

Animals in the Library Policy

Policy Statement

The Montclair Public Library (MPL) recognizes that patrons with disabilities may have service dogs 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. MPL recognizes legal rights under federal and state laws regarding use of service dogs. MPL also considers the safety and health of all its patrons, the public, and library staff to be of utmost priority. The Library will comply with the American with Disabilities Act¹ and the New Jersey Law Against Discrimination.²

Regulations

1. No pets or animals, other than service dogs or service dogs in training, are allowed in the library. Owners of pets will be asked to remove them from the library. Animals used in educational programs sponsored by the library are exempt.
2. A service dog is “individually trained to do work or perform tasks for people with disabilities...The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.”³
3. Only dogs are recognized as service animals under Titles II and III of the ADA
4. Individuals with disabilities may bring their service dogs into all areas of the library where members of the public are normally allowed to go.
 - a) All service dogs must be under the full custody and control of their handler at all times.
 - b) All service dogs must be on a leash or harness at all times unless the handler is unable to leash or harness the dog because of a disability or use of a leash or harness would interfere with the dog’s safe, effective performance of work or tasks.
 - c) If the service dog cannot be leashed or harnessed, it must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means).
 - d) Owners of the service dog are solely responsible for the supervision and care of the service dog. Therefore, owners must keep the service dog directly with them at all times.

¹ 42 U.S.C. § 12101

² N.J.S.A. 10:5-12

³ U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “Service Animals”, July 2011. https://www.ada.gov/service_animals_2010.htm

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5. Users of service dogs are not required to show papers or to prove a disability. Service dogs 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.
6. If a staff member needs clarification on the status of a service animal they may legally ask two questions:
 - a) “Is the dog a service animal required because of a disability?”, and
 - b) “What work or task has the dog been trained to perform?”
 - c) Staff may not ask about the owner’s disability.
7. A person with a disability may not be asked to removed his or her service dog or service dog in training from the library unless the presence, behavior or actions of the service dog constitutes an unreasonable risk of injury or harm to property or other persons or the dog 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 dog or service dog in training 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 dogs or service dogs in training.
8. Miniature Horses: Notwithstanding the limitation of only dogs being recognized as service animals, federal regulations do allow the consideration of a miniature horse to also be recognized as a lawful service animal. Therefore, an individual with a disability may be allowed to utilize a miniature horse as a service animal, subject to all of the restrictions stated in this policy, but also subject to additional considerations. When determining whether to allow a miniature horse to function as a service animal, MPL may consider the following before permission is granted to utilize a miniature horse as a service animal.
 - 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.

Approved: November 26, 2018
Montclair Public Library Board of Trustees