

Memorandum

To: COLO Employees
From: Superintendent
Subject: Service Animals and Pet SOP

INTRODUCTION

This directive provides information and guidance regarding pets and service animals in visitor centers as well as pets left unattended in vehicles.

Colonial National Historical Park (COLO) is a pet friendly National Park. We encourage people to bring their pets and enjoy our outdoor areas. There are many tour roads, paths, and areas where pets are allowed. However, there are a few places including both the Yorktown and Jamestown Visitor Centers where pets are not allowed. It is important to note it is illegal to tie a pet to an object or otherwise leave the pet unattended while not under control per 36 CFR 2.15. Due to these restrictions there are several issues that may arise and affect the park and park personnel.

SERVICE ANIMALS

Pets are not allowed in the park buildings but service animals must not be restricted by this limitation. Service animals are covered by The Americans with Disabilities Act (ADA) and COLO must comply with all regulations regarding this topic. Additionally, state ordinances must be followed as well. However, as of 2016 there are currently no additional state ordinances.

TYPES OF SERVICE ANIMALS

There are two types of service animals, dogs of all breeds and miniature horses.

SERVICE DOGS

In order to help all staff better understand what a service animal is, the ADA definition is as follows: “Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.” This work or task could be guiding a blind person, pulling a wheelchair, alerting someone prone to seizures, etc.

It is also important to note that emotional support animals do not qualify under ADA regulations. The ADA website provides the following guidance: “Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.”

MINIATURE HORSES

Miniature horses that are “individually trained to do work or perform tasks for people with disabilities” are also considered service animals and must be treated as such. Miniature horses can grow to be anywhere from 24 to 34 inches high at the base of the mane and weigh between 150 and 250 pounds.

The ADA established four assessment factors in determining if miniature horses are allowed in a facility:

- 1) Is the miniature horse house broken?
- 2) Is the miniature horse under the owner’s control?
- 3) Can the facility accommodate the miniature horse’s type, size and weight?
- 4) Will the miniature horse’s presence compromise legitimate safety requirements for safe operation of the facility?

CONTROL OF SERVICE ANIMAL

Service animals should be leashed, harnessed, or tethered unless this would interfere with the animal performing its work. However, animals not leashed still need to be under control via voice, movement signals, or some other effective control. There may be a rare instance where a service animal seems to be running loose but they may be performing their task. One type of situation related to this could be a service animal “clearing” a building or space and rendering it safe for its owner to enter the area.

AREAS WHERE SERVICE ANIMALS CAN GO/REMOVAL OF SERVICE ANIMALS

There are currently no public areas in COLO where a service animal is not allowed. Anywhere the general public is allowed to go the service animal is allowed to go. People with disabilities are not to be isolated from other patrons. Allergies and fear of dogs are not considered valid reasons to turn a service animal away.

Employees of COLO will not ask a person with a disability to remove their service animal unless the animal is not housebroken or the animal is out of control and the handler does not take effective action to control it. If a service animal is removed for a legitimate reason, staff must offer the handler the opportunity to obtain goods and services without the animal.

QUESTIONS WHICH CAN BE ASKED

There are **only two questions** which can be asked by staff:

- 1) Is the service animal required because of a disability?
- 2) What work or task has the dog been trained to perform?

DO NOT ask about the person's disability!!

The handler is not required to show medical documentation, training documentation or identification for the service animal, or be required to show what task the animal is trained to do. The service animal does not need to be wearing any type of harness which indicates it is a service animal.

If a visitor enters a visitor center with a pet on a leash the staff at the fee desk should question the individual regarding the animal. If the animal is a pet and not a service animal it should be explained to the visitor that pets are not allowed in the visitor center and request they remove the animal from the premises. If the staff member has any concerns or the visitor is not willing to remove the pet, the employee can contact Colonial Dispatch and request a law enforcement ranger respond.

EMPLOYEES WITH SERVICE ANIMALS

Any prospective employee will be allowed to bring their service animal to COLO for any part of the employment process. Additionally, any employee with a service animal shall be allowed to have their service animal with them at all times. Any area the employee is allowed to go the service animal will be allowed to go.

EMPLOYEE HOUSING AND SERVICE ANIMALS

Any employee of COLO who has a service animal cannot be refused housing which any other employee would be allowed based on the service animal. Additionally an employee with a service animal cannot be charged an additional amount for having the service animal in park housing.

Staff members may have many questions and additional information can be found at the website of the Civil Rights Division of the Department of Justice under the Disability Rights Section.

PETS IN VEHICLES

Due to the restrictions in regard to pets in buildings, as well as tying them to objects, pet owners may decide to leave their pet unattended in a vehicle. COLO strongly discourages pet owners from leaving their pets in a vehicle unattended. The temperature of the inside of a vehicle can rapidly increase even on a moderately warm day. Leaving windows partially cracked may not be enough to keep the animal cool. Local Animal Control Officers will remove pets from a vehicle if they feel they are in danger. This may occur even if the animal does not appear to be in distress. Additionally, York County Animal Control will open any vehicle if the inside temperature is 100 degrees or above.

The following procedure should be used when a pet is left unattended in a hot vehicle.

- 1) Visitor Center staff should make an announcement on the public address system to attempt to locate the owner of the vehicle.
- 2) Visitor center staff should contact Colonial Dispatch and report the make, model, color, license plate, and location of the vehicle.
- 3) Colonial Dispatch will notify the Law Enforcement (LE) Rangers on duty as well as the respective animal control (James City County or York County).
- 4) LE Rangers shall respond to the scene regardless of Animal Control's response.
- 5) LE Rangers should observe the animal for signs of distress, i.e. heavy panting, purple tongue, lethargy, etc. It is important to remember that LE Rangers are not trained to identify the symptoms of heat illness in animals. If possible LE Rangers should wait until Animal Control arrives to determine if the animal is in distress and in need to rescue.
- 6) If it is determined the animal is in distress the LE Rangers can unlock the door to the vehicle using a lockout kit.
- 7) Animal Control will take custody of the animal, evaluate it, and place it in their air conditioned animal crates.
- 8) Animal Control will maintain custody of the animal until the owner of the vehicle returns.
- 9) LE Rangers should document the incident in IMARS.

References:

U.S. Department of Justice Civil Rights Division, Disability Rights Section

<https://www.justice.gov/crt/disability-rights-section>

Americans with Disabilities Act

https://www.ada.gov/regs2010/service_animal_qa.html

Virginia Attorney's General Office, Animal Law Section

Michelle Welch, Attorney

James City County Animal Control - Shirley Anderson, Supervisor

York County Animal Control – Mitch Monroe, Supervisor

Appendix A

Colonial National Historical Park Unattended Pet In Vehicle Form

Make	
Model	
Color	
License Plate Number	
Location of Vehicle	
Type of Animal	