

Southern Peaks Public Library
423 Fourth Street
Alamosa, CO 81101

Animals in the Library

Purpose

To ensure compliance with the 1990 Federal Americans with Disabilities Act (ADA) and Colorado State law regarding the presence of assistance animals in public facilities.

To more clearly define various types of assistance animals and provide guidelines to Library employees.

To protect Library patrons, staff, and property from injury/damage.

Policy

It is the policy of the Southern Peaks Public Library to prohibit all animals from entering Library facilities, with the exception of assistance animals, assistance animal trainees, and animals featured in programs sponsored by SPPL.

Definitions

Service animals - animals that are individually trained to perform tasks for people with disabilities-such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets."

If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

[Source: U.S. Department of Justice, Civil Rights Division, Disability Rights Section, ADA Business Brief: Service Animals, April 2002.]

The terminology used to label the specific types of work dogs perform for people with disabilities has not been standardized. Dogs trained to help a person walk might be referred to as a mobility dog, a walker dog or a support dog. Some animals are cross-trained to perform more than one category of work, such as a guide/mobility dog. Many individuals prefer to identify their service animal generically to avoid disclosing the nature of their disability. While most service animals are dogs, other service animals include cats, monkeys, birds, and miniature horses.

Assistance animals - a newer term being proposed to replace the term "service animals." It is similar to a service animal but instead of limiting the animal to assisting one person with a disability, an assistance animal works either with a specific person with a disability or a group of people with disabilities under the guidance of a trainer or owner. The animal's training is similar to that given service animals.

Companion animals - pets and are not allowed in the Southern Peaks Public Library.

Social/therapy animals - usually service animals that did not complete training and have become the pet of a person with a disability. Other therapy animals are the personal pets of their handlers and work with their handlers to provide services to others, such as patients in nursing homes. Therapy animals might or might not meet the definition of service animals. Federal laws do not legally define therapy animals. In addition, Federal laws have no provisions for people to be accompanied by therapy animals in places of public accommodation that have "no pets" policies.

Colorado State Statutes

24-34-803. Rights of persons with assistance dogs.

(1) A person with a disability, including but not limited to a blind, visually impaired, deaf, hard of hearing, or otherwise physically disabled person, has the right to be accompanied by an assistance dog specially trained for that person without being required to pay an extra charge for the assistance dog in or on the following places and subject to the conditions and limitations established by law and applicable alike to all persons:

(a) Public streets, highways, walkways, public buildings, public facilities and services, and other public places;

(b) Any place of public accommodation or on public transportation services;
and

(c) Any housing accommodation offered for rent, lease, or other compensation in the state.

(2) A trainer of an assistance dog has the right to be accompanied by an assistance dog that the trainer is in the process of training without being required to pay an extra charge for the assistance dog in or on the following places:

(a) Public streets, highways, walkways, public buildings, public facilities and services, and other public places; and

(b) Any place of public accommodation or on public transportation services.

(3) (a) An employer shall not refuse to permit an employee with a disability who is accompanied by an assistance dog to keep the employee's assistance dog with the employee at all times in the place of employment. An employer shall not fail or refuse to hire or discharge any person with a disability, or otherwise discriminate against any person with a disability, with respect to compensation, terms, conditions, or privileges of employment because that person with a disability is accompanied by an assistance dog specially trained for that person.

(b) An employer shall make reasonable accommodation to make the workplace accessible for an otherwise qualified person with a disability who is an applicant or employee and who is accompanied by an assistance dog specially trained for that person unless the employer can show that the accommodation would impose an undue hardship on the employer's business. For purposes of this paragraph (b), "undue hardship" means an action requiring significant difficulty or expense.

(4) The owner or the person having control or custody of an assistance dog or an assistance dog in training is liable for any damage to persons, premises, or facilities, including places of housing accommodation and places of employment, caused by that person's assistance dog or assistance dog in training. The person having control or custody of an assistance dog or an assistance dog in training shall be subject to the provisions of section 18-9-204.5, C.R.S.

(5) A person with a disability is exempt from any state or local licensing fees or charges that might otherwise apply in connection with owning an assistance dog.

(6) The mere presence of an assistance dog in a place of public accommodation shall not be grounds for any violation of a sanitary standard, rule, or regulation promulgated pursuant to section 25-4-1604, C.R.S.

(7) As used in this section, unless the context otherwise requires:

(a) "Assistance dog" means a dog that has been or is being trained as a guide dog, hearing dog, or service dog. Such terms are further defined as follows:

(I) "Guide dog" means a dog that has been or is being specially trained to aid a particular blind or visually impaired person.

(II) "Hearing dog" means a dog that has been or is being specially trained to aid a particular deaf or hearing impaired person.

