

## **Rush County Policy on Service Animals**

Rush County, Indiana 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 their 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 visitor 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, Rush 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**

Service animals are not required to be certified, trained, or licensed as a Service Animal. They are not required to wear any identifying tags or clothing. Service animals also are not limited to a specific breed or size of dog. Some individuals with service animals may have “hidden” disabilities such as diabetes or epilepsy, therefore it may not be apparent that the animal is a service animal.

In situations where it is apparent that the person has a disability, or the animal is clearly marked as a service animal.

- Employees of Rush County will not ask about the nature or extent of an individual’s disability.

However, when it is not readily apparent that the person with the animal has a disability or the animal accompanying the individual is a service animal, the staff of Rush County may ask the individual two questions permitted by the ADA.

1. Is the animal required because of a disability?
    - if “yes”, ask question 2
    - if “no”, you may ask the individual to remove the service animal
  2. What work or task has the dog has been trained to perform.
    - Answers given should be things such as retrieving items for me, alerting me when I am about to have a seizure, etc.
- Rush County will not require or request that the Service Animal perform the tasks it has been trained to perform
- Rush 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.

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 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 town/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 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 Rush County facilities and County sponsored activities should contact:

#### **Jerry Sitton**

Section 504 ADA Coordinator  
Rush County Highway Department  
1352 E State Road 44  
Rushville, IN 46173  
Phone: (765) 932-2926  
FAX: (765) 932-3316  
[highway@rushcounty.in.gov](mailto:highway@rushcounty.in.gov)

To request this information in an alternative format, please contact Jerry Sitton- Rush County ADA Coordinator.