

THE AMERICANS WITH DISABILITIES ACT (ADA)

SERVICE ANIMAL POLICY (§35.136)

It is the policy of the City of Golden, CO to ensure that individuals with disabilities may be accompanied by their service animals wherever members of the public may go.

The U.S. Department of Justice enforces Title II of the ADA and the associated regulations and standards that apply to state and local governments. Under the ADA, service animals are dogs that are individually trained to do work or perform tasks for people with disabilities. The City of Golden welcomes persons with disabilities who are accompanied by service animals in all of our buildings, programs and activities. No identification or special tags are required. Service animals must be harnessed or leashed unless those devices would interfere with the work the service animal performs. In cases where the service animal is not leashed or harnessed, the handler must have the service animal under voice or signal control. If a service animal becomes disruptive, a City staff person may ask that the service animal be removed. The City of Golden will consider making a reasonable modification to this policy to permit the use of miniature horses, as a service animal, on a case-by-case basis. The City's ADA coordinator should be contacted to discuss this.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. *Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.* Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Where Service Animals Are Allowed

Under the ADA, the City of Golden generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. *For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.*

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training

documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. *When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.*
- A person with a disability cannot be asked to remove her service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a program or agency requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a program or agency normally charges patrons for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.