

# RESOLUTION NO 2010-01

## A RESOLUTION ADOPTING A SERVICE ANIMAL POLICY AND AUTHORIZING AND DIRECTING FURTHER ACTIONS IN CONFORMANCE THEREWITH.

**WHEREAS**, the Americans with Disabilities Act of 1990 at 42 U.S.C. §12132 and associated regulations applicable to public entities (collectively, the “ADA”) requires such entities to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability; and

**WHEREAS**, Board of Alderman of the City of New Florence, Missouri (the “City”) has determined that the adoption and implementation of a policy governing the use of service animals by persons with disabilities at City facilities, services and programs as set forth in this Resolution is consistent with the requirements and intent of the ADA and is in the best interest of the City and its residents;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMAN OF THE CITY OF NEW FLORENCE, MISSOURI** as follows:

**Section 1.** That the Policy Regarding Service Animals for Persons with Disabilities , as set forth on Exhibit A, attached to and incorporated by reference in this Resolution (the “Service Animal Policy”) is hereby approved and adopted.

**Section 2.** That the Service Animal Policy shall be included within the City’s personnel regulations including, without limitation, within the Employee Handbook for the City of New Florence, as from time to time amended, and the City Clerk shall provide a copy of the Service Animal Policy to all City employees and officials whose duties interactions with the general public. The City Clerk shall provide a copy of the Service Animal Policy to each new employee or newly appointed official whose regular duties involve contact with member of the general public with two (2) business days of the commencement of such person’s duties involving contact with members of the general public.

**Section 3.** That the Clerk of the City is hereby authorized and directed: (i) to cause to be posted on the City’s website within 14 business days of the date of this Resolution the Service Animal Policy; and (ii) to make available to the public upon the request the Service Animal Policy including providing such copies of the City’s Open Meeting and records Policy and applicable state law.

**Section 4.** That the portions of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the valid portions of this Resolution are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Alderman of the City has enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with legislative intent.

**Section 4.** That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED by the Board of Alderman of the City of New Florence, Missouri this 18<sup>th</sup> day of February, 2010

ATTEST:

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Adell Jonas, City Clerk  
Burroughs, Presiding Officer of the Board

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John

APPROVED BY THE MAYOR, this 18<sup>th</sup> day of  
February, 2010

ATTEST:

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Adell Jonas, City Clerk  
Presiding Officer of the Board

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John Burroughs,

**EXHIBIT A  
CITY OF NEW FLORENCE, MISSOURI  
POLICY REGARDING SERVICE ANIMALS  
FOR PERSONS WITH DISABILITIES**

The City of New Florence, Missouri (the "City") is committed to making reasonable modifications in policies, practices, and procedures to permit the use of service animals by individuals with disabilities. Service animals play an important role in ensuring the independence of individuals with disabilities and it is therefore the City's policy to welcome into City facilities any animal that is individually trained to assist an individual with a disability.

**What is a "Service Animal?"**

Service animals are individually trained to work or perform tasks for individuals with disabilities. Service animals are not always dogs; other animals may assist individuals with disabilities. Service animals come in all breeds and sizes, may be trained either by an organization or by an individual with a disability, and need not be certified or licensed. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals. A service

animal is not a pet. Service animals assist individuals with disabilities in many different ways, such as:

- Guiding individuals who are blind or have low vision and retrieving dropped objects for them;
- Alerting individuals who are deaf or hard of hearing to sounds and the presence of others;
- Carrying and picking up items, opening doors, or flipping switches for individuals with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability of bend or stoop;
- Pulling wheelchairs
- Alerting individuals with disabilities to the onset of medical conditions such as seizures, protecting them and cushioning them if they fall, reviving them, and performing other tasks that reduced the risk of disability-related injury;
- Doing work of performing tasks for individuals with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding individuals with depression to take medication or waking up such individuals, alerting individuals with anxiety to the onset of panic attacks, orienting individuals with schizophrenia to reality, and helping individuals with intellectual or cognitive disabilities to locate misplaced items, find places, or follow daily routines; and
- Providing physical support and assisting individuals with physical disabilities with stability and balance.

### **Requirements with Regard to Service Animals.**

Most of the time, individuals with disabilities who use service animals may be easily identified without any need for questioning. If City personnel or officials can tell by looking, it is the City's policy not to make an individual feel unwelcome by asking questions. If city personnel are unsure whether an animal meets the definition of a service animal, it is the City's policy to ask the individual only one question at the point that the individual seeks entry to a City facility:

- Is your animal a service animal required because of a disability?

If the individual says yes or otherwise explains that the animal is required because of a disability, the City will welcome the individual and service animal into the City facility. Once an individual with a service animal has answered this question, the City will not ask any further questions about the service animal. The city will not ask an individual to show a license, certification, or special ID card as proof of their animal's training. The City will and must permit service animals to accompany individuals with disabilities to all areas of City facilities normally used by other members of the public. City personnel and officials will treat individuals with service animals with the same courtesy and respect that the City affords to all member of the public. Service animals are not pets. City personnel and officials will not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

## **Responsibilities of ALL Representatives of the City.**

In the event that a particular service animal's vicious behavior poses a direct threat to the health or safety of others, the City has the right to exclude the animal from City facilities at any time. Barking alone is not a direct threat. In addition, a direct threat does not exist if the service animal's owner takes prompt, effective action to control the animal. Moreover, the City will not exclude a particular service animals based on past experience with other animals or based on fear that is not related to an individual service animal's behavior. The City will consider each situation individually. In the event the City excludes a service animal because of a direct threat, the city will not refuse service to the individual with a disability when the individual is not accompanied by that particular service animal. Only the Mayor or, in the absence of the Mayor, the City Clerk shall make the determination of behalf of the City to exclude a service animals because the animal poses a direct threat.

Please handle any inquiries or complaints about this policy in accordance with the City's usual procedures by referring the inquiry or complaint to the City Clerk.

## **Technical Assistance and Training Resources.**

Technical assistance and training in the implementation of this Policy including free publications about applicable requirements of the Americans with Disabilities Act (ADA") can be obtained from the U.S. Department of Justice, Americans with Disabilities Act ADA Home Page at [www.ada.gov](http://www.ada.gov). Specific questions and/or assistance under this Policy may be referred to the toll-free ADA Information Line (800-514-0301). Additional guidance may be obtained by reference to relevant U.S. Department of Justice Americans with Disabilities Act Technical Assistance Letters available on line at <http://www.justice.gov/crt/foia/talindex.php>, as well as the Disability and Business Technical Assistance Center for Region 7, Great Plains ADA Center, accessible on line at <http://www.adaproject.org/> by telephone toll free at 1-800-949-4232.