

AMENDED

ORDINANCE 2012-18

AN ORDINANCE ADOPTING THE RUSH COUNTY POLICY ON SERVICE ANIMALS

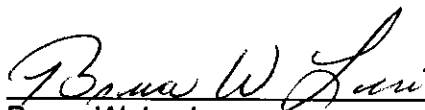
WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled related to employment and access to public facilities and services; and

WHEREAS, Rush County desires to be compliant with the ADA, including adopting a policy for the use of service animals for employees and other persons wishing to access and use the County's facilities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. The attached Rush County Policy on Service Animals is hereby adopted and implemented.
2. This Ordinance is effective upon adoption.


Adopted this 11th day of July, 2016.



Bruce W. Levi

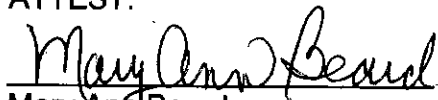


Mark Bacon



Paul Wilkinson

ATTEST:



Mary Ann Beard,
Rush County Auditor

Rush County Policy on Service Animals

RUSH COUNTY complies with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Under the ADA, businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facilities where members of the public are normally allowed to go. Among other things, the ADA and Section 504 require the COUNTY to make reasonable modifications to its policies, practices, or procedures to permit the use of a Service Animal by members of the public, faculty, staff or visitors with a disability.

Definition of Service Animal

The ADA defines 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." Importantly, other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purpose of the ADA. However, the COUNTY will make reasonable modifications for a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

When assessing whether a dog is a Service Animal, the dog must be trained to do work or perform tasks that are directly related to the individual's disability - such as guiding people who are blind; alerting people who are deaf; pulling wheelchairs; alerting and protecting a person experiencing a seizure; or performing other special tasks. Service animals are working animals, not pets.

The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of determining if a dog is a Service Animal under this policy.

Verification of Service Animal

The COUNTY will not ask about the nature or extent of an individual's disability. However, when it is not readily apparent that the dog identified by the individual with a disability is trained to do work or perform tasks for him or her, the staff of RUSH COUNTY may ask the individual with the disability if the dog is required because of a disability and what work or task the dog has been trained to perform. However, the COUNTY will not require documentation, such as proof that the dog has been certified, trained, or licensed as a Service Animal.

Care and Supervision of Service Animal

The individual with the disability using a Service Animal is responsible for the care or supervision of a Service Animal. The Service Animal must be under the control of the individual at all times and must have a harness, leash, or other tether. If the use of a harness, leash, or other tether would interfere with the performance of the work or tasks performed by the Service Animal or is impractical because of an individual's disability, a harness, leash, or other tether may not be required. However, in that case, the individual must be able to control the Service Animal by other effective means such as voice controls or signals.

Rush County Policy on Service Animals

A Service Animal is generally permitted to accompany the individual with a disability to COUNTY facilities where members of the public, staff, and faculty are allowed to go. However, the COUNTY may ask the individual with a disability to remove a Service Animal from any of its facilities if: (1) the Service Animal is out of control and the individual with a disability does not take effective action to control it; or (2) the Service Animal is not housebroken. The COUNTY may also ask the individual with a disability to remove a Service Animal from any of its facilities if the use or presence of the Service Animal poses a direct threat to the health or safety of others or if the animal's behavior, such as barking, is unreasonably disruptive to the other participants within the facility.

The COUNTY may impose legitimate safety requirements on the use or presence of a Service Animal that are necessary for safe operation of its facilities. There are some facilities that are not safe for the use or presence of Service Animals and from which the COUNTY may exclude Service Animals on a case-by-case basis based on actual risks.

The individual with a disability must abide by current city, county, and state ordinances/laws/regulations pertaining to licensing, vaccination, and other requirements for animals (It is the individual's responsibility to know and understand these ordinances, laws and regulations).

The individual with a disability is responsible to clean up after and properly dispose of the animal's feces or other bodily waste in a safe and sanitary manner.

The COUNTY will not ask for or require an individual with a disability to pay a surcharge or to comply with other requirements generally not applicable to people without pets. However, an individual with a disability may be charged any damage caused by his or her Service Animal.

Requesting a Reasonable Modification

Anyone wishing to utilize a Service Animal at COUNTY facilities and COUNTY sponsored activities should contact:

Jerry Sitton
Section 504 Coordinator
Rush County Highway Department
1352 E. State Road 44
Rushville, IN 46173
Phone: (765) 932-2926
E-mail: highway@rushcounty.in.gov