

Bismarck Parks and Recreation District Service Animal Policy

The Department of Justice issued revised ADA regulations which cover Title II (state and local government programs) and Title III (places of public accommodation, such as restaurants or retail merchants), which took effect March 15, 2011. These regulations revise the definition of service animals and add additional provisions.

Bismarck Parks and Recreation District (BPRD) is committed to making reasonable modifications to its policies, and procedures to permit the use of service animals in its facilities by individuals with disabilities. Service animals play an important role in ensuring the independence of people with disabilities.

- Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. (Exception: miniature horses)
- BPRD's policy is to welcome into our facilities any dog that is individually trained to assist a person with a disability.
 - A service animal shall be under the control of its handler. A service animal shall have a harness, leash or other tether, unless either the handler is unable because of disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals or other effective means).
- Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- BPRD will not be responsible for the care or supervision of a service animal.
- BPRD shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. **An individual with a disability may be charged for damage caused by his or her service animal.**

- In the event that a service animal's behavior poses a direct threat to the health or safety of others, BPRD has the right to exclude the animal from its facility at that time but may not refuse service to that individual with a disability when he or she is not accompanied by a service animal.
- BPRD will not exclude a particular animal on a separate occasion based on past experience of that animal's behavior. Each situation will be considered individually.

Miniature Horses

- Reasonable modifications: A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability.
- Assessment factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, a public entity shall consider:
 - The type, size and weight of the miniature horse and whether the facility can accommodate these features;
 - Whether the handler has sufficient control of the miniature horse;
 - Whether the miniature horse is housebroken; and
 - Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Employee Requirements

- Most of the time, people with disabilities who use service animals may be easily identified without any need for questioning. If you can tell by looking or know from past contacts, you should not make a person feel unwelcome by asking questions. If you are unsure whether an animal meets the definition of a service animal, contact your supervisor.
- **The employee is only allowed to ask the individual accompanied by a dog two questions:**
 - “Is the dog a service animal required because of a disability?”*
 - “What work or task has the dog been trained to perform?”*
- Once a customer with a service animal has answered the questions posed by the employee, **no further questions are allowed.**
- **CAUTION:** Do **NOT** ask a customer:
 - *Questions about his or her disability.*
 - *To show certification or a special ID card as proof of their animal's training.*
 - *With a service animal to meet any other requirements.*

- You must permit service animals to accompany customers with disabilities to all areas of the facility normally used by customers.

Approved by the Board of Park Commissioners December 16, 2021