

TOWN OF ELLINGTON

Policies & Procedures

Policy Prohibiting Pets and Animals, Except for Service Dogs, in Municipal Buildings

PURPOSE: The Town of Ellington hereby adopts a policy, pursuant to Section 504 of the Town Charter, generally prohibiting pets and animals, except for services dogs, in municipal buildings. Animals that do not qualify as service dogs are not permitted in municipal buildings, except as may be specifically provided herein.

GENERAL INFORMATION: Title 46a of the Connecticut General Statutes and Americans with Disabilities Act (“ADA”) are the principal sources of law for articulating the rights of individuals with disabilities to have services dogs accompany and assist them on municipal property and in other public places. Under both laws, municipalities must modify their policies and procedures to allow individuals with disabilities to use service dogs in their municipal buildings.

The Board of Selectmen (“BOS”) reserves the right to change in whole or in part this policy, or repeal in its entirety, at any time without a public hearing.

DEFINITIONS:

Assistance Dog: the term “assistance dog” shall refer to those domesticated dogs that provide aid to individuals who are deaf and/or mobility impaired.

Dog in Training: the term “dog in training” shall refer to those domesticated dogs that are undergoing designated training activities by a guide dog organization or assistance dog organization for the purposes of helping individuals who are blind, deaf, mobility impaired, or experience some other form of disability.

Dog Keeper: the term “dog keeper” shall refer to any person, other than the owner, harboring or having possession of a dog.

Guide Dog: the term “guide dog” shall refer to those domesticated dogs that provide aid to individuals who are blind or severely visually impaired.

Municipal Building: the term “municipal building” shall refer to any permanent or temporary structure or dwelling, or any real property which a municipality owns or leases and from which the municipality provides services to the public.

Service Dog: the term “service dog” shall refer to assistance dogs, guide dogs and domesticated dogs that are otherwise individually trained to do work or perform tasks for

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the benefit of an individual with a disability. The term “service dog” does not include emotional support, therapy or comfort pets or animals.

NOTICE:

The Town of Ellington shall post, in a conspicuous location in each municipal building, the following notice:

Pets and animals are not permitted in Town Buildings, except for service dogs in accordance with Town Policy adopted December 10, 2018, a full copy of which can be found on the Town’s website.

DISABILITY SERVICE DOGS IN MUNICIPAL BUILDINGS:

Service Dogs and Dogs in Training

Service dogs are permitted to accompany any blind, deaf or mobility impaired person or individual with a disability at all times into any municipal building. Furthermore, dogs in training are permitted to accompany any person who is training such dogs into any municipal building.

The above paragraphs notwithstanding, a service dog’s or dog in training’s lawful entrance into a municipal building is conditioned on compliance with the following state law requirements: (1) the dog must remain in the direct custody of the dog owner or dog keeper; and (2) the dog must wear a harness or orange-colored leash and collar at all times, unless the dog’s owner is unable because of a disability to use a harness or leash. Connecticut General Statutes § 46a-44 and 28 C.F.R. § 35.136(d).

Further, a service dog or dog in training may be removed from a municipal building if: (1) the dog is out of control and the dog’s owner or dog’s keeper does not take effective action to control it; or (2) the dog is not housebroken. If a service dog is properly removed from a municipal building, the Town shall give the individual with a disability the opportunity to participate in the service, program or activity without having the service dog on the premises. 28 C.F.R. § 35.136(b).

As per the ADA, the Town of Ellington will not be held responsible for the care or supervision of service dogs. 28 C.F.R. § 35.136(e). Similarly, as per Connecticut General Statutes § 22-357, the dog owner or dog keeper of a service dog is strictly liable for any physical injury or damage which may be caused by said dog.

INQUIRIES REGARDING SERVICE DOG QUALIFICATIONS

As per the ADA, the Town of Ellington cannot inquire about the nature or extent of an individual’s disability. However, the Town of Ellington can make two inquiries to determine whether a disabled individual’s dog qualifies as a service dog. Said inquiries are (1) whether the dog is required due to a disability, and (2) what tasks the dog is trained to perform. 28 C.F.R. § 35.136(f).

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The Town of Ellington cannot not require an individual to produce documentation regarding a dog's qualifications, such as proof that the dog has been certified, trained, or licensed as a service dog. 28 C.F.R. § 35.136(f).

EXCEPTIONS:

Upon prior written application to and approval from the First Selectman's Office, other pets or animals, including without limitation emotional support, therapy and comfort animals, may be permitted in municipal buildings at specific times and events. The party requesting the same must demonstrate that such animals will advance a specific individual, public or community interest and offer minimal risk of physical injury or damage to people and municipal property.

In accordance with Connecticut General Statutes § 22-357, the party requesting to bring the pet or animal into a municipal building accepts all liability for any physical injury or damage which may be caused by said animal and approval of the request shall be conditioned upon said requesting party agreeing to hold the Town harmless from, and indemnify the Town for, any and all damage or injury that may be incurred on account of said animal.

BOS APPROVED: *December 10, 2018*