(III) "Service dog" means a dog that has been or is being specially trained to aid a particular physically disabled person with a physical disability other than sight or hearing impairment.

(b) "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12102 (2), as amended.

(c) "Employer" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12111 (5), as amended.

(d) "Housing accommodations" means any real property or portion thereof that is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons but does not include any single family residence, the occupants of which rent, lease, or furnish for compensation not more than one room in that residence.

(e) "Places of public accommodation" means the following categories of private entities:

(I) Inns, hotels, motels, or other places of lodging, except establishments located within buildings actually occupied by the proprietor as the proprietor's residence containing five or fewer rooms for rent or hire;

(II) Restaurants, bars, cafeterias, lunchrooms, lunch counters, soda fountains, casinos, or other establishments serving food or drink, including any such facility located on the premises of any retail establishment;

(III) Gasoline stations or garages;

(IV) Motion picture theaters, theaters, billiard or pool halls, concert halls, stadiums, sports arenas, amusement or recreation parks, or other places of exhibition or entertainment;

(V) Auditoriums, convention centers, lecture halls, or other places of public gathering;

(VI) Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other sales or retail establishments;

(VII) Laundromats, dry cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, offices of accountants or attorneys-at-law, pharmacies, insurance offices, professional offices of health care providers, hospitals, or other service establishments;

(VIII) Terminals, depots, or other stations used for specified purposes;

(IX) Museums, libraries, galleries, or other places of public display or collection;

(X) Parks, zoos, or other places of recreation;

(XI) Nursery, elementary, secondary, undergraduate, or graduate schools or other places of education;

(XII) Day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies, or other social service center establishments;

(XIII) Gymnasiums, health spas, bowling alleys, golf courses, or other places of exercise or recreation;

(XIV) Any other establishment or place to which the public is invited; or

(XV) Any establishment physically containing or contained within any of the establishments described in this paragraph (e) that holds itself out as serving patrons of the described establishment.

(f) "Public transportation services" means common carriers of passengers or any other means of public conveyance or modes of transportation, including but not limited to airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or taxis.

(g) "Trainer of an assistance dog" means a person who is qualified to train dogs to serve as assistance dogs.

Guidelines

Under the Americans with Disabilities Act (ADA), organizations that serve the public, like the Southern Peaks Public Library, must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go.

The ADA provides greater protection for individuals with disabilities and so it takes priority over local and state laws and regulations.

Library employees may ask if an animal is a service animal, or ask what tasks the animal has been trained to perform. They cannot require special ID cards for animals or ask about person's disabilities, e.g. "Are you blind?" or "Are you under a physician's care for this?"

People with disabilities who use service animals cannot be isolated from other patrons or employees or treated less favorably than other patrons or employees.

A person with a disability cannot be asked to remove his or her service animal from the premises unless:

1. The animal is out of control and the animal's owner does not take effective action to control it (for example, a dog barks repeatedly) or
2. The animal poses a direct threat to the health or safety of others.

Allergies or fear of animals are generally not valid reasons for denying access to the Library facility or refusing Library service to people with service animals. Any service animal that displays vicious behavior towards customers may be excluded. Employees may not make assumptions, however, about how a particular animal is likely to behave based on past experiences with other animals. Each animal must be considered individually. In these cases, the Library should offer to give the person with the disability the option to obtain materials and services without having the animal on the premises.

The Library is not required to provide care or food for a service animal or provide a special location for it to relieve itself.

The only persons permitted to bring assistance animals or assistance animal trainees into Library facilities are persons who require the assistance of such an animal and assistance animal trainers. All assistance animals or assistance animal trainees must remain under a responsible person's control and on a leash at all times.

Liability

Violators of the ADA can be required to pay money damages and penalties.

If the Library normally charges patrons for damage they have caused, a customer with a disability may be charged for damage caused by his or her service animal.

A person utilizing a service animal or a service animal trainer may be liable for all injury and damage caused by his or her animal while within the Library.

ADA Business Brief: Service Animals

<http://www.usdoj.gov/crt/ada/svcanimb.htm>

Commonly Asked Questions About Service Animals in Places of Business

<http://www.usdoj.gov/crt/ada/qasrvc.htm>

Service Animal Etiquette

Do not touch the service animal or the person it assists without permission. This applies to both employees and customers of all ages. The service animal may or may not be wearing a vest with printing on it, such as "I am working. Please do not pet me."

Do not make noises at a service animal; it may distract the animal from doing its job. The behavior of children near an animal may be unpredictable, so staff should be alert.

Do not feed a service animal; it may disrupt his/her schedule.

Do not be offended if the person does not feel like discussing the assistance the service animal provides; not everyone wants to be a "show-and-tell" exhibit.

Approved by Library Board of Trustees
May 25, 2010