

No Dogs Allowed....EXCEPT SERVICE DOGS

As you may know, the town has an ordinance against dogs in town parks:

7.05.020 Public Nuisances: The following are considered public nuisances and, as such, are prohibited.

J. Dogs and Cats Prohibited in Town Parks. No owner of any dog or cat shall allow the dog or cat to enter or be upon any Town park....

But things aren't always so simple or so black and white.

The Americans with Disabilities Act (commonly referred to as the ADA) is a 1990 Federal civil rights law that prohibits discrimination based on disability. Under the ADA, businesses and public entities such as the town are prohibited from denying access to persons with disabilities and must allow for the use of service animals. So service dogs are allowed in the town parks.

What is a service animal? Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA? No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

Do service animals have to wear a vest or patch or special harness identifying them as service animals? No. The ADA does not require service animals to wear a vest, ID tag, or specific harness.

Who is responsible for the care and supervision of a service animal? The handler is responsible for caring for and supervising the service animal, which includes toileting (scoop the poop) and feeding. The town is not obligated to supervise or otherwise care for a service animal.

The town requires all dogs to be vaccinated. Does this apply to service animals? Yes. Individuals who have service animals are not exempt from local animal control or public health requirements.

Does the town's requirement that all dogs be registered and licensed apply to service animals? Yes. Service animals are subject to local dog licensing and

registration requirements; but the town cannot require service animals be specifically registered as service animals.

Do service animals have to be on a leash? Do they have to be quiet and not bark? The ADA requires that service animals be under the control of the handler at all times. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

What can be done if a service animal is being disruptive? If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

The Town of Jackson wants everyone to be able to enjoy the town parks, including those with disabilities. If you see someone in the park with a dog, you are invited to contact the police department. If the dog is not a service animal protected under the ADA, they will be advised of the law and asked to remove the dog. But if the dog is a service animal, the dog and its owner are welcome to enjoy the park.

If you have more questions about the ADA we recommend: **Frequently Asked Questions about Service Animals and the ADA**

https://www.ada.gov/regs2010/service_animal_qa.html

Or if you want to dig even deeper you can visit the **ADA's website**

<https://www.ada.gov>