITLER [A510010] Expires 04/08/17
9. TEMUJIN [A508415] Expires 04/04/17

Prior to this date, the Guevaras did not have current proof of rabies vaccinations on file with Antioch Animal Services. The Guevaras have failed to comply with all previous requests from Animal Control to provide proof of current rabies vaccinations for their dogs, including 3 previous Administrative Citations which have since gone to collections. [AC#200482, AC#200484, AC#200485]

Antioch Municipal Code § 6-1.12 in part, states the following:

Every dog owner shall show a copy of the vaccination certificate upon the request of an Animal Control Officer or other enforcement officer.

Although some (not all) of the dogs were current with rabies vaccinations, the Guevaras refused to provide any of that information to the Animal Control Officers that were handling their cases. Although this may seem like a minor infraction, it can become very problematic when someone is bitten.

For example, on February 8, 2011, the Guevara's dog, "Hitler," bit a minor child. The Guevaras were uncooperative and refused to quarantine or provide rabies vaccination information to Animal Control. In turn, Animal Control was unable to provide that information to the victim's father in a timely fashion. [B11-000012]

As well, on December 8, 2011, the Guevara's dog, "Hitler," bit another person who was delivering auto parts to their business. Once again, the Guevaras refused to quarantine the dog or provide rabies vaccination information. Animal Control had to call around to all the local vets in an attempt to find a current rabies vaccination for the dog. Staff was eventually able to establish that the dog was currently vaccinated through Animal Hospital on A Street in Antioch.

"Hitler's" rabies vaccination expired on January 14, 2014 and lapsed for 3 months. It was finally revaccinated again on April 8, 2014; 5 days after Officer Gomez cited the Guevaras.

The rabies certificate is important because it holds vital information. By California State Law it must include the vaccine brand, the lot number and the expiration of the lot. These are the first things that the Public Health Department and Medical Doctors request from Animal Services if a human being, that has been bitten by a dog, starts to have complications from the bite. This is why the State and City have laws requiring that dog owner's not only procure a rabies vaccination for their dog, but also provide a copy of it at the request of an Animal Control Officer.

On the date that Officer Gomez issued the current Administrative Citation, the Guevaras were in violation of Antioch Municipal Code § 6-1.12.2, as they had not provided Animal Services with the vaccination certificate for any of their dogs after multiple requests. The appropriate Administrative Fine for those violations is \$100 per dog (x 9) which totals \$900.

Staff requests that the Board uphold the citation of violations of not providing vaccination certificates for 9 dogs and fines for \$900 that were issued on April 3, 2014 by Officer Gomez.

KENNEL PERMIT VIOLATION AMC § 6-1.24 (B)(1):

On June 10, 2014, the Guevaras purchased a Multiple Pet Permit and they passed an initial home inspection and are now in compliance with a Multiple Pet Permit for one year.

However, over the last month, Animal Services has started to receive complaints from neighbors in the vicinity of alleged excessive barking, alleged excessive animal waste and alleged aggressive behavior at the fence line.

In a warning letter dated August 14, 2014, the Guevaras were advised that if the complaints continued, a full investigation would be conducted and if substantiated, they would be in danger of having their Multiple Pet Permit revoked.

On the date that Officer Gomez issued the current Administrative Citation, the Guevaras were in violation of Antioch Municipal Code § 6-1.24 (B)(1), as they did not have an Animal Fancier's Permit with the City of Antioch, allowing them to have more than three dogs. The appropriate Administrative Fine for that violation is \$100.

Staff requests that the Board uphold the citation of a violation of the Animal Fancier's Permit and the fine for \$100 that was issued on April 3, 2014 by Officer Gomez.

ANIMAL CARE VIOLATION § 6-1.28:

The Antioch Municipal Code § 6-1.28 reads as follows:

No owner shall fail to provide his animals with adequate feed and water and proper, clean, and sanitary shelter and protection from the weather and veterinary care when needed to prevent suffering. The humane care and treatment of all animals shall be maintained at all times.

When Officer Gomez issued the Administrative Citation on April 3, 2014, she could not see any readably available water that may have been provided for the dogs. Although this is still a cause for concern, Staff feels that a warning and/or informational approach may be a more appropriate course of action. At this time we do not request that the Board uphold this part of the citation or the \$100.00 fine that is attached to it.

