City of Peoria

COMMUNITY SERVICES DEPARTMENT

Department Procedure

Subject: Service Animal Policy
Approved: 2/9/2015
Reviewed:
Updated:

PURPOSE AND SCOPE

The City of Peoria, Arizona is committed to providing reasonable access to its parks, recreation facilities, community centers, swimming and aquatics centers, stadiums and related facilities and programs operated at such locations (hereinafter "Recreational Facilities") to persons with disabilities. As part of that commitment, the City is implementing this Administrative Regulation to govern its application of the amendments to regulations in Title II of the Code of Federal Regulations to address the use of service animals into City Recreational Facilities. One of the key elements of the Title II Federal Regulations requires municipalities, counties, and states to allow persons with disabilities to bring service animals into areas of parks and facilities where pedestrians are allowed.

A. The Department of Community Services, through these policies, intends to address compliance with the Americans with Disabilities Act (the "ADA") and Section 504 of the 1973 Rehabilitation Act ("Section 504"). This administrative regulation implements this policy with regard to the use of service animals by persons with disabilities who are registered participants in Peoria programs or authorized users of Recreation Facilities and by visitors with disabilities to Recreation Facilities.

B. The purpose of these procedures is to ensure that participants and authorized users, and visitors with disabilities who have service animals can participate in and benefit from Department services, programs, and activities, and to ensure that the City does not discriminate on the basis of disability as identified in Titles I and II of the ADA.

DEFINITIONS

Department: The Community Services Department of the City of Peoria and all other City Departments which may assist the Community Services Department with the operation of Recreational Facilities.

Partner/Handler: A person with a disability who uses a service animal as a reasonable modification, or a trainer.

Recreational Facilities: Parks, recreation facilities, community centers, swimming and aquatics centers, stadiums and related facilities and programs operated by the Department at Recreational Facilities

Service Animal: A dog or a miniature horse that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the Department on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, pulling a wheelchair, or retrieving dropped items.

Dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability, including dogs or miniature horses that are used purely for emotional support, are not considered service animals and are not allowed at Recreation Facilities, unless otherwise specifically permitted, such as at a dog park or equestrian facility.

Team: A partner/handler and a service animal. The two work as a cohesive team in accomplishing the tasks of daily living.

Trainee: A dog or a miniature horse being trained to become a service animal has the same rights as a fully trained service animal when accompanied by a partner/handler and identified as such.

PROCEDURE

General requirements for staff, participants, authorized users and visitors:

A. Members of the Department staff, participants and authorized users, and visitors in Recreational Facilities, are responsible for the following:

   1. Allow service animals to accompany the partner/handler at all times and anywhere at a Recreational Facility site except where animals are specifically prohibited, such as at specific areas of a zoo.
   2. Refrain from distracting a service animal in any way. Do not pet, feed, or interact with the animal without the partner/handler's invitation to do so.
   3. Shall not separate a partner/handler from a service animal.
   4. A service animal is not required to wear a cape, vest, or other symbols
   5. The Department may take disciplinary action against a Department employee and may remove participants, users and visitors from Recreational Facilities who fail to abide by these guidelines.

B. As a general rule, the Department will evaluate policies, practices, and procedures to accommodate the use of a service animal by an individual with a disability as required under the ADA.

C. The Department may impose some restrictions on service animals for safety reasons. Restrictions are considered individually to determine if the animal poses a danger to others at Recreational Facilities, or could be in danger itself, and to determine if other reasonable modifications can be provided to assure that the individual enjoys access to the Recreational Facilities. Questions about restrictions on service animals should be directed to the contacts listed at the end.

Responsibilities of Individuals Using Service Animals:

A. An individual with a service animal is responsible for the following:

1. Responding truthfully to the limited and appropriate inquiries that may be made by employees regarding the service animal.
2. Ensuring that the animal meets any local licensing requirements, including maintenance of required immunizations for that type of animal.
3. Service animal dogs are required to wear a dog license tag at all times.
4. Partners/handlers must ensure that the animal is in a harness or on a leash or tether at all times. Exceptions may be considered individually and require the demonstration of control of the service animal by the handler.
5. Partners/handlers must ensure that the animal is under control and behaves properly at all times. The supervision of the animal is solely the responsibility of its partner/handler. If the animal's behavior causes a hygiene problem, or the animal acts in a threatening manner, the Department may require the partner/handler to remove the service animal from the Recreational Facility.
6. Partners/handlers must ensure that all local ordinances or other laws regarding cleaning up after the animal defecates are strictly adhered to. Individuals with disabilities who cannot clean up after their own animals are not required to pick up and dispose of feces; however, these individuals should use marked service animal toileting areas where provided.
7. Partners/handlers must keep the service animal in good health. If the service animal becomes ill, the partner/handler must remove it from the area. If such action does not occur, Department staff may require it to leave.
8. The Department may exclude a service animal from all parts of its property if a partner/handler fails to comply with these restrictions, and in failing to do so, fundamentally alters the nature of programs, services, or activity offered by the Department.

