

**AGENDA
TOWN OF FLOWER MOUND
ANIMAL SERVICES BOARD MEETING**

FEBRUARY 24, 2021

VIA VIDEOCONFERENCE

6:30 P.M.

[CLICK HERE](#) FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING

An agenda information packet is available online at www.flower-mound.com/AgendaCenter

Effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow telephonic or videoconference meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location.

Comments regarding any item on this agenda can be sent to the Chair/Board members by
Emailing: asb@flower-mound.com or calling: 972.874.6005

A. CALL MEETING TO ORDER

B. PUBLIC COMMENT

To speak to the Board during public comment, please fill out a [comment form](#).

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the Animal Services Board on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling the Flower Mound Adoption Center at 972.874.6390 during business hours.

C. REGULAR ITEMS

1. Consider approval of the minutes from the regular meeting of the Animal Services held on October 28, 2020.
2. Staff Report
3. Pets in supermarkets
4. Pets on leash – patio's restaurants

D. COORDINATION OF CALENDARS

E. FUTURE AGENDA ITEMS

F. ADJOURN MEETING



Christine Hastings
Animal Services Manager

Posted in accordance with the Texas Government Code, Chapter 551, on the bulletin board at Flower Mound Town Hall, 2121 Cross Timbers Road, on the following date and time: February 18, 2021 at 2:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

Requests for accommodations or interpretative services must be made at least 48 hours prior to this meeting by contacting Christine Hastings, Animal Services Manager at 972.874.6390 or TDD 1-800 RELAY-TX Reasonable accommodations will be made to assist your needs.

Animal Services Board Meeting

REGULAR ITEM 1

FLOWER MOUND ANIMAL SERVICES BOARD MEETING OF OCTOBER 28, 2020

THE FLOWER MOUND ANIMAL SERVICES BOARD MEETING HELD ON THE 28th DAY OF OCTOBER 2020 IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:30 P.M.

The Animal Services Board met in a regular meeting with the following members present:

Vacant	Member	Place 1
Christine Hastings	Member	Place 2
David Boehner	Member	Place 3
Carol Stephens	Vice-Chair	Place 4
Susan Bodenmiller	Chair	Place 6
Ben Bumgarner	Council member	Place 7
Derek France	Alt. Member	Place 8
Barry Willett	Alt. Member	Place 9

The following member was not present:

Clare Schroeder Brown	Member	Place 5
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A. CALL MEETING TO ORDER

Chair Bodenmiller called the Animal Services Board meeting to order at 6:30 P.M.

B. ANNUAL ELECTION OF A CHAIR AND VICE-CHAIR TO THE ANIMAL SERVICES BOARD

Member Hastings nominated Susan Bodenmiller as Chair. Member Boehner seconded the motion.

AYES: Bumgarner, Hastings, Stephens, Boehner, Willett

NAYS: None

Member Bumgarner nominated David Boehner as Vice-Chair. Member Hastings seconded the motion.

AYES: Bumgarner, Hastings, Stephens, Boehner, Willett

NAYS: None

C. PUBLIC PARTICIPATION

No speakers were present.

FLOWER MOUND ANIMAL SERVICES BOARD MEETING OF OCTOBER 28, 2020

D. REGULAR ITEMS

1. Consider approval of the minutes from the regular meeting of the Animal Services Board held August 5, 2020.

Member Hastings moved to approve the minutes as written. Member Bumgarner seconded the motion.

AYES: Bumgarner, Hastings, Stephens, Boehner, Willett

NAYS: None

2. Staff Report

Member Hastings reviewed the monthly reports and activity report. Member Hastings thanked Blue Buffalo and Member Boehner for arranging for the donation of over 900 lbs of dog and cat food to the adoption center

Member Hastings reported on the “Clear the Shelters,” a nationwide annual event that was held on August 24, 2020.

3. Humane Tomorrow Update

Member Hastings reported that there were limited to no events due to COVID and referred the public to visit their website at www.humanetomorrow.org for updated and ongoing information on adoptions and events.

