

NOTICE

No. 15-01B

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SERVICE ANIMALS FOR PEOPLE WITH DISABILITIES (FOR POSTING)

This Notice, titled Service Animals for People with Disabilities, is issued as an appendix to Notice 15-01. Copies of any policies may be requested from the Corporate Policy Office.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) is dedicated to providing quality services and park and recreation programs that are inclusive and accessible, including the use of service animals by individuals with disabilities. The following guidelines facilitate the use of service animals in M-NCPPC sites and facilities while maintaining a safe environment for all visitors and the intended scope of the programs and services provided by the agency.

Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome into our facilities and programs any animal that meets the Americans with Disabilities Act's (ADA) definition of "service animal". A service animal, as defined by the ADA, is a dog (such as a guide or signal dog) or miniature horse individually trained to provide assistance to an individual with a disability. If the animal meets this definition, the animal is considered a service animal under the ADA, regardless of whether they have been licensed or certified as such by state or local government. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals.

According to the ADA, a service animal is not a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding and retrieving dropped objects for people who are blind or have low vision.
- Alerting people 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 people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop.
- Pulling wheelchairs.
- Alerting to the onset of medical conditions such as seizures - protecting them and cushioning them if they fall, and reviving them.
- Performing tasks such as: reminding to take medication, helping to locate misplaced items or following daily routines for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities.
- Providing physical support and assisting with stability and balance.

An animal is NOT a service animal if its sole function is to provide/promote:

- Emotional support or emotional well being
- Comfort and/or therapy
- Companionship
- Therapeutic benefit

This policy does not authorize the use of therapy animals, companion animals or any other type of animal that does not fall within the ADA's definition of service animal.

The M-NCPPC authorizes individuals with disabilities to use service animals in all agency sites and facilities that are open to the public, including structures, buildings, park roads, sidewalks and trails, subject to the following restrictions:

1. The owner/handler of the service animal must be an individual with a disability.
2. The service animal shall at all times be under the control of the owner/handler.
3. The M-NCPPC accepts no responsibility for the care and supervision of the service animal.
4. The service animal and owner/handler shall follow any applicable State of Maryland and local laws regarding vaccinations and pet ownership licensing (e.g., state-mandated rabies vaccinations, County dog permit, etc.).
5. The owner/handler is responsible for any damage or soiling caused by the animal.
6. The M-NCPPC accepts no liability for damage caused by the service animal, or injury to others caused by the service animal.
7. The M-NCPPC reserves the right to modify this policy at any time.

RESPONSIBILITIES:

Front Desk Staff/Facility Director/Building Supervisor - M-NCPPC front desk staff or facility directors are responsible for determining if an animal is a service animal. Some individuals with disabilities who use service animals may be easily identified without any need for questioning. If there is uncertainty as to whether an animal meets the definition of a service animal, in accordance with the ADA, staff may only ask the patron two questions:

1. Is the dog a service animal required because of a disability? and/or
2. What work or task has the dog been trained to perform?

If the patron explains that the animal is required because of a disability, and is trained as a service animal, staff should welcome the person and service animal into the facility. Staff must permit service animals to accompany patrons with disabilities to all areas of the facility normally used by other customers.

Managers/Facility Directors - In the event that a particular service animal's behavior poses a direct threat to the health or safety of others, the service animal is acting out of control and the owner/handler does not take action to correct its behavior, or, in the event that M-NCPPC can demonstrate that a particular service animal's conduct fundamentally alters the nature of the facility's business, the manager/facility director has the right to exclude the animal from the facility/program at that time.

Barking, in and of itself, is not considered a direct threat. In addition, a direct threat does not exist if the service animal's owner/handler takes prompt and effective action to control the animal. Moreover, M-NCPPC will not exclude a particular service animal based on past experience with other animals or based on fear that is not related to a service animal's actual behavior. Each situation will be considered individually. In the event M-NCPPC excludes a service animal, it may not refuse service to the owner when he or she is not accompanied by that particular service animal.

QUESTIONS/INQUIRIES/COMPLAINTS:

Individuals with disabilities have the right to be accompanied by service animals in all public M-NCPPC facilities under the ADA, and M-NCPPC considers interference with or denial of this right to be a serious violation of agency policy.

Patrons with questions about this guidance or complaints about the improper treatment of customers should contact the departmental ADA Coordinator or office listed below, based on the department/location offering the program/services:

Prince George's County Parks and Recreation Department

Therapeutic Recreation Manager

7833 Walker Drive, Suite 110

Phone 301-446-3412, TTY 301-446-3402

Prince George's County Planning Department

Office of the Director, Prince George's County Planning

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland, 20722

Phone 301-952-3595, Fax 301-952-5804, TTY 301-952-3796

Montgomery County Parks Department

Senior ADA Compliance Project Manager

Parkside Headquarters, 9500 Brunett Avenue

Silver Spring, MD 20901

Phone 301-495-2571, Fax 301-585-1921, Maryland Relay 7-1-1

Montgomery County Planning Department

Office of the Director, Montgomery County Planning

8787 Georgia Avenue, Silver Spring, MD 20910

Phone 301-495-4610, Fax 301-495-1306, Maryland Relay 7-1-1

Executive Office Building/Bi-County Operations

Office of the Executive Director

6611 Kenilworth Avenue, 4th Floor

Riverdale, MD 20737

Phone 301-454-1740, Fax 301-454-1750, TTY 301-454-1410

M-NCPPC will promptly investigate all complaints and will take appropriate disciplinary action when employees fail to comply with this policy.