RECCOMENDATION:

Since February 8, 2011, Antioch Animal Services and Police Department Staff have advised the Guevaras of the Antioch Municipal Code and cited them on multiple occasions to no avail. Over 3 years later, on June 10, the Guevaras finally complied with the Licensing, Rabies Verification and Multiple Pet Permit requirements of the City of Antioch. In that time it has taken many man hours of Staff time including that of Animal Services, the Police Department and City Hall. As well, by not providing the City with proper rabies vaccination certification, they have also put the two victims of bites from their dog in unnecessary and precarious situations.

Although the Board granted them a continuance, the Guevaras already had over 3 years to comply with the Antioch Municipal Code. The Guevaras are now currently in compliance with the Antioch Municipal Code. However, they were not in compliance on April 3, 2014 when Officer Gomez originally cited them.

As it is for every other citizen in the City of Antioch, there should be personal accountability for repeated violations of the law; especially when repeatedly advised of those violations. In this case the City of Antioch's penalties for the violations is an Administrative Citation and a monetary fine as follows:

License Violation (\$100) x 9 Dogs: \$900

Failure to provide Rabies Vaccination Certification (\$100) x 9 dogs: \$900

No Animal Fancier's Permit: \$100

Total Fine: \$1900

Based on the preponderance of evidence, it is Staff's recommendation that the Board denies the appeal and upholds the Administrative Citation and fine of \$1900 (with the exception of the Animal Care Violation).

§ 6-1.20 UNLAWFUL ACTS.

It shall be unlawful for any person owning, harboring, possessing, or collecting any animal knowingly to:

- (A) Abandon such animal, except to surrender it to the Animal Shelter or Animal Control Officer;
- (B) Permit any dog over the age of four months to be unlicensed;
- (C) Permit any animal, except a cat, to run at large;
- (D) Permit or cause to allow a dog to enter upon private property without the consent of the person in possession of the property or to damage or destroy any lawn, tree, shrub, or other planting or any other improvement or thing of value on such property;
- (E) Permit any unregistered dog to leave its premises when such dog does not have a duly issued current license affixed to the collar worn by such dog;
- (F) Allow any animal to be tethered or leashed on any street or other public place unattended, except any temporary tethering or leashing or tying in an appropriate and safe place as the owner enters a store or public place for a specific purpose. In no case shall the temporary tethering exceed 15 minutes;
- (G) Refuse to obey the conditions of a lawfully imposed quarantine;
- (H) Refuse to display such animal to the Animal Control Officer upon his reasonable request;
- (I) Interfere with, obstruct, or hinder any Animal Control Officer or any health officer in the discharge of any of the duties imposed upon such officer pursuant to this chapter or state laws related to animal care and control; or
- (J) Permit any animal to engage in any conduct which would constitute a public nuisance.

('66 Code, § 6-1.20) (Ord. 446-C-S, passed 8-7-80) [Penalty, see § 6-1.52](#)

§ 6-1.15 LICENSE TAGS; DISPLAY.

The license tag shall be attached securely to collar or harness upon the dog for which issued at all times the dog is within the city and not confined indoors. The license tag shall be shown by the owner at any time upon request by the Animal Control Officer, or other enforcement officers.

('66 Code, § 6-1.15) (Ord. 446-C-S, passed 8-7-80; Am. Ord. 859-C-S, passed 3-25-93)
[Penalty, see § 6-1.52](#)

§ 6-1.09 LICENSES REQUIRED; PERIODS.

Every owner of a dog which is over the age of four months and which is kept in the city shall procure a license for each such dog, for each year, commencing with date of the rabies vaccination of the dog and expiring the year following the date of issuance of such license. Such license shall be procured not later than 30 days after the day upon which the dog, if over the age of four months, is first owned by a resident of the city, and thereafter shall be maintained on a current basis from year to year. Dog owners may, with proof of multi-year rabies vaccination, choose to renew a license for one, two or three years, with final expiration coincident with the expiration of the rabies vaccination. Any person who acquires a licensed dog must transfer ownership within 30 days. Written notice of the name and address of the person who possession is transferred from and of the person acquiring such dog shall be provided. A license will be issued after application and payment of the required fee.

('66 Code, § 6-1.09) (Ord. 446-C-S, passed 8-7-80; Am. Ord. 859-C-S, passed 3-25-93)
[Penalty, see § 6-1.52](#)

§ 6-1.10 LICENSE FEE.

(A) All license fees shall be set pursuant to the master fee resolution adopted by the City Council. The fee is due and payable with the issuance of a license. License fees are nonrefundable.

(B) An added late fee shall be charged for late licensing.

(C) A fee of one-half of the amount for a dog license, stated in the master fee resolution, shall be charged to a person presenting proof and qualifying for senior citizen status.

(D) Whenever a dog license is issued to a dog that has been spayed or neutered, it shall be issued at a discounted rate stated in the master fee resolution. A certificate from a licensed veterinarian must be presented to verify altered status.

(E) Any dog which has been licensed for the current year in any other political subdivision of the state, or in any other state which has the same licensing requirements, may have the license validated for use in the city for the remainder of such year for a fee set in the master fee resolution.

(F) Any dog redeemed or adopted where its place of residence is outside the city shall not be required to pay a license fee to the city.

('66 Code, § 6-1.10) (Ord. 446-C-S, passed 8-7-80; Am. Ord. 685-C-S, passed 9-10-87; Am. Ord. 859-C-S, passed 3-25-93)

§ 6-1.12 RABIES VACCINATION; PREREQUISITE TO ISSUANCE OF LICENSE.

Whenever state or other laws require the vaccination of dogs against rabies, no license shall be issued for any dog required to be vaccinated until the Chief of Police, or his agent, is given satisfactory written evidence of compliance with such laws. A license fee may be collected upon the application for a license, but the agent shall withhold the license tax until evidence of the vaccination is received and on file.

('66 Code, § 6-1.12) (Ord. 446-C-S, passed 8-7-80; Am. Ord. 859-C-S, passed 3-25-93)

§ 6-1.12.1 RABIES REPORTS.

(A) Rabies is declared to be a reportable disease. Every veterinarian practicing within the city, and every person providing professional medical treatment for an animal bite by a species subject to rabies, shall immediately notify Animal Services or the Police Department.

(B) Every veterinarian practicing within the city shall provide Animal Services with a copy of every rabies immunization certificate which is issued.

('66 Code, § 6-1.12.1) (Ord. 599-C-S, passed 11-10-83; Am. Ord. 859-C-S, passed 3-25-93)
Penalty, see § 6-1.52

§ 6-1.12.2 RABIES VACCINATION REQUIRED.

(A) Every dog owner shall procure a rabies vaccination by a licensed veterinarian upon the dog attaining the age of four months and at intervals not later than the expiration date on the vaccination certificate. A certificate shall be issued to the owner by the veterinarian showing the following:

- (1) The veterinarian's name and business address;
- (2) The name and description of the dog;
- (3) The date of the vaccination; and
- (4) The expiration date of the rabies vaccination.

(B) Exemptions may be issued by a licensed veterinarian if a rabies vaccination would be detrimental to the health of the dog. Every dog owner shall show a copy of the vaccination certificate upon the request of an Animal Control officer or other enforcement officer.

('66 Code, § 6-1.12.2) (Ord. 722-C-S, passed 8-11-88; Am. Ord. 859-C-S, passed 3-25-93)
Penalty, see § 6-1.52

§ 6-1.24 KEEPING ANIMALS AND BEES.

(A) It shall be unlawful for any person to keep or maintain any horse, mule, cow, sheep, goat, pig, or wild or other dangerous animal, except dogs and cats and other household pets, within the city, except in an enclosed area of not less than three-fourths of an acre, and then only with the consent of the Animal Control Officer who shall consider the application using the procedure described in division (B) of this section.

(B) (1) It shall be unlawful for any person, other than a licensed dog fancier, to keep or maintain more than three dogs which are required to be licensed at any residence in the city.

(2) *Exceptions.* More than three dogs may be allowed upon procuring a commercial kennel license or obtaining the consent of the Animal Control Officer. The Animal Control Officer shall conduct a public hearing on such application with notice given pursuant to this code. Such consent may be revoked at any time in the discretion of the Animal Control Officer.

(C) It shall be unlawful for any person to keep or maintain more than 10 each of ducks, geese, chickens, or other fowl; however, the total number of fowl or animals specified in divisions (A), (B), and (D) of this section may not exceed 15. Fowl shall be kept in enclosures located a minimum of 20 feet from any dwelling, church, or school. Such enclosures shall be maintained in a clean manner. Such ducks, geese, chickens, or fowl shall not be permitted to create a public nuisance, as defined in this chapter or in Cal. Civ. Code § 3480.

(D) Not more than 10 domesticated rabbits may be kept within the city, and their cages and runs shall be kept clean so as to avoid a public nuisance, as specified in division (C) of this section.

(E) It shall be unlawful for any person to maintain or keep any bees, except in an agricultural or open space zoning district, without a permit from the Animal Control Officer. Such permit shall be considered in the manner specified in division (B) of this section. ('66 Code, § 6-1.24) (Ord. 446-C-S, passed 8-7-80) [Penalty, see § 6-1.52](#)

§ 6-1.24.1 DOG FANCIERS.

Dog fanciers, as defined in § 6-1.02 of this chapter, may keep more than three but not more than 10 adult dogs upon obtaining a dog fancier's permit from the Animal Control Officer. All such dogs shall be regularly licensed. The Animal Control Officer shall conduct a public hearing with notice thereof as specified in this code. The Animal Control Officer shall inspect the property and issue the permit if it is found that adequate measures will be taken by the dog fancier to comply with the provisions of this chapter. The Animal Control Officer may revoke such permit if the dog fancier violates the provisions of this chapter. Any decision of the Animal Control Officer may be appealed to the Council pursuant to Chapter 4 of Title 1 of this code.

('66 Code, § 6-1.24.1) (Ord. 446-C-S, passed 8-7-80) [Penalty, see § 6-1.52](#)

City of Antioch Animal Services
 300 L Street, Antioch, CA 94531-1156
 (925) 779-6989

Receipt Number: R14-001688

Receipt Date: Tuesday, June 10, 2014

Person Information: DANIELLE/GEORGE GUEVARA
 PALOMINO WY
 ANTIOCH, CA 94531

PID: P505085

Received From: DANIELLE/GEORGE
 GUEVARA

Check No:

Phone:

Item:	Animal ID:	Reference No:	Price:	Each:	Amount:
LIC SN 1	A510012	L14-405868	\$18.00	1	\$18.00
LIC SN 1	A508967	L15-503217	18.00	1	18.00
LIC SN 1	A508349	L15-503218	18.00	1	18.00
LIC SN 1	A510011	L14-405869	18.00	1	18.00
LIC SN 1	A509411	L15-503216	18.00	1	18.00
LIC SN 1	A510233	L15-503219	18.00	1	18.00
LIC SN 1	A510234	L15-503220	18.00	1	18.00
LIC SN 1	A510010	L15-503223	18.00	1	18.00
LIC SN 1	A508415	L15-503224	18.00	1	18.00
KEN PERM	A508415	K-000015	108.00	1	108.00
LATE FEE	A508415	X 9 DOGS	33.00	9	297.00

Total Fees Due: **\$567.00**

Payments: Cash: \$0.00
 Check: \$567.00
 Credit Card: \$0.00

Total Payments Received: **\$567.00**

Thank You!

Change: \$0.00
 Balance Due: \$0.00

Shelter Hours

Shelter Hours Monday, Wednesday, Friday, Saturday 10:00AM - 4:00PM* Tuesday, Thursday 10:00AM - 7:00PM*
 Phone Hours Monday - Friday 8:00AM - 5:00PM* Saturday 8:00AM - 4:00PM*
 Shelters CLOSED Sundays and Holidays

Animal Information:

A508349 CHLOE - OF AGE, SPAYED, LHASA APSO, CREAM DOG

A508415 TEMILIN - OF AGE, SPAYED, LHASA APSO, TRICOLORED DOG

A508967 PAIGE - OF AGE, SPAYED, LHASA APSO, BUFF DOG

A509411 PRUE - OF AGE, SPAYED, LHASA APSO, BLACK DOG

A510010 HITLER - OF AGE, NEUTERED, GERM SHEPHERD, BLACK AND TAN DOG

A510011 SVASTIKA - OF AGE, SPAYED, UNKNOWN, GRAY DOG

A510012 TALA - OF AGE, SPAYED, UNKNOWN, GRAY AND BLACK DOG

A510233 AVA - OF AGE, SPAYED, GERM SHEPHERD, BLACK AND TAN DOG

A510234 AUSTRIA - OF AGE, SPAYED, GERM SHEPHERD, BLACK AND TAN DOG

License Information:

