

# Animals in the Library Policy

## *1. Purpose*

The Dover Public Library (DPL) recognizes that patrons with disabilities may have service animals that are trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. DPL recognizes legal rights under federal and state laws regarding use of service animals. DPL also considers the safety and health of all its patrons, the public, and library staff to be of utmost priority.

## *2. Background and Definitions*

### **2.1 Service Dog**

Any dog 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 and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual’s disability. “Service dog” shall include “assistance dogs” as defined under Ohio law. R.C. 955.011. Examples of such work or tasks include: guiding people who are blind; alerting people who are deaf; pulling a wheelchair; alerting and protecting a person who is having a seizure; reminding a person with mental illness to take prescribed medications; calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack; or performing other duties. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. Beginning on March 15, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.

### **2.2 Disability**

The term “disability” means, with respect to an individual:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (b) A record of such an impairment; or

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(c) Being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the ADA.

### **2.3 Miniature Horses**

Federal regulations allow miniature horses to be recognized as a lawful service animal. Therefore, an individual with a disability may be allowed to utilize a miniature horse as a service animal, subject to all of the restrictions stated in this policy, but also subject to additional considerations. When determining whether to allow a miniature horse to function as a service animal, DPL may consider the following before permission is granted to utilize a miniature horse as a service animal.

- a) The horse in question may be no more than 34 inches tall measured at its shoulder and it may weigh no more than 100 pounds.
- b) As with dogs, the horse must have been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- c) As with dogs, the handler of the horse must be able to be in sufficient control of the horse and the horse must be housebroken.
- d) The presence of the horse may not compromise legitimate safety requirements that are necessary for the safe operation of library service.

### **2.4 Other Species**

Ohio law recognizes a broader category of service animals as compared to the ADA. Under Ohio Administrative Code Section 4112-5-06, a disabled person is entitled to the attendance of an animal assistant, which can include any animal that aids the disabled - such as the dogs and miniature horses contemplated under the ADA, but also extending to other species of animals that aid a disabled person (e.g., a monkey that retrieves items for a mobility impaired individual). [See Ohio Administrative Code Section 4112-5-02] Thus, if a disabled individual requires the aid of a service animal other than a dog or miniature horse, he or she would be protected by this provision of Ohio law.

### **2.5. Service Dogs in Training**

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Service dogs that are being trained by non-profit special agencies for the purpose of assisting blind, deaf, hearing impaired or mobility impaired persons are entitled to full and equal access to library facilities under Ohio Revised Code Section 955.43; provided that any such service dog in training must be covered by an insurance policy covering personal injury and property damage.

### *3. Policy*

No pets or animals other than service dogs, miniature horses (as defined in sections 2.1 and 2.4), other animal assistants, or service dogs/minature horses in training, are allowed in the library. Owners of pets will be asked to remove them from the library.

Individuals with disabilities may bring their service animals, including assistance dogs, into all areas of the library where members of the public are normally allowed to go. All service animals must be under the full custody and control of their handler at all times. Also, all service animals must be on a leash or harness at all times unless the handler is unable to leash or harness the dog because of a disability or use of a leash or harness would interfere with the animal's safe, effective performance of work or tasks. If the service animal cannot be leashed or harnessed, it must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

Owners of the service animal are solely responsible for the supervision and care of the service animal. Therefore, owners must keep the service animal directly with them at all times. Users of service animals are not required to show papers or to prove a disability. Service animals are not required to be licensed or certified by a state or local government or training program, or be identified by a special harness or collar. Individuals with disabilities or trainers of service animals may not be charged a fee for the privilege of bringing their service animals onto library premises.

Service animals which are not housebroken, bark excessively, are uncontrolled, or are otherwise disruptive will be required to leave the premises. Service animals are not allowed on library furniture, fixtures, or in library baskets or carts, and must remain on the floor or be carried (as appropriate) by their handlers at all times.

Misrepresenting an animal as a service animal is a violation of the library's Patron Code of Conduct, and may result in suspension of library privileges.

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Staff may ask two questions: (1) Is the animal a service animal required because of a disability? and (2) What work or task has the animal been trained to perform? Owners of service animals or service animals in training will indicate that they are working animals and not pets. Terms used may include assistance, service, guide, hearing, or helping animal. Staff may not ask about the owner's disability.

A person with a disability may not be asked to remove his or her service animal or service animal in training from the library unless the presence, behavior or actions of the service animal constitutes an unreasonable risk of injury or harm to property or other persons or the animal is disruptive and the owner does not take effective action to control it. In these cases, library staff must give the person with the disability the option to obtain library services without having the service animal or service animal in training on the premises. Fear of allergies, annoyance on the part of other patrons or employees, or fear of animals are generally not valid reasons for denying access or refusing service to people with service animals or service animals in training.

#### *4. Exceptions for Library Offerings*

Pending approval by the Director or his/her designee, the Library may have animals in the building as part of its educational, programming, and recreational offerings.

#### *5. Animal Endangerment*

DPL does not condone leaving non-service animals outside the library in a way that may endanger the animal or Library patrons. DPL reserves the right to contact the police regarding any unattended animals on its premises. DPL also reserves the right to ban patrons who endanger animals in such a way.

#### *6. Grievances*

DPL is committed to the equitable use of the Library for all its patrons. Any patron who feels their use of the Library has been compromised due to this policy should report grievances to the Director or his/her designee.

#### *7. Citations and Related References*

- i) Americans with Disabilities Act (ADA) of 1990, Title II, Section 35.136 (Revised September 15, 2010) 28 CFR 35.104; Beginning on March 5, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.

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- ii) ORC 955.43: Dogs with Blind, Deaf or Mobility Impaired Person.
- iii) OAC 4112-5-06: Discrimination Against the Disabled in Places of Public Accommodation.
- iv) OAC 4112-5-02: Definitions

Adopted by the Dover Public Library  
Board of Trustees  
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