Inquiries Regarding the Use of Service Animals; limitations:

A. The United States Department of Justice has anticipated that inquiries will arise. Inquiries are limited to the following excerpted section of the adopted regulation in the Code of Federal Regulations.

1. Inquiries.

(a) A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal.
(b) A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.
(c) A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
(d) Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

2. Responsibility of Department Staff.

(a) Therefore, it may be appropriate for designated Department staff such as facility managers, site directors, area staff, or administrative staff to ask:
   1. Is that a service animal because you have a disability?: and
   2. What work or task has the animal been trained to perform?

(b) Clarifying an Animal's Status
It may not be easy to discern whether or not an animal is a service animal by observing the animal's conduct, or the partner or handler. However, in other cases, an animal may only have a leash, and in some situations, the partner/handler's disability is not apparent.

Assessment Factors:

A. The United States Department of Justice requires the Department to use these assessment factors for a service animal that is a dog.

1. Animal under handler's control. A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, 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).
2. The service animal may also be a miniature horse. In that event the assessment can include the following factors:

B. Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the Department shall consider:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Exclusion of Service Animals:

A. A participant or authorized user, employee, or visitor may report a concern regarding a service animal to the Department staff.

   1. The Department may exclude a service animal from all parts of its property if a partner/handler fails to control the behavior of a service animal and it poses a threat to the health or safety of others.

B. Temporary Exclusion of a Service Animal Used by a Participant or Visitor:

   1. In response to an immediate concern, Department staff may determine that a service animal must be temporarily removed from Recreational Facilities. The employee authorized to make such decisions at that site, shall notify the participant or visitor of this decision and that the incident will be reported immediately to the Department ADA Coordinator. The Department ADA Coordinator shall then report the incident to the City ADA Coordinator.
   2. The City ADA Coordinator (or designee) will investigate all reported concerns and incidents where service animals have been temporarily removed from sites, parks and facilities. The City ADA Coordinator (or designee) will consult with appropriate Department personnel and determine whether or not the animal should be excluded from Recreational Facilities for an extended period of time, or permanently. The ADA Coordinator (or designee) will notify the participant, authorized user, or visitor of his or her decision.
   3. If a service animal is excluded from Recreational Facilities, after 30 days the participant, authorized user, or visitor may submit a request to the City ADA Coordinator (or designee) that the exclusion be lifted on the basis that the service animal has received additional training to correct the inappropriate behavior, or other relevant information.
   4. A participant, authorized user, or visitor who does not agree with the decision regarding removal from the premises may file an accessibility complaint. The ADA Complaint process is at www.Peoriaaccess.gov.

C. Temporary Exclusion of a Department Employee's Service Animal:

   1. In response to an immediate concern regarding lack of control of a service animal, or lack of bowel or bladder control by a service animal, the Department may determine that a service animal used by a Department employee must be temporarily removed from Recreational Facilities. The Department Director shall notify the City-assigned

Americans with Disability Act Coordinator as soon as practicable. The City's ADA Coordinator shall oversee the review process of the temporary removal of the employee's service animal.

2. If appropriate for the service animal to be excluded from Recreational Facilities permanently, the Department shall implement the appropriate accommodations adopted by the City in place of the use of the service animal.

Emergency Situations:

A. Emergency Responders (ERs) are trained to recognize service animals and to be aware that animals may try to communicate the need for help. Also, an animal may become disoriented from the smell of smoke in a fire or facility emergency, or from sirens, wind noise, or shaking and moving ground.

B. A partner/handler, service animal, and team may be confused in any stressful situation. ERs will remember that animals may be trying to be protective and, in its confusion, should not be considered harmful. ERs should make every effort to keep a service animal with its partner/handler; however, the ER's first effort should be toward the partner/handler, which may result in the animal being left behind in some emergency evacuation situations.

C. Departmental and City Contacts:

1. Department ADA Coordinator
   Paula Considine, Recreation Supervisor
   Paula.Considine@peoriaaz.gov
   623-773-7923

2. Recreation Manager
   Brenda Rehnke
   Brenda.Rehnke@peoriaaz.gov
   623-773-7131

3. Community Services Director
   John Sefton
   John.Sefton@peoriaaz.gov
   623-773-7135

4. City of Peoria ADA Coordinator
   Corina Russo, Assistant to City Manager
   Corina.Russo@peoriaaz.gov
   623-73-7572

APPROVED

John R. Sefton, Jr., Community Services Director

2-10-15
Date