E. COORDINATION OF CALENDARS

The next Animal Services Board Regular meeting will be held on February 24, 2021.

F. FUTURE AGENDA ITEMS

- Pets in supermarkets
- Dogs on leash on patios/restaurants

G. ADJOURNMENT

The meeting was adjourned at 6:43 P.M.

TOWN OF FLOWER MOUND, TEXAS

Susan Bodenmiller, Board Chair

ATTEST:

Christine Hastings, Animal Services Manager

Animal Services Board Meeting

REGULAR ITEM 2

MONTHLY REPORT

Oct-20
MONTH/YEAR

447
CALLS COMP.

ANIMALS IMPOUNDED

<u>28</u>	<u>28</u>	<u>0</u>	<u>2</u> (1 chicken & 1 rabbit)
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS CLAIMED BY OWNER

<u>20</u>	<u>7</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS OWNER RELEASED

<u>2</u>	<u>7</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS ADOPTED

<u>5</u>	<u>25</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS PICKED UP BY RESCUE GROUPS

<u>4</u>	<u>8</u>	<u>0</u>	<u>1</u> (chicken)
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS EUTHANIZED

<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

<u>2</u>	<u>3</u>	<u>0</u>
TEMPERAMENT	ILLNESS	SPACE

BITE REPORTS

<u>10</u>	<u>3</u>	<u>0</u>	<u>4</u>
DOGS	CATS	LIVESTOCK	OTHER

PRESENTATIONS

1

DONATIONS

\$463

MONTHLY REPORT

Nov-20
MONTH/YEAR

332
CALLS COMP.

ANIMALS IMPOUNDED

<u>27</u>	<u>28</u>	<u>0</u>	<u>1 (Rabbit)</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS CLAIMED BY OWNER

<u>17</u>	<u>3</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS OWNER RELEASED

<u>6</u>	<u>10</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS ADOPTED

<u>7</u>	<u>19</u>	<u>0</u>	<u>1 (Rabbit)</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS PICKED UP BY RESCUE GROUPS

<u>1</u>	<u>2</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS EUTHANIZED

<u>1</u>	<u>6</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

<u>7</u>			
TEMPERAMENT		ILLNESS	SPACE

BITE REPORTS

<u>8</u>	<u>1</u>	<u>0</u>	<u>4 (An vs An)</u>
DOGS	CATS	LIVESTOCK	OTHER

PRESENTATIONS

0

DONATIONS

\$100

MONTHLY REPORT

Dec-20
MONTH/YEAR

265
CALLS COMP.

ANIMALS IMPOUNDED

<u>24</u>	<u>8</u>	<u>0</u>	<u>2 Rabbit & Snake</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS CLAIMED BY OWNER

<u>12</u>	<u>2</u>	<u>0</u>	<u>1 Snake</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS OWNER RELEASED

<u>5</u>	<u>4</u>	<u>0</u>	<u>1 Rabbit</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS ADOPTED

<u>3</u>	<u>12</u>	<u>0</u>	<u>1 Rabbit</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS PICKED UP BY RESCUE GROUPS

<u>6</u>	<u>0</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

ANIMALS EUTHANIZED

<u>3</u>	<u>2</u>	<u>0</u>	<u>0</u>
DOGS	CATS	LIVESTOCK	OTHER

<u>4</u>	<u>1</u>	<u>0</u>
TEMPERAMENT	ILLNESS	SPACE

BITE REPORTS

<u>9</u>	<u>3</u>	<u>0</u>	<u>2</u>
DOGS	CATS	LIVESTOCK	OTHER

PRESENTATIONS

0

DONATIONS

\$1,811

Animal Services Board Meeting

REGULAR ITEM 3

Flower Mound Code of Ordinances

Chapter 18 – Businesses

Article III. – Food and Food Establishments

Division 2. – Food Service Establishments

Sec. 18-92. - State food establishment rules adopted.

