

Somerset County Park Commission Service Animal Policy

I. Purpose

The Somerset County Park Commission (SCPC) is committed to providing reasonable accommodations to persons with disabilities and fulfilling its responsibilities under the Americans with Disabilities Act (ADA), Section 504 of the Federal Rehabilitation Act, and the New Jersey Barrier Free Subcode of the Chapter 23 Uniform Construction Code.

The purpose of this policy is to outline the use of service animals by persons with disabilities who are registered participants in SCPC programs, by visitors with disabilities in SCPC parks and facilities, and by SCPC employees with disabilities, pursuant to the U.S. Department of Justice 2010 revised Federal Title II regulations, Part 35.136 adopted pursuant to the Americans with Disabilities Act (ADA).

II. Definitions

- A. **Disability:** As defined under the ADA, disability is a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.
- B. **Service Animal:** A **dog** or a **miniature horse** that has been individually trained to perform tasks for the benefit of a person with a disability. Tasks may include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Service animal does not include dogs or miniature horses that are not trained to perform tasks that mitigate the effects of a disability, including dogs or miniature horses that are used purely for emotional support.
- C. **Partner/Handler:** A person with a disability who uses a service animal as a reasonable modification, or a trainer.
- D. **Team:** A partner/handler and a service animal. The two work as a cohesive team in accomplishing the tasks of daily living.
- E. **Trainee:** A dog or a miniature horse being trained to become a service animal has the same rights as a fully trained service animal when accompanied by a partner/handler and identified as such.

III. Service Animal Use

Park visitors with service animals may access public facilities, with the exception of areas where service animals are specifically prohibited due to safety or health restrictions or where the service animal may be in danger. SCPC shall make reasonable modifications in policies, practices or procedures to permit the use of a service animal by an individual with a disability if the animal has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The care and supervision of a service animal is the sole responsibility of the individual who uses the animal's service. An individual with a service animal is responsible for the following:

- A. Complying with all state and local licensing and vaccination requirements.
- B. Ensuring that service animal dogs wear a dog license tag at all times.
- C. Ensuring that the animal is in a harness or on a leash or tether at all times.
- D. Maintaining control of the animal at all times. If the animal's behavior becomes a hygiene problem or the animal acts in a threatening manner, SCPC may require the partner/handler to remove the service animal from the site.
- E. Ensuring the cleanup of all animal waste.
- F. SCPC may exclude a service animal from all parts of its property if a partner/handler fails to comply with these restrictions, and in failing to do so, fundamentally alters the nature of programs, services, or activity offered by SCPC.

IV. Service Animal Use – Additional Miniature Horse Considerations

In determining whether reasonable modifications in policies, practices or procedure can be made to allow a miniature horse into a specific facility, SCPC shall consider:

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

V. Registering Service Animals

- A. **Program Participants** may have a service animal accompany them in parks and facilities where they are authorized users, as a reasonable modification. Persons with disabilities are invited to contact the SCPC ADA Coordinator at 908 722-1200 or adacoordinator@scparks.org.
- B. **Visitors** may be accompanied by a service animal when enjoying SCPC parks and facilities, as a reasonable modification. Persons with disabilities are invited to contact the SCPC ADA Coordinator at 908 722-1200 or adacoordinator@scparks.org.
- C. **Employees** may have a service animal as a workplace accommodation. Please contact the SCPC Human Resources Department at 908 722-1200 ext. 239 or dmumgelter@scparks.org.

VI. Restricted Areas

SCPC staff may prohibit the use of service animals in certain locations due to health or safety restrictions and where service animals may be in danger. Restricted locations are at Lord Stirling Stable inside any of the animal housing buildings, the lead-line ring, pony party pavilion, on the trails when horses are present, or in areas of direct contact with horses residing at Lord Stirling Stable.

VII. Interacting with Service Animals

Service animals work and perform tasks and are not pets. Accordingly, Somerset County Park Commission recommends the following best practices when interacting with service animals:

- A. Do not touch or feed a service animal unless invited to do so;
- B. Do not deliberately distract or startle a service animal, and,
- C. Do not separate or attempt to separate a service animal from the individual using the animal's service.

VIII. Clarifying an Animal's Status

It may not be easy to discern whether or not an animal is a service animal by observing the animal or the partner/handler's disability. Therefore, it may be appropriate for SCPC staff to ask whether the animal is required because of a disability, and what work or task the animal has been trained to perform.

IX. Conflicting Disabilities

Individuals with asthma or other respiratory medical issues who are allergic to animals should contact the SCPC ADA Coordinator at 908 722-1200 or adacoordinator@scparcs.org if they have a concern about exposure to a service animal. The individual will be asked to provide medical documentation that identifies a disability and the need for an accommodation. The needs of both persons will be considered in resolving the issue.

X. Temporary and Permanent Removal of Service Animals

A service animal may be removed from SCPC parks or facilities if it is disruptive (e.g. barking, wandering, displaying aggressive behavior) and the behavior is outside the duties of the service animal. Ill and/or unsanitary service animals are not permitted. The individual responsible for such an animal may be required to remove the animal.

- A. Temporary Exclusion of a Service Animal Used by a Participant or Visitor:
 - 1. In response to an immediate concern, SCPC staff may determine that a service animal must be temporarily removed from parks or facilities. The employee authorized to make such decisions at that park or facility shall notify the participant or visitor of this decision and that the incident will be

- reported immediately to the ADA Coordinator. The employee shall then report the incident to the ADA Coordinator.
2. The ADA Coordinator (or designee) will investigate all reported concerns and incidents where service animals have been temporarily removed from parks and facilities. The ADA Coordinator (or designee) will consult with appropriate staff and determine whether or not the animal should be excluded from parks and facilities for an extended period of time or permanently. The ADA Coordinator (or designee) will notify the participant or visitor of the decision.
 3. If it is appropriate for the service animal to be excluded from parks and facilities permanently, the ADA Coordinator (or designee) will work with other department staff to ensure the participant or visitor receives appropriate reasonable modifications in place of the use of a service animal.
- B. Temporary Exclusion of an Employee's Service Animal:
1. In response to an immediate concern, the SCPC Human Resources Department may determine that a service animal must be temporarily removed from parks and facilities. The Human Resources Manager (or designee) shall notify the employee of this decision and that the incident will be reported immediately to the ADA Coordinator. The Human Resources Manager (or designee) shall then report the incident to the ADA Coordinator.
 2. The ADA Coordinator (or designee) will investigate all reported concerns and cases where service animals have been temporarily removed from parks and facilities. The ADA Coordinator (or designee) will consult with appropriate staff and determine whether or not the animal should be excluded for an extended period of time or permanently. The ADA Coordinator shall notify the employee of the decision.
 3. If it is appropriate for the service animal to be excluded from parks and facilities permanently, the ADA Coordinator (or designee) will ensure the employee receives appropriate reasonable accommodations in place of the use of a service animal.

XI. Policy Exceptions

Individuals wishing to request a modification or exception to this policy as a reasonable accommodation should contact the SCPC ADA Coordinator at 908 722-1200 or adacoordinator@scparcs.org.

XII. Revisions

This policy shall be reviewed biannually or sooner as regulations may be amended from time to time.