



**City of Medford  
Administrative Regulation**

**Regulation No. 16-02**

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**Subject Area: City Manager**

**Effective Date: February 1, 2016**

**Supersedes: N/A**

**Title: Service Animals**

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***Purpose:***

The City of Medford does not discriminate against qualified individuals on the basis of disability in the City's services, programs, activities, or employment practices, in accordance with the Americans with Disabilities Act of 1990 (ADA), as amended, and applicable Oregon Law.

***Objectives:***

The City welcomes the use of a service animal by a member of the public with a disability, when it is needed as reasonable modification for participation in the programs, services, and activities that the City offers to the public, subject to the rules provided in ADA Title II and Oregon Law.

The City, through the interactive planning process for reasonable accommodation in the workplace, will consider the potential for a qualified individual with a disability to use a service animal as a reasonable accommodation as respects employment opportunities with the City, when appropriate within the rules in ADA Title I and Oregon Law.

***Definitions:***

**"Service animal"** is defined in the ADA as a dog\* that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed by the dog must be directly related to the person's disability. (In Oregon Revised Statute 359A.143 it is called an "assistance animal"). A service animal is a working animal, not a pet. Emotional support, therapy, comfort, or companion animals are not considered service animals in the ADA or in Oregon Law. Note: The definition of service animal in this policy is from ADA Title II regarding their use in public places for programs or services offered by the City of Medford. It does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

**"Trained"** means individually trained to do specific work or tasks that assist a person with needs related to their disability. A service animal does not need to be professionally trained or certified. Under Oregon Law an assistance-animal-trainee under the care, custody, and control of an assistance animal trainer in a specific course for training assistance animals is included, as well.

**"Do work or perform tasks"** means that the dog must be trained to take a specific action when needed to assist the person with a disability. For example, many people who are blind or have low vision use dogs to guide and assist them with orientation. Many individuals who are deaf use dogs to alert them to sounds. People with mobility disabilities often use dogs to pull their wheelchairs or retrieve items. People with epilepsy may use a dog to warn them of an imminent seizure, and individuals with psychiatric disabilities may use a dog to remind them to take medication. These are just a few of a long list of work or tasks a service animal may be trained to do relative to helping a person with a disability.

**"Handler"** means a person with a disability who utilizes a service dog to do work or perform tasks, a third party who accompanies the person with a disability and is in control of the animal, or in Oregon, an assistance animal trainer who is responsible for the care, custody and control of a assistant-animal-trainee while it is in a training course.

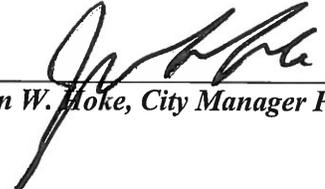
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***Policy:***

1. A person with a service animal may not be asked about the nature or extent of their disability, but if it is not obvious that the dog is a service animal, the dog handler may be asked:
  - a. Is the dog a service animal required because of a disability?
  - b. What work or task has the dog been trained to perform?
2. The service animal must be individually trained, but is not required to be certified or have documentation of training. It shall not be required to demonstrate the work or tasks it is trained to perform.
3. A service animal is not required to wear a vest, patch, or other gear identifying it as a service animal.
4. A service animal may be any breed of dog.
5. For general public health and safety, service animals must comply with ordinary dog licensing and vaccination requirements.
6. The handler is responsible for caring for and supervising the service animal at all times, which includes toileting, feeding, grooming and veterinary care. The City is not obligated to supervise or otherwise care for or provide food for a service animal.
7. No fee, deposit, or admission may be charged for the presence of a service animal. However, the handler would be responsible for damage or injury caused by a service animal, should that circumstance arise.
8. The service animal must be under the control of the handler at all times and be harnessed, leashed, or tethered while in public places, unless these devices interfere with the service animal's work, or the person's disability prevents use of the devices. In that case, the handler must use voice, signal, or other effective means to maintain control of the animal at all times. If a service animal must be off leash only to perform a certain task, then the animal must be leashed at other times.
9. A service animal may generally, as a reasonable modification, accompany a person with a disability in all areas where members of the public are allowed to go. It must stay on the floor (or be carried) and may not be on furniture.
10. A service animal is not permitted to accompany its handler into a City swimming pool, but it must be allowed on the pool deck or other places the public is allowed to go.
11. A service animal may be excluded if it is not housebroken.
12. A handler may be asked to remove the service animal from the premises if the service animal is out of control and the handler does not take effective action to control it. A service animal may not be disruptive or aggressive. When a service animal has been asked to be removed, the person with the disability may choose to receive services without the animal's presence.
13. A service animal may be excluded from a program or service when the presence of a service animal would fundamentally alter the nature of the service, program or activity provided to the public, or pose a legitimate safety risk. This determination is made on a case by case basis, open to discussion to assess the potential alteration or safety concern between the handler and the applicable director for the City program in question. If a satisfactory understanding and outcome has not been reached following that discussion, the handler may contact the City's ADA Coordinator for assistance.

14. Questions about this policy or its application may be directed to the City ADA Coordinator's office, at [ada@cityofmedford.org](mailto:ada@cityofmedford.org) or 541-774-2074.

*Approved:*

  
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*John W. Hoke, City Manager Pro Tem*

  
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*Date*

\*In addition to the provisions about service dogs, the revised ADA regulations from the US Department of Justice have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

**The content of this policy is based on:**

ADA Revised Requirements: Service Animals (July 2011)  
[http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

Frequently Asked Questions about Service Animals and the ADA (July 2015)  
[http://www.ada.gov/regs2010/service\\_animal\\_qa.html](http://www.ada.gov/regs2010/service_animal_qa.html)

Oregon Revised Statutes (2013)