The town hereby adopts the Texas Department of State Health Services "Texas Food Establishment Rules," found in Title 25 Texas Administrative Code, chapter 228, as presently enacted or as amended hereafter from time to time. A certified copy of such rules shall be filed and maintained in the office of the town secretary, and the same are hereby adopted and incorporated in this section as if the same were copied in their entirety at this point and the provisions of such rules shall be controlling in the town.

(Code 1989, ch. 6, § 2.01; Ord. No. 65-99, § 2(2.01), 11-1-1999; [Ord. No. 11-16](#), § 1, 2-15-2016)

Texas Administrative Code
Title 25 – Health Services
Part 1 – Department of State Health Services
Chapter 228 – Retail Food
Subchapter F – Physical Facilities
Section O – Prohibiting animals.

(o) Prohibiting animals.

(1) Except as specified in paragraphs (2) and (3) of this subsection, live animals may not be allowed on the premises of a food establishment.

(2) Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result:

(A) edible fish or decorative fish in aquariums, shellfish or crustaceans on ice or under refrigeration, and shellfish and crustaceans in display tank systems;

(B) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(C) in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, or service animals in training when accompanied by an approved trainer if a health or safety hazard will not result from the presence or activities of the service animal;

(D) pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(i) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(ii) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(iii) dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(E) in areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.

(3) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result.

Animal Services Board Meeting

REGULAR ITEM 4

Town of Flower Mound – Environmental Services

Dog-Friendly Restaurant Patios

Effective September 1, 2019, new state law permits any food establishment to allow pets on the patio with minimal regulation. The Town of Flower Mound will no longer be issuing permits or have any additional requirements above what state law requires.

The requirements are as follows:

- The establishment must post a sign stating dogs are allowed on the patio.
- The customer and the dog must enter the patio through an exterior gate.
- The dog does not enter the interior of the establishment.
- The customer does not allow the dog on a seat, table, counter-top, or similar surface and;
- The establishment does not prepare food or permit open food other than that which is being served to a customer.

These rules do not apply to an ADA recognized service animal. An emotional assistance animal is not an ADA recognized service animals

Town of Flower Mound – Animal Services

Sec. 6-45. - Animal at large.

It shall be unlawful for any owner to allow an animal to chase vehicles or molest, attack or interfere with other animals or persons on public property, be at large, or fail to keep an animal under restraint in a securely enclosed or confined area and in a manner that will isolate the animal from the public.

At large means:

(1) Any animal not kept under restraint;

(2) *On premises*: Any animal that is not confined inside the owner's house or to the premises of the owner by a suitable building, cage, wall or fence of such sufficiency to prevent the animal from escaping therefrom, or secured on such premises by means of an invisible/electronic fence, or by a leash of sufficient strength to prevent the dog from escaping from the premises and so arranged that the dog will remain upon the premises when the leash is stretched to full length in any direction and is in accordance with the V.T.C.A., Health and Safety Code, Ch. 821, Subch. D;

(3) *Off premises*: Any animal, with the exception of cats, that is not restrained by means of being physically held and controlled by some person or by means of a standard leash or retractable leash of no longer than 16 feet and of sufficient strength and length to immediately control the actions of such animal; and

(4) *Domestic cat*: A domestic cat shall be considered at large when not located on the premises owned and controlled by its owner.

Restraint. An animal is under restraint under the following conditions:

(1) The animal is securely enclosed or confined to a persons property by a physical fence or enclosure of sufficient strength, height, construction, and design as to prevent an animal from escaping from the area and in a manner that will isolate the animal from the public; or

(2)The animal is secured by a standard leash or retractable leash no more than 16 feet in length and of sufficient strength to immediately control the animal; or

(3)The animal is secured by a leash no longer than six feet when in any town public park or recreational area including walking trails; or

(4)The animal is controlled and restrained by an invisible or electronic fence which effectively and reliably prevents the animal from escaping from the premises.

a. Any animal that has prior history of biting a person, other than the owner, or attacking other animals will not be allowed to use an invisible/electronic fence as the sole means of restraint or confinement.

b .Any owner or person that uses an invisible or electronic fence whose animal has escaped the premises two or more times will no longer be permitted to use the invisible/electronic fence as a means of restraint due to lack of effectiveness and reliability.

