

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.

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.

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).

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.

(Ord. 91-943, § 1; Ord. 18-1812, § 2)