Tag Number:	Expires:	Animal#	Vacc Date:	Term:	Expires:	Amount:	Type:
L14-405868	12/11/14	A510012	12/13/11	36	12/11/14	\$18.00	LIC SN 1
L14-405869	12/19/14	A510011	12/19/11	36	12/19/14	\$18.00	LIC SN 1
L15-503216	06/10/15	A509411	11/27/13	36	11/26/16	\$18.00	LIC SN 1
L15-503217	06/10/15	A508967	06/18/12	36	06/18/15	\$18.00	LIC SN 1
L15-503218	06/10/15	A508349	11/26/13	36	11/26/16	\$18.00	LIC SN 1
L15-503219	06/10/15	A510233	07/11/12	36	07/11/15	\$18.00	LIC SN 1
L15-503220	06/10/15	A510234	07/26/12	36	07/16/15	\$18.00	LIC SN 1
L15-503223	06/10/15	A510010	04/08/14	36	04/08/17	\$18.00	LIC SN 1
L15-503224	06/10/15	A508415	04/04/14	36	04/04/17	\$18.00	LIC SN 1
K-000015	06/10/15	A508415	06/10/14	12	06/10/15	\$108.00	KEN PERM
TOTAL LICENSE FEES:						<u>\$270.00</u>	

Shelter Hours

Shelter Hours Monday, Wednesday, Friday, Saturday 10:00AM - 4:00PM* Tuesday, Thursday 10:00AM - 7:00PM*
Phone Hours Monday - Friday 8:00AM - 5:00PM* Saturday 8:00AM - 4:00PM*
Shelters CLOSED Sundays and Holidays

Police Department
Antioch Animal Services

300 L Street, Antioch, CA 94509-1100



Allan Cantando
Chief of Police

(925) 779-6989

August 14, 2014

George/Danielle Guevara
Palomino Way
Antioch, CA 94531

Dear George and Danielle Guevara,

Antioch Animal Services has received several complaints from neighbors in your area regarding the dogs on your property. These complaints include excessive barking, excessive animal waste and dogs behaving aggressively at the fence line with passersby.

Antioch Animal Services is therefore placing you on notice to take the appropriate action to comply with the applicable regulations to confine and control your dogs, prevent a nuisance, protect the public, and assure quiet enjoyment for both you and your neighbors. Further complaints (i.e. barking, animal waste, aggressive behavior, etc.) could result in the revocation of your Multiple Pet Permit.

It is the desire of the City of Antioch to safeguard property and the public welfare of our citizens through the enforcement of animal regulations established in our Municipal Code. Failure to correct the violations will result in further and higher fines, as well as the case being turned over to the Police Department or District Attorney's Office for further abatement.

Respectfully,

A handwritten signature in blue ink that reads 'M Helgemo'.

Monika Helgemo, Supervisor
Antioch Police Department
Animal Services Division

1 CITY OF ANTIOCH
2 Third and "H" Streets
3 P.O. Box 5007
4 Antioch, CA 94531-5007
5 925-779-7015; FAX 925-779-7003

6 ADMINISTRATIVE CITATION APPEAL HEARING

7 ANTIOCH MUNICIPAL CODES: § 6-1.20(b), 6-1.12.2, 6-1.24.1 AND 6-1.28

9 In re the Matter of:

10 George/ Danielle Guevara [APPELLANT]

Administrative Citation for violation of Municipal
Codes § 6-1.20(b), 6-1.12.2, 6-1.24.1 and 6-1.28

11 DECISION OF BOARD OF ADMINSTRATIVE
12 APPEALS

14 I. GENERAL FINDINGS:

- 15 1. Administrative Citation for violation of Antioch Municipal Codes: §6-1.20(b), 6-1.12.2, and 6-
16 1.24.1, and 6-1.28. At all relevant times the Appellant was the sole owner of the dogs and/or the
17 responsible party.
- 18 2. The Appellant appealed the Administrative Citation for Municipal Codes § 6-1.20(b), 6-1.12.2,
19 and 6-1.24.1, and 6-1.28, which are the only items at issue for today's hearing.
- 20 3. An Administrative Appeals Board Hearing regarding the Appellant's appeal of the
21 Administrative Citation was set for June 05, 2014, and the Appellant was duly notified by the
22 City Clerk.
- 23 4. During deliberations the Appellant requested a continuance of the hearing until a later date. The
24 Board granted the continuance and the matter was adjourned until August 28, 2014.

