



Lumpkin County, Georgia

Date: June 13, 2016

Agenda Item: ADA Service Animal Policy – County Facilities

Item Description: To set forth a policy governing animals in County facilities in accordance with ADA.

Facts & Historical Information:

Lumpkin County has no formal written policy regarding animals in County owned facilities. After several complaints about citizens and/or customers bringing non-service animals into County facilities, signs were posted at entrances that read “Only Service Animals Allowed” in an effort to stop animals being brought into our facilities. In the past we have endured flea infestations at the library, dogs growling and biting at staff, and customer complaints about animals being in our facilities. Given our recent ADA settlement, staff feels that it is time to develop a policy that is in accordance with ADA guidelines and one that fits with our existing building policy and procedures. This policy will help keep facilities sanitary and will help protect citizens while they are in County facilities.

Potential Courses of Action:

- A. Adopt the Policy.
- B. Do nothing.

Discussion of Courses of Action:

Option A. Adopt the Policy.

Adopting the policy brings the County in line with ADA requirements, helps keep facilities operating in a sanitary manner, and helps protect staff, citizens and customers. Having a policy could reduce the County’s liability should someone be bitten or suffer an allergic episode.

Option B: Do nothing.

Should the BOC chose to not adopt the policy, we will operate under the current practice of posting signs on the doors and asking citizens/customers to leave when they bring a non-service animal into a facility. This option leaves the County at risk should someone be bitten or have an

allergic reaction to an animal. This option is the least favorable because it leaves staff having to make decisions without policy to follow and in the absence of policy they could encounter issues when trying to ask someone to leave with a non-service animal. Having the policy in place also gives staff guidelines for dealing with a disabled person ensuring that their rights are not violated.

Budget Impact: There is a budgetary impact to the operating budget when facilities have to be treated for items such as fleas as those treatments fall outside of the current contractual agreement. There is also an impact to service if facilities have to be closed due to infestations and lost man hours when facilities have to be closed. There is also an unknown/undetermined cost should someone be bitten or have an allergic episode while in a County facility.

Staff Recommendation: The recommendation of staff is to adopt the policy and notify all occupants of County facilities.

LUMPKIN COUNTY RESOLUTION NO. 2016 – 31

**A RESOLUTION TO PROVIDE FOR A SERVICE ANIMAL POLICY
AS
REQUIRED BY THE ADA**

Whereas, Lumpkin County has no formal written policy regarding animals in County owned facilities; and,

Whereas, Lumpkin County facilities are in some buildings limited by posted signs reading, “Only Service Animals Allowed;” and,

Staff, after review of the County settlement with the ADA on such matters, recommends that the County adopt a policy that is in accordance with the ADA guidelines and also fits with existing building policies and procedures.

Now, therefore, be it resolved that the ADA Service Animals Policy (attached hereto as Exhibit “A”) is hereby adopted as the Lumpkin County Service Animal Policy; be it further resolved that upon formal adoption, the Lumpkin County Clerk shall provide a copy to the Municipal Code Corporation for inclusion in the Code of Ordinances of Lumpkin County Georgia.

Resolved, adopted and effective this 19th day of July, 2016.

Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:

Kathleen C. Walker
Clerk, Lumpkin County

RESOLUTION 2016-31

Exhibit "A"

ADA SERVICE ANIMALS POLICY — LUMPKIN COUNTY FACILITIES

Purpose: Under the ADA, local governments must allow service animals to accompany people with disabilities in all areas of a facility where the public is normally allowed to go. This policy defines service animals, allows non-service animals to be in facilities for certain special events and programs, sets policy that non-service animals are not allowed in County facilities, and sets parameters for service animals as detailed by the ADA.

Definition: Only dogs and miniature horses are recognized as service animals. Service animals are not required to wear vests identifying them as such. A service animal is any dog (or miniature horse) trained to provide assistance to an individual with a disability. The work or task a dog (or miniature horse) has been trained to provide must be directly related to the person's disability, such as guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, calming a person with PTSD during an anxiety attack, etc. Service animals are not required to be licensed or certified by a state or local government to qualify for protection under ADA. Search and rescue and police dogs are excluded from this policy. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Policy Statement: Lumpkin County has an obligation to operate public facilities in a safe, sanitary manner. In order to meet this obligation, only service animals will be allowed in County facilities. Lumpkin County reserves the right to verify that an animal is truly a service animal. If it is obvious what the service animal's function is, staff are not allowed to ask any questions.

When it is not obvious what service an animal provides, only two questions are allowed:

1. Is the dog a service animal that is required because of a disability? (Do not ask about the disability.)
2. What specific work or task has the dog been trained to perform? (Do not ask for documentation for the dog or ask for a demonstration of the dog performing its work or task.)

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 some other effective method.

A person with a disability may be asked to remove his service animal from the facility if:

1. The dog is out of control and the handler does not take effective action to control it.
2. The dog is not housebroken.

When there is a legitimate reason to ask that a service animal be removed, the individual must be offered some other avenue to obtain the goods or services needed. Individuals using service animals may not be isolated from other patrons, treated less favorably, or charged fees that are not charged to other patrons without animals.

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

Lumpkin County staff are prohibited from providing care, food, or water for a service animal.

This policy does not apply to special events and programs that may involve the use of non-service animals. Such programs and events should be reported to the County Manager's office two weeks prior to the event. (An example of such an event would be the Chestatee Regional Library System's "Read to a Dog" program.)