



Legislation Text

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Report to Mayor and City Council

Wednesday, May 22, 2024

Discussion

SUBJECT:

CONSIDER INTRODUCING ORDINANCE NO. 24-2403 THAT WOULD AMEND 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 RESTRICTIONS AGAINST ENTRY OF DOGS IN PUBLIC PARKS AND THE REQUIREMENTS FOR LEASHING OF DOGS THAT ARE EXCEPTED FROM THE GENERAL PROHIBITION AGAINST ENTRY (CITY COUNCIL)

I. SUMMARY

The City of Carson has historically prohibited all dogs, except for service animals, at its parks pursuant to City's policy against discrimination and harassment codified in Carson Municipal Code ("CMC") Sections 21100-21101. On November 7, 2018, the 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 (ADA) and California Civil Code Sections 54.1 and 54.2 (Exhibit No. 2).

Since then, there has been some confusion among the public as to the scope of the exceptions from the City's general prohibition and the requirements for leashing of dogs in parks. The ordinance states that the only dogs permitted at the parks are service dogs under the ADA, as well as dogs approved for teaching uses by the Director of Community Services. They must be leashed to the extent consistent with the ADA (which places limits on the City's ability to require leashing of ADA service dogs in some circumstances). However, some individuals have misinterpreted the ordinance as generally permitting dogs in City parks provided they are leashed.

To provide clarity, staff is requesting that the City Council approve Ordinance No. 24-2403 (Exhibit 1). It would modify CMC Section 3301 such that: the general prohibition on dogs in City parks is restated; the exceptions for dogs that are service animals as defined in the ADA, guide dogs, signal dogs, and service dogs as such terms are defined in Section 54.1 of the California Civil Code, and dogs approved by the Community Services Director for teaching uses are reaffirmed; and the Council's intent to require that all such dogs be

leashed to the maximum extent consistent with applicable law (i.e., the ADA) is clarified. The proposed ordinance also clarifies that dogs that are in training to become service dogs as provided in California Civil Code Sections 54.1 and 54.2 are allowed in parks but are required be on a leash, consistent with State law.

Additionally, with the City's plans to develop its first dog park as part of the Carriage Crest Park expansion project (and possibly one or more other dog parks in the future), the proposed ordinance amendment would provide that dogs in designated dog park areas would be exempt from the general prohibition on dogs in parks and from the aforementioned leashing requirements. However, and importantly, the ordinance would make it clear that residents shall be required to comply with the requirements of CMC 3301 when accessing or leaving the dog park, i.e. residents will be required to use the new parking lot that will be immediately adjacent to the dog park area to access this space rather than walking their dog across the park in order to reach the dog park.

II. RECOMMENDATION

INTRODUCE for first reading, by title only and with full reading waived, Ordinance No. 24-2403, entitled "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 RESTRICTIONS AGAINST ENTRY OF DOGS IN PUBLIC PARKS AND THE REQUIREMENTS FOR LEASHING OF DOGS THAT ARE EXCEPTED FROM THE GENERAL PROHIBITION AGAINST ENTRY." (Exhibit No. 1)

III. ALTERNATIVES

DO NOT APPROVE the recommendation.

IV. BACKGROUND

The City of Carson has long allowed service dogs at its parks. Through the years, this policy has been restated and reaffirmed this exception from the general prohibition of dogs in public parks pursuant to the Americans with Disabilities Act (ADA) and California Civil Code Sections 54.1 and 54.2. However, there has been some confusion as to the scope of the exceptions and the requirements for leashing of dogs in parks. The ordinance states that dogs are allowed in City parks only pursuant to the exceptions from the City's general prohibition against dogs in parks, i.e., the only dogs permitted at the parks are service animals as defined under the ADA, guide dogs, signal dogs and service dogs as defined under California Civil Code Sections 54.1 and 54.2, and dogs approved for teaching uses by the Director of Community Services. The ordinance also provides that all such dogs must be leashed to the extent consistent with the ADA (which places limits on the City's ability to require leashing of ADA service dogs in some circumstances). However, some individuals have misinterpreted the ordinance as generally permitting dogs in City parks provided they are leashed.

In response to this circumstance, staff is recommending the approval of Ordinance No. 24-

2403. This ordinance would provide for the following:

- Restate the general prohibition on dogs in City parks.
- Reaffirm and clarify that the exceptions from the prohibition are for: (i) dogs that are service animals as defined in the ADA and dogs that are guide dogs, signal dogs, or service dogs as defined in California Civil Code Sections 54.1 and 54.2; (ii) dogs that are in training to become guide dogs, signal dogs, or service dogs as defined in California Civil Code Sections 54.1 and 54.2, to the extent such use is protected by applicable State law (this is a new addition; the ordinance expressly states that such dogs must be on a leash, as leashing of such dogs is required per Civil Code Sections 54.1 and 54.2); and (iv) dogs that are approved by the Community Services Director for teaching uses.
- Clarify that the Council's intent to require that dogs which qualify for any of the foregoing exceptions be leashed to the maximum extent consistent with applicable law (i.e., the ADA).

Additionally, with the City's plans to develop its first dog park at Carriage Crest Park, there is a need for another modification which is included in the proposed ordinance. Specifically, the ordinance would provide that dogs in designated dog park areas would be exempt from the general prohibition on dogs in parks and from the leashing requirements, but importantly would make clear that residents would be required comply with the requirements of CMC 3301 which state that residents will be required to use the new parking lot immediately adjacent to the dog park to access it, as opposed to walking their dog across areas of the park that are not designated dog park areas.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Ordinance No. 24-2403 (pgs. 4 - 6)
2. Staff Report 2018-815 (pgs. 8 - 30)

Prepared by: Tim Grierson, Recreation Superintendent; Michael Whittiker Jr., Director of Community Services/Recreation/Park Maintenance Department