

Assistance Animal Policy

Definitions

Pursuant to applicable state and federal law, the following definitions have been adopted and apply to this policy:

Assistance Animal: A general term referring to any animal providing accommodations to individuals with disabilities. As used within this policy, an assistance animal may be either a service animal or an emotional support animal. For purposes of this policy, Assistance Animals are not considered pets.

Service Animal: A service animal is individually trained to do specific work or perform tasks for the benefit of a person with a disability, including but not limited to physical, sensory, psychiatric, intellectual, or other mental disabilities. The specific work or tasks performed by the service animal for the benefit of the individual must be directly related to the individual's disability. As defined in this policy:

1. the mere provision of emotional support, well-being, or comfort does not constitute work or tasks performed by service animals; and
2. service animals in training (i.e., service animals that do not yet perform specific work or tasks for a person with a disability, but are being trained to do so) are not considered service animals.

Other species of animal, whether wild or domestic, trained or untrained, are not service animals for the purposes of the ADA; however, there is a possible exception for miniature horses.

Emotional Support Animal: Any animal providing emotional support, well-being, or comfort that eases one or more identified symptoms or effects of a disability. Emotional support animals may also be referred to as comfort or therapy animals. Unlike service animals, emotional support animals are not individually trained to perform specific work or tasks.

The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of the definition under the ADA. Therefore, comfort animals, emotional support animals, or therapy animals are not service animals and are not covered by the ADA. Although there are psychiatric service dogs, they are not the same as a comfort or therapy animal. Psychiatric service animals are trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and ameliorate their effects.

Pet: Any animal kept for ordinary use and companionship. For purposes of this policy, service animals and emotional support animals (collectively termed "assistance animals") are not considered pets.

Policy Statement

Assistance Animals in the Library

Assistance animals are permitted within the Library subject to the conditions and restrictions outlined within this policy. Staff members may ask if the animal is required for a disability, but are not allowed to request documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. An assistance animal's access to the Library may need to be limited should the assistance animal's presence create an undue hardship to the Library. See the section on Exceptions and Exclusions below.

Service Animals in the Library

Service animals are permitted to accompany people with disabilities throughout the whole library. A service animal's access to the Library may need to be limited should the service animal's presence create an undue hardship to the Library. See the section on Exceptions and Exclusions below.

All service animals must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether unless the person is unable to hold those, or such use would interfere with the service animal's performance of work or tasks. In such instances, the service animal must be kept under control by voice, signals, or other effective means.

Emotional Support Animals in the Library

While not a protected right through the Americans with Disabilities Act, Emotional Support Animals may be permitted within the Library to provide emotional support as necessary. An emotional support animal's access to the Library may be limited in accordance with the section on Exceptions and Exclusions below or otherwise in the discretion of the Library.

All emotional support animals must be housebroken (i.e., trained so that it controls its waste elimination, absent illness or accident) and must be kept under control by a harness, leash, or other tether. Only one emotional support animal will be permitted per patron.

Exceptions and Exclusions to General Rules Applying to Assistance Animals and Emotional Support Animals in the Library

The Cumberland Public Library may impose some restrictions on or ask that an assistance animal and/or Emotional Support Animals be removed from the Library in certain instances. Restrictions or exclusions will be considered on a case-by-case basis in accordance with applicable laws.

Assistance Animal/Emotional Support Animal Creates a Direct Threat

The assistance animal/emotional Support Animal may be denied access to or banned from the Library if it poses a direct threat to the health or safety of others that cannot be reduced or eliminated by reasonable modifications. An example of this would be an assistance animal/emotional support animal that exhibits aggression (i.e. growling) or has injured a person or another animal. In considering whether an assistance animal/emotional support animal poses a direct threat to the health or safety of others, the Library will make an individualized assessment based on reasonable judgment, current medical knowledge, or the best available objective evidence to determine

1. the nature, duration, and severity of the risk;
2. the probability that the potential injury will actually occur; and
3. whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Assistance Animal is Uncontrolled

An assistance animal will be asked to leave the Library if the assistance animal/emotional support animal is out of control and the owner does not take effective action to gain and maintain control. An example of this may be an assistance animal/emotional support animal that repeatedly gets loose and runs at large, even if it does not physically injure a person or another assistance animal/emotional support animal. This includes a situation in which the assistance animal/emotional support animal is disrupting a Library program.

Property Damage or Injury Caused by Assistance Animal/Emotional Support Animal

The owner of an assistance animal/emotional support animal is responsible for any damage to the Library's or personal property and any injuries to individuals caused by their animal.

Improper/Inadequate Care for Assistance Animal/Emotional Support Animal

If it appears that anyone has abused or neglected an assistance animal/emotional support animal, the Library may report the animal abuse or neglect to the appropriate authorities.

Assistance Animal/Emotional Support Animal is Not Housebroken or Maintained in a Healthy, Clean Manner

Any individual utilizing an assistance animal in the Library must ensure the animal is properly housebroken and/or trained. They must also ensure that the animal, and its environment, are maintained in a healthy, clean manner. The owner of an assistance animal may responsible for any cleaning costs required if the assistance animal/emotional support animal makes an area unsanitary.

Approved Library Board of Trustees, May 23, 2016