

ORDINANCE NO. 24-2403

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 3301 (ADDITION TO ANIMAL CONTROL ORDINANCE) OF CHAPTER 3 (POUND REGULATIONS) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE TO CLARIFY AND UPDATE THE REQUIREMENTS FOR ENTRY AND LEASHING OF DOGS IN PUBLIC PARKS

WHEREAS, the City of Carson (City) has always permitted service animals in its public parks pursuant to City's policy against discrimination and harassment codified in Carson Municipal Code ("CMC") Sections 21100, 21101(A)(1)(f), 21101(A)(1)(p), and 21101(B); and

WHEREAS, on November 7, 2018, the Carson City Council approved Ordinance No. 18-1812, which amended CMC Section 3301 to restate and reaffirm an exception from the prohibition of dogs in public parks for service dogs pursuant to the Americans with Disabilities Act of 1990 ("ADA") and California Civil Code Sections 54.1 and 54.2; and

WHEREAS, there has since been some confusion among members of the public related to the scope of the exceptions from the general prohibition against dogs in City parks and the leashing requirements for dogs in City parks; and

WHEREAS, for the benefit of the public and City staff, the City Council sees fit to modify CMC Section 3301 to further clarify, restate, and reaffirm: (1) the general prohibition on dogs in City parks; (2) the exceptions from the prohibition, including for service dogs as provided in the ADA and California Civil Code Sections 54.1 and 54.2 and for dogs that are in training to become service dogs as provided in California Civil Code Sections 54.1 and 54.2; and (3) the requirements for leashing of dogs that are allowed in City parks pursuant to the exception(s) from the general prohibition (including the Council's intent to require that such dogs be leashed except to the extent such a leashing requirement is precluded by the aforementioned state and/or federal laws); and

WHEREAS, the City has plans to develop its first dog park as part of the Carriage Crest Park expansion project, with groundbreaking planned in Fall 2024, which is to include a separate parking lot adjacent to Sepulveda Blvd. to serve the dog park. In anticipation of this, the City Council sees fit to further amend CMC Section 3301 to exempt designated dog park areas from the general prohibition on dogs in parks and the requirements for leashing dogs in parks, as amended by this ordinance, but to also make clear that residents shall comply with said requirements when accessing or leaving the dog park. For example, unless an exception from the general prohibition applies for a given dog (e.g., if the dog is an ADA service animal), people shall not be allowed to walk their dogs across the non-dog park areas of the expanded Carriage Crest Park from the existing parking lot adjacent to Figueroa St. in order to access the dog park area, and instead may use the separate parking lot adjacent to Sepulveda Blvd. to access the dog park area.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and incorporated herein by this reference.

SECTION 2. Section 3301 (Addition to Animal Control Ordinance) of Chapter 3 (Pound Regulations) of Article III (Public Safety) of the Carson Municipal Code is hereby amended to read in its entirety as follows (new text is identified in ***bold & italics***, deleted text in ~~strike through~~):

“3301 Addition to Animal Control Ordinance.

Notwithstanding the provisions of CMC 3300, the Animal Control Ordinance is amended by adding Section 10.40.110 to read as follows:

10.40.110 Dogs – Prohibited in Public Parks.

A. It shall be unlawful for the owner or person having custody of any dog to allow said animal to enter upon any public park, except as otherwise provided in this Section.

B. The provisions of this Section shall not prohibit the use of dogs on park property for teaching uses when approved by the Director of Community Services ***or his or her designee. Such dogs shall be leashed at all times while in public parks, except as otherwise provided in this Section.***

C. The provisions of this Section do not prohibit the use of Service Dogs in any public park, to the extent such use is protected by applicable state and federal law. For purposes of this section, “Service Dog” means a dog that constitutes a service animal, as defined in Section 35.104 of Title 28 of the Code of Federal Regulations, and as amended, or a dog trained as a guide dog, signal dog, or service dog, as such terms are defined in Section 54.1 of the California Civil Code, and as amended.

D. Dogs that constitute service animals, as defined in Section 35.104 of Title 28 of the Code of Federal Regulations, and as amended, shall not be excluded from public parks except to the extent consistent with 28 C.F.R. 35.136(b)–(c), and as amended.

~~E. Dogs that do not constitute service animals, as defined in Section 35.104 of Title 28 of the Code of Federal Regulations, and as amended, shall be leashed at all times while in public parks.~~

E F. At all times while in public parks, dogs that constitute service animals, as defined in Section 35.104 of Title 28 of the Code of Federal Regulations, and as amended, shall be:

(1) under the control of their handler, and

(2) harnessed, leashed, or tethered, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

F. The provisions of this Section also do not prohibit an individual referred to in California Civil Code Section 54.2 from taking a dog into a public park for the purpose of training it as a guide dog, signal dog, or service dog, as such terms are defined in Section 54.1 of the California Civil Code, and as amended, but as provided in Civil Code Section 54.2, any such individual shall be liable for any damage done to the premises or facilities by the dog, and shall ensure the dog is on a leash and tagged as a guide dog, signal dog, or service dog by an identification tag issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Title 14 of the California Food and Agricultural Code.

G. The provisions of subsections (A)-(F) of this Section do not prohibit, or require leashing of, dogs in City-designated dog park or dog run areas that are identified by posted City signs. However, the provisions of subsections (A)-(F) of this Section apply fully with respect to dogs that are in other areas of public parks, even if for the purpose or in the course of accessing, entering or leaving such designated areas.

H G. Nothing in this Section shall be deemed to preclude the use of a miniature horse in a public park by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability, provided the City has made a determination, as a matter of policy, practice or procedure, that the miniature horse can be allowed in the subject public park facility, based on the assessment factors set forth in Section §35.136(i) of Title 28 of the Code of Federal Regulations, and as amended.”

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED, and ADOPTED at a regular meeting of the City Council on this _____ day of May, 2024.

APPROVED AS TO FORM:

CITY OF CARSON:

Sunny K. Soltani, City Attorney

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk