

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: February 28, 2011
	Agenda Item No. 44 Roll Call No. <u>11-0329</u> Communication No. <u>11-126</u> Submitted by: Donald M. Tripp, Director of Park and Recreation, and Diane Rauh, City Clerk

AGENDA HEADING:

Amending Chapters 18, 74 and 102 regarding definition of service animal for persons with disabilities relating to dog license fees, service dogs off leash in parks, and service animals on the skywalk system.

SYNOPSIS:

The Department of Justice (DOJ) recently revised federal regulations implementing the Americans with Disabilities Act of 1990 includes changes to the definition of service animal. The new Rules go into effect on March 15, 2011.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The new federal Rules define a service animal as “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.” The work or task performed must be directly related to the person with a disability. Examples include helping with low vision, alerting persons who are hard of hearing, assisting during a seizure, alerting to the presence of allergens, helping with balance and retrieving items. Service animals do not include “companion animals”- those that provide emotional support, well-being, comfort or companionship – or those that provide a crime deterrent effect.

Sections 18-47 (dog license fees), 74-100 (allowing service dogs under the control of persons with disabilities off leash in City parks), and 102-330 (service dogs in the skywalk system) need to be amended to use the revised definition of service animal or service dog in order to be in compliance with the new federal rules. Currently Chapter 18 does not include a definition of service animal although it does allow certain service dogs to be exempt from paying the dog license fee. The proposed ordinance amends Chapter 18 by including the new definition of service animal and exempting service dogs from the dog license fee when the owner applies for an exemption and provides information permitted to be requested under the new rules regarding the use and training of the dog. Eighteen (18) Service Animal licenses were issued in 2010. The proposed ordinance also amends sections 74-100 and 102-33(g) by

referring to the revised definition of service dog and service animal allowing off leash service dogs in parks and in the skywalk system, respectively.

PREVIOUS COUNCIL ACTION(S):

Date: January 5, 1998

Roll Call Number: 98-067

Action: Final approval of ordinance amending animal regulations and skywalk systems sections of the Municipal Code to comply with State law changes regarding the definition and use of assistive animals by persons with disabilities.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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