



POLICY No.: M-1
DATE ADOPTED: JULY 19, 2023

TOWN OF WEST BOYLSTON SELECT BOARD POLICY

Service Animal Policy

Purpose: The Town of West Boylston complies with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, which states, "No otherwise qualified person with a disability in the United States...shall, solely on the basis of a disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal assistance."

The Town of West Boylston intends to provide the broadest possible access to service animals in all public areas.

Policy:

Background

The U.S. Department of Justice has issued regulations effective March 15, 2011 (28 CFR 36.302), limiting the types of animals that qualify as "service animals" for purposes of the Americans with Disabilities Act (ADA). According to these regulations, "Service animal means 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. Other species of animals, whether wild or domestic, trained, or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks 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, providing non-violent protection or rescue work, 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. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." Section 36.302(c)(9) also identifies miniature horses as service animals. Other species of animals, wild or domestic, do not qualify as "service animals". Therapy or

emotional support animals are not considered to be service animals.

Policy Guidelines

- The Town of West Boylston is not responsible for the care or supervision of the service animal.
- A service animal is permitted to accompany the individual with a disability to most areas within Town facilities where members of the public are normally allowed to go.
- Some areas are not safe for service animals; therefore, these areas may exclude service animals. Water treatment facilities and/or areas that require protective clothing may exclude service animals. This denial or granting of admission to an area will be made based on the nature of the machinery and/or on the nature of the work performed.
- An individual with a service animal may not be segregated from other members of the public.
- A service animal may be removed from a facility if that animal poses a direct threat to the health or safety of others.
- A service animal may be removed from a facility if that animal's behavior is out of control and the handler does not take effective control or if the service animal is not housebroken. Some service animals bark as an alert in accordance with their training. A service animal is not considered out of control if it is barking in accordance with its training.
- If a service animal is removed from a facility, the individual with a disability will be given the option of continued participation, with assistance, within the facility.
- The service animal must be clean, in good health, with current rabies vaccination.
- All service animals must be always on a leash or under control of the handler.