25 II. SPECIFIC FINDINGS:

26 An Administrative Appeals Board Hearing regarding the Appellant's appeal of the Administrative
27 Citation was duly held on August 28, 2014, at 3PM. Evidence, both oral and documentary, was taken
28 and based on the preponderance of said evidence; the following specific findings are made:

1. On April 03, 2014, while responding to a complaint driven call for service at [REDACTED] Palomino
Way, Antioch, CA, Animal Control Officer Ada Gomez cited dog owners, George and
Danielle Guevara for multiple unlicensed dogs on the property (10 dogs). As the Guevaras
had been previously warned about, and cited for the dogs being in violation of the City of
Antioch Municipal Code § 6-1.20(b), Officer Gomez then cited the Guevaras for 10

1 unlicensed dogs. As the Guevaras also harbor many other dogs, it was later established that
2 they only owned 9 personal dogs ("TALA" [A510012], "PAIGE" [A508967], "CHLOE"
3 [A508349], "SVASTIKA" [A510011], "PRUE" [A509411], "AVA" [A510233], "AUSTRIA"
4 [A510234], "HITLER" [A510010], "TEMUJIN" [A508415]) that were in violation of the
5 Municipal Code which states in part that: *"It shall be unlawful for any person owning,
6 harboring, possessing, or collecting any animal knowingly to...Permit any dog over the age
7 of 4 months to be unlicensed."* The Guevaras were in violation of this code as none of their 9
8 dogs were licensed on April 3, 2014.

- 9
10
11 2. As well, on April 3, 2014, Officer Gomez checked the Antioch Animal Services records and
12 established that the Guevaras had been warned (and previously cited) several times to provide
13 rabies vaccination verification, but had still not provided any proof at Animal Services'
14 request. Antioch Municipal Code § 6-1.12.2 states in part that: *"Every dog owner shall show
15 a copy of the vaccination certificate upon request of an Animal Control Officer or other
16 Enforcement Officer."* The Guevaras were in violation of this code as they still had not
17 provided proof of rabies vaccination certification at Animal Services' request by April 3,
18 2014.
- 19
20 3. Further, on April 3, 2014, Officer Gomez verified through Animal Services records that,
21 although the Guevaras had been warned (and previously cited) for having too many dogs at
22 their residence without an Animal Fancier's Permit, they were still in violation of Antioch
23 Municipal Code 6-1.24, which states in part that: *"It shall be unlawful for any person, other
24 than a licensed dog fancier, to keep or maintain more than three dogs which are required to
25 be licensed at any residence in the city."* The Guevaras were in violation of this code as they
26 had more than 3 dogs on April 3, 2014.
- 27
28 4. Animal Control Officers have the ability to issue Administrative Citations pursuant to
Antioch Municipal Code § 1-5.03 which states in part that: *"Animal Control Officers may
issue citations only regarding Title 6, Chapter 1 of this code."*

Based on a preponderance of evidence, the Board finds that there was probable cause for the City to issue an Administrative Citation and the appeal is denied.

III. NOTICE:

Notice of this decision shall be given to the Appellant, by mailing a copy of these Findings and Decision by first class U.S. Mail, addressed to George/ Danielle Guevara [REDACTED] Palomino Way, Antioch, CA, 94531 and to their attorney, James D. Morrison, ESQ., at Morrison Law Firm, [REDACTED] East Third Street, Pittsburg, CA, 94565.

Dated: August 28, 2014

CHAIRPERSON OF THE BOARD

Notice of Right To Appeal Decision: Any person aggrieved by an Administrative Board of Appeals may obtain review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, by filing with the Court a petition for writ of mandate pursuant to section 1094.6 of the California Government Code.