SB 476

An Act Relating to the requirements for and municipal regulation of dogs in an outdoor dining area of a food service establishment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.025 to read as follows:

Sec. 437.025. REQUIREMENTS FOR DOGS IN OUTDOOR DINING AREAS; MUNICIPAL PREEMPTION.

(a) A food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if:

(1) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted;

(2) the customer and dog access the area directly from the exterior of the establishment:

(3) the dog does not enter the interior of the establishment;

(4) the customer keeps the dog on a leash and controls the dog;

(5) the customer does not allow the dog in a seat, table, countertop, or similar surface;
and

(6) in the area, the establishment does not:

(A) prepare food; or

(B) permit open food other than food that is being served to a customer.

(b) A municipality may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements described by the Subsection (a).

(c) The requirements described by Subsection (a) do not apply to a service animal, as defined by Section 437.023(c).

Section 2. This Act takes effect September 1, 2019

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE A. FOOD AND DRUG HEALTH REGULATIONS

CHAPTER 437. REGULATION OF FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS, AND ROADSIDE FOOD VENDORS

Sec. 437.023. SERVICE ANIMALS. (a) A food service establishment, retail food store, or other entity regulated under this chapter may not deny a service animal admittance into an area of the establishment or store or of the physical space occupied by the entity that is open to customers and is not used to prepare food if:

- (1) the service animal is accompanied and controlled by a person with a disability; or
- (2) the service animal is in training and is accompanied and controlled by an approved trainer.

(b) If a service animal is accompanied by a person whose disability is not readily apparent, for purposes of admittance to a food service establishment, retail food store, or physical space occupied by another entity regulated under this chapter, a staff member of the establishment, store, or entity may only inquire about:

- (1) whether the service animal is required because the person has a disability;
- and
- (2) what type of work the service animal is trained to perform.

(c) In this section, "service animal" means a canine that is specially trained or equipped to help a person with a disability. An animal that provides only comfort or emotional support to a person is not a service animal under this section. The tasks that a service animal may perform in order to help a person with a disability must be directly related to the person's disability and may include:

- (1) guiding a person who has a visual impairment;
 - (2) alerting a person who has a hearing impairment or who is deaf;
 - (3) pulling a wheelchair;
 - (4) alerting and protecting a person who has a seizure disorder;
 - (5) reminding a person who has a mental illness to take prescribed medication;
- and
- (6) calming a person who has post-traumatic stress disorder.

Added by Acts 2013, 83rd Leg., R.S., Ch. 838 (H.B. [489](#)), Sec. 1, eff. January 1, 2014.

**U.S. Department of Justice
Civil Rights Division
Disability Rights Section**

Frequently Asked Questions about Service Animals and the ADA

Many people with disabilities use a service animal in order to fully participate in everyday life. Dogs can be trained to perform many important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind.

The Department of Justice continues to receive many questions about how the Americans with Disabilities Act (ADA) applies to service animals. The ADA requires State and local government agencies, businesses, and non-profit organizations (covered entities) that provide goods or services to the public to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal rules fall under this general principle. Accordingly, entities that have a “no pets” policy generally must modify the policy to allow service animals into their facilities. This publication provides guidance on the ADA’s service animal provisions and should be read in conjunction with the publication [ADA Revised Requirements: Service Animals](#).

DEFINITION OF SERVICE ANIMAL

What is a service animal?

A: 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.

What does “do work or perform tasks” mean?

A: The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

A: 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. However, some State or local governments have laws that allow people to take emotional support animals into public places. You may check with your State and local government agencies to find out about these laws.

If someone’s dog calms them when having an anxiety attack, does this qualify it as a service animal?

A: It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog’s mere presence provides comfort, that would not be considered a service animal under the ADA.

Does the ADA require service animals to be professionally trained?

A: No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.

Are service-animals-in-training considered service animals under the ADA?

A: No. Under the ADA, the dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training.

GENERAL RULES

What questions can a covered entity’s employees ask to determine if a dog is a service animal?

