



ADMINISTRATIVE POLICIES

Office of the City Manager

Policy Number CM-19
Version 1
Effective Date 1/3/2023
Responsible Department City Manager

TITLE: Service Animals in City Facilities

- New
 Supersedes AP Number XX-XX, Version X, effective {date}

APPROVAL



City Manager Signature

1/3/2023

Date Approved

- PURPOSE.** The purpose of this policy is to set forth City policy regarding adherence to the Americans with Disabilities Act (ADA) as it relates to service animals in City facilities.
- SCOPE.** This policy shall be applicable to all City departments and offices.
- DEFINITIONS.** For purposes of this policy, these terms are defined as follows:
 - The terms “guide dog,” “seeing eye dog,” “hearing dog,” “signal dog,” “psychiatric service dog,” “seizure response dog,” and “service dog” have the same meaning as “service animal.”
 - A service animal is any dog that is individually trained to do specific work or perform specific tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability.
 - Emotional support animals, comfort animals, and therapy dogs are not considered service animals under the ADA.
 - Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals under the ADA; however, entities must make reasonable modifications in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do specific work or perform specific tasks for individuals with disabilities.
- POLICY.** The City of Tulare is committed to complying with both the intent and spirit of the ADA and does not discriminate on the basis of disability in admission to, access to, or operations of its programs, facilities, services, or activities. In accordance with Title II of the ADA, individuals that use service animals are allowed equal access to all City of Tulare programs, facilities, services, and activities.

4.1. Public Facilities and Accommodations

Titles II and III of the ADA make it clear that service animals are allowed in public facilities and accommodations. A service animal must be allowed to accompany the handler to any place in the building or facility where members of the public, program participants, customers, or clients are allowed.

When a person with a service animal enters a public facility or place of public accommodation, the person cannot be asked about the nature or extent of their disability. Only two questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

These questions should not be asked if the animal's service tasks are obvious. For example, the questions may not be asked if the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or aiding with stability or balance to an individual with an observable mobility disability.

A public facility or accommodation is not allowed to ask for documentation or proof that the animal has been certified, trained, or licensed as a service animal.

A public facility or accommodation cannot require a person with a disability to pay a deposit or surcharge in order to be accompanied by a service animal, even if that is their policy for pets. If a public accommodation or public entity ordinarily charges its guests for damage caused to the premises, it may charge the owner of a service animal for similar damage.

The ADA requires the service animals be under the control of the handler at all times. This can occur using a harness, leash, or other tether; however, in some cases, a tether cannot be used to control the service animal, in which case other means may be used, such as voice control. A person with a disability may be asked to remove their service animal from the premises if the dog is out of control and handler does not take corrective action to control it or if the dog is not housebroken.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.

4.2. Service Animals in Training

Service animals in training are not covered under the ADA; however, the California Disabled Persons Act allows people with disabilities, and individuals who train service animals, to bring a dog into any public place for the purpose of training the dog to provide a disability-related service. The dog must be on a leash, and must wear a county-issued tag that identifies the dog as a service or assistance animal in training. The dog's handler will be liable for any damage that the dog does to the premises or facilities.

5. REVISION HISTORY

<u>Version #</u>	<u>Date</u>	<u>Approved By</u>
1	1/3/2023	City Manager; City Attorney