

Service Animals Policy

Policy Statement:

The City of Hamilton welcomes and provides equitable access for persons with disabilities accompanied by a guide dog or service animal to all facilities. The person will be permitted to enter the facility with the service animal and will be permitted to keep the animal with her/him unless the animal is excluded by law from the premise.

Definitions:

Service animals are animals that are individually trained to carry out tasks for persons with disabilities. Service animals are generally dogs, but may include other types of animals such as, but not limited to cats, rabbits or reptiles. Such service animals may be used to assist a person who is blind, has a vision impairment or low vision; a person who is deaf, deafened or hard of hearing; a person who has a mobility disability or difficulties with strength or dexterity; a person who has autism or a developmental disability; a person who has a mental health disability and many other reasons.

Responsibility:

It is the responsibility of all management, staff, Council, volunteers, agents and/or contractors and consultants, working on behalf of the City of Hamilton, to follow and carry out the procedures outlined below.

All management, staff, Council and volunteers will be made aware of and trained to better understand the purpose and intent of this policy and to implement the procedures effectively.

All staff that work with or contracts agents, contractors and/or consultants to work on behalf of the City of Hamilton, will ensure that they are made aware of the purpose and intent of this policy and its procedures.

Procedures:

1. Animals that function as service animals for persons with disabilities are permitted in all premises that are open to the public, unless prohibited by another law such as the **Food Safety and Quality Act, 2001** http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_050031_e.htm and the **Health Protection and Promotion Act** http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900562_e.htm

allow service dogs to go to places where food is normally served, sold or offered for sale. Other types of service animals are not included in this exception. In these cases, City of Hamilton staff must determine and carry

out an alternative way to provide the same level and quality of goods, services, programs and opportunities, in collaboration with the individual. This will be done in a timely manner.

2. An animal is a service animal for a person with a disability, if
 - 2.1 the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
 - 2.2 the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
 - (i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
 - (ii) A member of the College of Chiropractors of Ontario.
 - (iii) A member of the College of Nurses of Ontario.
 - (iv) A member of the College of Occupational Therapists of Ontario.
 - (v) A member of the College of Optometrists of Ontario.
 - (vi) A member of the College of Physicians and Surgeons of Ontario.
 - (vii) A member of the College of Physiotherapists of Ontario.
 - (viii) A member of the College of Psychologists of Ontario.
 - (ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario
3. When requesting documentation relating to the person's disability, staff will ensure to ask for written documentation from a designated professional (See 2.2), in a manner that respects the privacy and confidentiality of the person with disability. The person with disability shall not be asked to provide information about the nature of their disability.
4. Persons with disabilities who use service animals cannot be:
 - 4.1 asked to remove their service animal from the premises;
 - 4.2 isolated from others;
 - 4.3 charged extra fees for the use of the animal;
5. City of Hamilton staff will ensure that clear signage, regarding any specific rules for out-of-bounds or prohibited areas that exclude service animals, is posted in conspicuous locations.
6. In exceptional circumstances where the service animal may be prohibited by law, [The Dog Owners' Liability Act 2005](https://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90d16_e.htm) (https://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90d16_e.htm) prohibits individuals from owning, breeding, selling, importing, abandoning or training pit bulls, including Staffordshire Bull Terrier, American

Staffordshire Terrier or American Pit Bull Terrier) staff may respectfully ask if an animal is a service animal and will not ask the nature of the person's disability or purpose of the animal. Staff will explain, in a respectful manner, that the service animal must be removed from the public area due to the Municipal Bylaw and make alternate arrangements or provide the service outside the public area. In such cases, staff is required to determine the specific secure areas where service animals are permitted to stay, with respect to the law.

7. A person with a disability, who uses service animals, cannot be denied access or refused service because others have allergies or express a fear of the service animal. All efforts must be made to respectfully accommodate both individuals.
8. Due diligence needs to be paid, to address Health and Safety requirements. For example, if a person's health and safety could be seriously impacted by the presence of a service animal on the premises open to the public, management must fully analyze all options for safely allowing the service animal. Options could include creating a distance between the two individuals, eliminating in-person contact; changing the time the two receive service or using air purifiers and any other measures that would allow the person to use their service animal on the premises.
9. In very exceptional circumstances that the animal becomes out of control, causing a clear disruption or a threat to the health and safety of others and the animals' behaviour is not corrected by the owner, a person with a disability can be asked to remove their service animal from the premises. The regular processes for such occurrences will be followed.
 - 9.1 Once everyone's safety is assured, City of Hamilton staff must, in a timely manner, determine and carry out, an alternative way to provide the same caliber of service(s), in consultation with the person who has a disability.
 - 9.2 An incident report will be filled out (a copy to be sent to the Access and Equity Office and one kept on file, in the department).
10. As a courtesy, particularly if the person and service animal have been in attendance on the premises for a long time, staff may inquire whether the animal requires water, may designate an area in which the service animal can relieve itself and/or inquire whether the staff can be of assistance, pertaining to the service animal.