

Opinion: SLTPD enforcing no dog rules at parks

By Brian Uhler

Many South Lake Tahoe residents love their dogs. Most police officers love dogs, too. I've heard it said by someone not so long ago, "The more people I meet, the more I love dogs!"

We at the police department understand and share in this fondness. However, we receive weekly complaints from community members regarding dogs in public parks, and most frequently dogs at the Live at Lakeview events.



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The South Lake Tahoe City Code does not allow dogs, even on a leash, to be in our public parks. Police officers have been asking people for voluntary compliance with this regulation and, for the most part, people are appreciative of the "soft" approach and comply. Others respond with agitation and anger, some even feel singled out.

Officers are not singling anyone out. Every person with a dog in a park is presumed to be in violation of SLTCC section 8.05.130 and should be contacted. After an officer makes contact and establishes an exemption under the law, the citizen is considered compliant.

Service animals: Under the Americans with Disabilities Act, a

service animal is individually trained to do work or perform tasks for a person with a disability. The task(s) performed by the animal must be directly related to the person's disability. Proof that the animal has been certified, trained, or licensed as a service animal is not required under the law. Those with service animals must be in control of the animal at all times.

Protections for those with disabilities: The ADA and California law respects and protects individuals with disabilities. Individuals with disabilities shall be entitled to full and equal access to places of public accommodation, including but not limited to public parks. The law also extends civil penalties to individuals who interfere with these protections.

Other support dogs: Emotional support, therapy, comfort, or companion animals are not service dogs under the ADA and do not provide the individual with an exemption to the city's restriction against dogs in the parks. We believe many people have a misunderstanding about this and this leads to further public confusion. The last thing we really want is an extended debate about the nuance of the law with people in the public.

Fake service dog issue: Lying about the legitimacy of a service dog undermines the public perception and acceptance of valid service dogs and the disabled persons who truly need those dogs to assist them. There are individuals and organizations that sell service animal certification or registration documents online, these documents do not convey "rights" under the ADA and the Department of Justice does not recognize these documents as proof that a dog is a service animal. The California Penal Code protects owners of legally recognized service animals by including a prohibition against fraudulent representations of a guide, signal, or service dog. The penalty for this crime includes jail time of up to six months and a fine of up to \$1,000, as well as an administrative citation and fine for violation of SLTCC

section 8.05.130.

SLTPD investigation: When a person brings a dog to a public park and/or the Live at Lakeview event, she or he should expect to be asked: (1) is the animal required because of a disability?, and (2) what task or job is the animal trained to perform? If the answers to these questions are insufficient under the law, the patron will be asked to remove the dog from the park and/or be cited.

Possible change to the law: City leaders always value insights from the community we serve. Not all cities have a prohibition against dogs in parks. Some allow dogs on leashes, but also require dog owners to pick up dog feces. Perhaps the public could express their preferences on this issue so those with the authority to make change could do so in a way which best represents the public we serve.

Brian Uhler is the police chief in South Lake Tahoe.