

Presented by: The Manager
Presented: 10/23/2023
Drafted by: C. Mitchell

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-35

An Ordinance Amending the Animal Control and Protection Code Related to Service Animals.

WHEREAS, since 2011, service animals are defined as dogs, and qualified miniature horses, that are individually trained to do work or perform tasks for people with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability (28 C.F.R. § 36.104 (dogs), 28 CFR 36.302(c)(9) (miniature horses)), but an animal whose sole function is to provide comfort or emotional support does not qualify as a service animal under the Americans with Disabilities Act; and

WHEREAS, a service animal is not a pet; and

WHEREAS, the Americans with Disabilities Act's definition of "service animal" does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act; and

WHEREAS, under the Americans with Disabilities Act, governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go; and

WHEREAS, when it is not obvious what service an animal provides, only limited inquiries are allowed such as: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform?; and

WHEREAS, staff at a facility open to the public cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task; and

WHEREAS, the certification and alteration requirements of CBJC 08.05.010 were codified in 2011 and should be amended to be more consistent with the current service animal requirements of the Americans with Disabilities Act.

THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC 08.05.010 Definitions, is amended to read:

08.05.010 Definitions.

The following words, terms and phrases when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Service animal means:

- (1) An animal specifically trained and certified to assist in search and rescue operations and which is utilized to assist in search and rescue operations;
- (2) Any animal recognized by the Americans with Disabilities Act that is individually trained to do work or perform tasks for the benefit of an individual with a disability;
or
- (3) An animal specifically trained and certified to assist in law enforcement activities and which is utilized to assist in law enforcement activities, also referred to in this title as a “police dog.”

...

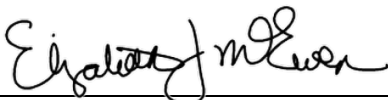
Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 13th day of November 2023.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk