



**Americans with Disabilities Act
Service Animals Policy and Procedures**

**City of Greeley
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Service Animals Policy

Purpose:

The City of Greeley does not discriminate against qualified individuals on the basis of disability in the City's services, programs, activities or employment practices, in accordance with the Americans with Disabilities Act of 1990 (ADA), as amended, and applicable Colorado law, specifically C.R.S. § 24-34-801, *et seq.*

Objectives:

The City welcomes the use of service animals by members of the public with disabilities, when it is needed as reasonable modification for participation in the programs, services, and activities that the City offers to the public consistent with the rules provided in ADA Titles II and III and Colorado law. The City welcomes qualified individuals accompanied by their service animals at any place of employment, housing or public accommodation, any public transportation service, and any other place open to the public. This invitation extends equally to service animals in training and their handlers.

The City welcomes service animals-in-training and their handlers as well.

The City will consider the potential for a qualified individual with a disability to use a service animal as a reasonable accommodation with respect to employment opportunities with the City when appropriate within the rules of the ADA and Colorado law.

Definitions:

"Do work or perform tasks" means that the service animal must be trained to take a specific action when needed to assist the person with a disability. For example, people who are blind or have low-level vision may use dogs to guide and assist them with orientation; people who are deaf or have low-level hearing may use dogs to alert them to sounds; people with mobility disabilities may use dogs to pull their wheelchairs or retrieve items; people with epilepsy may use a dog to warn them of an imminent seizure; and people with psychiatric disabilities may use a dog to remind them to take medication.

"Handler" means a person with a disability who uses a service animal to do work or perform tasks. A handler may also be a third party, accompanying the person with a disability, who is in control of the service animal.

"Service animal" is defined in the ADA as a dog (or miniature horse*) that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed by the dog must be directly related to the person's disability. Service animals are working animals, not pets. Animals that provide emotional support, therapy, comfort or are companion animals are not considered service animals under the ADA or Colorado law. Note: The definition of service animal in this policy relies upon the ADA Title II. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of

“service animal” under the Air Carrier Access Act. (*ADA regulations require a public entity to make reasonable modifications in policies, practice or procedures to permit the use of a miniature horse (a horse generally ranging in height from 24 inches to 34 inches measured at the shoulders and weighing between 70 and 100 pounds) as a service animal if the miniature horse has been trained to do work or perform tasks for the benefit of the person with a disability. In determining whether reasonable accommodations in policies, practices, and procedures can be made to allow a miniature horse into a specific facility, the City must consider the type, size, and weight of the miniature horse and whether (a) the facility can accommodate these features, (b) the handler has sufficient control, (c) the miniature horse is housebroken, and (iv) the miniature horse’s presence compromises legitimate safety requirements necessary for safe operation of the facility.)

“Trained” means individually trained to do specific work or tasks that assist a person with needs related to their disability. A service animal does not need to be professionally trained or certified.

Policy:

1. The City shall make reasonable modifications to its policies, practices, and procedures to permit the use of a service animal by a person with a disability. Those modifications will allow access to City services, programs, and activities. Federal and Colorado law will control over the guidance provided in this policy.
2. A person with a service animal may not be asked about the nature or extent of his/her disability, but the handler may be asked:
 - a. Is this a service animal?
 - b. What service has the animal been trained to perform?
3. The service animal must be trained, but is not required to be certified or have documentation of the training. It may not be required to demonstrate the work or tasks it is trained to perform.
4. A service animal is not required to wear a vest, patch or other gear identifying it as a service animal.
5. A service animal may be any breed.
6. For general public health and safety, service animals must comply with ordinary licensing and vaccination requirements.
7. The handler is responsible for caring for and supervising the service animal at all times.
8. No fee, deposit or admission may be charged for the presence of a service animal.
9. The handler will be responsible for damage or injury caused by a service animal.
10. The service animal must be under the control of the handler at all times. This can be achieved through voice control, signals or other effective means.
11. A service animal may be excluded if it is not housebroken.

12. A handler may be asked to remove the service animal from the premises if the service animal is disruptive or not under the handler's control. When a service animal has been asked to be removed, the person with the disability shall be allowed to receive the services without the animal.

13. A service animal may be excluded from a program, service or activity when its presence would fundamentally alter the nature of the program, service or activity or where its presence would present a legitimate safety risk. This determination is made on a case-by-case basis, open to discussion, to assess the potential alteration or safety concern and shall include input from the handler.

14. Questions about this policy or its applications may be directed to the City ADA Coordinator's Office.

This policy is based on:

28 CFR Part 35

ADA Revised Requirements: Service Animals (July 2011)
https://www.ada.gov/service_animals_2010.htm

Frequently Asked Questions about Service Animals and the ADA (July 2015)
https://www.ada.gov/regs2010/service_animal_qa.html

Colorado Revised Statutes §§ 24-34-803 and 804

APPROVED BY:



Roy Otto, City Manager



Date