

Eastern Shore Public Library Animals in the Library Policy

- 1) Purpose: The Eastern Shore Public Library (ESPL) recognizes that patrons with disabilities may have service animals that are trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. ESPL recognizes legal rights under federal and state laws regarding use of service animals. ESPL also considers the safety and health of all its patrons, the public, and library staff to be of utmost priority.

- 2) Background and Definitions:
 - i) Service animals: Animals that are individually trained to do work or perform tasks for people with disabilities (Americans with Disabilities Act). Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

 - ii) As per Code of Virginia. Title 51.5. Persons with Disabilities. Chapter 9. Rights of Persons with Disabilities. § 51.5-40.1. Definitions, **“Person with a disability”** means any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.

If an individual meets this definition which is further defined under § 51.5-40.1., he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act.

- 3) Policy:
 - i) Only service animals (see definition above), service animals in training, or animals that are part of library programs are allowed in the library. Owners of pets will be asked to remove them from the library. Animals are not to be left unattended outdoors on library grounds.

 - ii) Individuals with disabilities may bring their service animals into all areas of the library where members of the public are normally allowed to go. All service animals must be under the full custody and control of their handler at all times. Also, all service animals must be on a leash or harness at all times unless the handler is unable to leash or harness the animal because of a disability or use of a leash or harness would interfere with the animal’s safe, effective performance of work or tasks. If the service animal cannot be leashed or harnessed, it must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means). Owners of the service animal are solely responsible for the supervision and care of the service animal. Therefore, owners must keep the service animal directly with them at all times.

 - iii) Users of service animals are not required to show papers or to prove a disability. Service animals are not required to be licensed or certified by a state or local

government or training program, or be identified by a special harness or collar.

- iv) Staff may ask two questions: (1) Is the companion a service animal required because of a disability, and (2) What work or task has the animal been trained to perform. Owners of service animals will indicate that they are working dogs and not pets. Terms used may include assistance, service, guide, hearing, or helping animal. Staff may not ask about the owner's disability.
- v) A person with a disability will be asked to removed his or her service animal from the library if the presence, behavior or actions of the service animal constitutes an unreasonable risk of injury or harm to property or other persons or the animal is disruptive and the owner does not take effective action to control it. In these cases, library staff must give the person with the disability the option to obtain library services without having the service animal on the premises. Fear of allergies, annoyance on the part of other patrons or employees, or fear of dogs are generally not valid reasons for denying access or refusing service to people with service animals.
- vi) Miniature Horses:
 - a) The horse in question may be no more than 34 inches tall measured at its shoulder and it may weigh no more than 100 pounds.
 - b) As with dogs, the horse must have been individually trained to do work or perform tasks for the benefit of the individual with a disability.
 - c) As with dogs, the handler of the horse must be able to be in sufficient control of the horse and the horse must be housebroken.
 - d) The presence of the horse may not compromises legitimate safety requirements that are necessary for the safe operation of library service.

4) Citations and Related References:

- i) Americans with Disabilities Act (ADA) of 1990, Title II, Section 35.136 (Revised September 15, 2010); Beginning on March 5, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.
- ii) Code of Virginia. Title 51.5. Persons with Disabilities. Chapter 9. Rights of Persons with Disabilities.

Adopted and Approved by the Eastern Shore Public Library Board of Trustees, November 14, 2017.