A: In situations where it is not obvious that the dog is a service animal, staff may ask only two specific 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 are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person’s disability.

Do service animals have to wear a vest or patch or special harness identifying them as service animals?

A: 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?

A: The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, and grooming and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

Can a person bring a service animal with them as they go through a salad bar or other self-service food lines?

A: Yes. Service animals must be allowed to accompany their handlers to and through self-service food lines. Similarly, service animals may not be prohibited from communal food preparation areas, such as are commonly found in shelters or dormitories.

Can hotels assign designated rooms for guests with service animals, out of consideration for other guests?

A: No. A guest with a disability who uses a service animal must be provided the same opportunity to reserve any available room at the hotel as other guests without disabilities. They may not be restricted to “pet-friendly” rooms.

Can hotels charge a cleaning fee for guests who have service animals?

A: No. Hotels are not permitted to charge guests for cleaning the hair or dander shed by a service animal. However, if a guest's service animal causes damages to a guest room, a hotel is permitted to charge the same fee for damages as charged to other guests.

Can people bring more than one service animal into a public place?

A: Generally, yes. Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff may ask the two permissible questions (See Question 7) about each of the dogs. If both dogs can be accommodated, both should be allowed in. In some circumstances, however, it may not be possible to accommodate more than one service animal. For example, in a crowded small restaurant, only one dog may be able to fit under the table. The only other place for the second dog would be in the aisle, which would block the space between tables. In this case, staff may request that one of the dogs be left outside.

Does a hospital have to allow an in-patient with a disability to keep a service animal in his or her room?

A: Generally, yes. Service animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go. They cannot be excluded on the grounds that staff can provide the same services.

What happens if a patient who uses a service animal is admitted to the hospital and is unable to care for or supervise their animal?

A: If the patient is not able to care for the service animal, the patient can make arrangements for a family member or friend to come to the hospital to provide these services, as it is always preferable that the service animal and its handler not to be separated, or to keep the dog during the hospitalization. If the patient is unable to care for the dog and is unable to arrange for someone else to care for the dog, the hospital may place the dog in a boarding facility until the patient is released, or make other appropriate arrangements. However, the hospital must give the patient opportunity to make arrangements for the dog's care before taking such steps.

Must a service animal be allowed to ride in an ambulance with its handler?

A: Generally, yes. However, if the space in the ambulance is crowded and the dog's presence would interfere with the emergency medical staff's ability to treat the patient, staff should make other arrangements to have the dog transported to the hospital.

CERTIFICATION AND REGISTRATION

Does the ADA require that service animals be certified as service animals?

A: No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry. There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.

My city requires all dogs to be vaccinated. Does this apply to my service animal?

A: Yes. Individuals who have service animals are not exempt from local animal control or public health requirements.

My city requires all dogs to be registered and licensed. Does this apply to my service animal?

A: Yes. Service animals are subject to local dog licensing and registration requirements.

My city requires me to register my dog as a service animal. Is this legal under the ADA?

A: No. Mandatory registration of service animals is not permissible under the ADA. However, as stated above, service animals are subject to the same licensing and vaccination rules that are applied to all dogs.

My city / college offers a voluntary registry program for people with disabilities who use service animals and provides a special tag identifying the dogs as service animals. Is this legal under the ADA?

A: Yes. Colleges and other entities, such as local governments, may offer voluntary registries. Many communities maintain a voluntary registry that serves a public purpose, for example, to ensure that emergency staff know to look for service animals during an emergency evacuation process. Some offer a benefit, such as a reduced dog license fee, for individuals who register their service animals. Registries for purposes like this are permitted under the ADA. An entity may not, however, require that a dog be registered as a service animal as a condition of being permitted in public places. This would be a violation of the

BREEDS

Can service animals be any breed of dog?

A: Yes. The ADA does not restrict the type of dog breeds that can be service animals.

Can individuals with disabilities be refused access to a facility based solely on the breed of their service animal?

A: No. A service animal may not be excluded based on assumptions or stereotypes about the animal's breed or how the animal might behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.

If a municipality has an ordinance that bans certain dog breeds, does the ban apply to service animals?

A: No. Municipalities that prohibit specific breeds of dogs must make an exception for a service animal of a prohibited breed, unless the dog poses a direct threat to the health or safety of others. Under the “direct threat” provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal’s actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave. It is important to note that breed restrictions differ significantly from jurisdiction to jurisdiction. In fact, some jurisdictions have no breed restrictions.

EXCLUSION OF SERVICE ANIMALS

When can service animals be excluded?

A: The ADA does not require covered entities to modify policies, practices, or procedures if it would “fundamentally alter” the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

When might a service dog’s presence fundamentally alter the nature of a service or program provided to the public?

A: In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. For example, at a boarding school, service animals could be restricted from a specific area of a dormitory reserved specifically for students with allergies to dog dander. At a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo.

What does under control mean? Do service animals have to be on a leash? Do they have to be quiet and not bark?

A: The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. In the school (K-12) context and in similar settings, the school or similar entity may need to provide some assistance to enable a particular student to handle his or her service animal. 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 my staff do when a service animal is being disruptive?

A: 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.

Are hotel guests allowed to leave their service animals in their hotel room when they leave the hotel?

A: No, the dog must be under the handler's control at all times.

What happens if a person thinks a covered entity's staff has discriminated against him or her?

A: Individuals who believe that they have been illegally denied access or service because they use service animals may file a complaint with the U.S. Department of Justice. Individuals also have the right to file a private lawsuit in Federal court charging the entity with discrimination under the ADA.

MISCELLANEOUS

Are stores required to allow service animals to be placed in a shopping cart?

A: Generally, the dog must stay on the floor, or the person must carry the dog. For example, if a person with diabetes has a glucose alert dog, he may carry the dog in a chest pack so it can be close to his face to allow the dog to smell his breath to alert him of a change in glucose levels.

Are restaurants, bars, and other places that serve food or drink required to allow service animals to be seated on chairs or allow the animal to be fed at the table?

A: No. Seating, food, and drink are provided for customer use only. The ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to sit or be fed at the table.

Are gyms, fitness centers, hotels, or municipalities that have swimming pools required to allow a service animal in the pool with its handler?

A: No. The ADA does not override public health rules that prohibit dogs in swimming pools. However, service animals must be allowed on the pool deck and in other areas where the public is allowed to go.

Are churches, temples, synagogues, mosques, and other places of worship required to allow individuals to bring their service animals into the facility?

A: No. Religious institutions and organizations are specifically exempt from the ADA. However, there may be State laws that apply to religious organizations.

Do apartments, mobile home parks, and other residential properties have to comply with the ADA?

A: The ADA applies to housing programs administered by state and local governments, such as public housing authorities, and by places of public accommodation, such as public and private universities. In addition, the Fair Housing Act applies to virtually all types of housing, both public and privately-owned, including housing covered by the ADA. Under the Fair Housing Act, housing providers are obligated to permit, as a reasonable accommodation, the use of animals that work, provide assistance, or perform tasks that benefit persons with a disabilities, or provide emotional support to alleviate a symptom or effect of a disability. For information about these Fair Housing Act requirements see HUD's Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-funded Programs.

Do Federal agencies, such as the U. S. Department of Veterans Affairs, have to comply with the ADA?

A: No. Section 504 of the Rehabilitation Act of 1973 is the Federal law that protects the rights of people with disabilities to participate in Federal programs and services. For information or to file a complaint, contact the agency's equal opportunity office.

Do commercial airlines have to comply with the ADA?

A: No. The Air Carrier Access Act is the Federal law that protects the rights of people with disabilities in air travel. For information or to file a complaint, contact the U.S. Department of Transportation, Aviation Consumer Protection Division, at 202-366-2220.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website : www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website's home page and click the link near the bottom of the right-hand column.

ADA Information Line : 800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m. , Th 12:30 p.m. – 5:30 p.m. (Eastern Time) to speak with an ADA Specialist. Calls are confidential.

For people with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 20, 2015

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.