

ORDINANCE NO. 4-21

AN ORDINANCE OF THE CITY OF MUNCIE AMENDING SECTION 34.87(F)(3) OF THE CITY OF MUNCIE CODE OF ORDINANCES RELATED TO SERVICE ANIMALS

WHEREAS, Section 34.87(F)(3) prohibits any person of any place of public accommodation or amusement to refuse to permit a person with a disability to enter or use any such accommodations for the reason that the person is being assisted by a dog specially trained to assist such person if the dog is wearing a harness or collar with identification and the person presents credential issued by a bona fide school for training such dogs;

WHEREAS, the United States Department of Justice, Civil Rights Division, Disability Rights Section has made it clear that the Americans with Disability Act prohibits covered entities from requiring documentation or credentials as proof that a service animal has been certified, trained or licensed as a service animal; and

WHEREAS, Indiana Code § 16-32-3-2 provides that a service animal trainer, while engaged in the training process of a service animal, is entitled to access to any public accommodation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA THAT:

Section 1. Section 34.87 (F)(3) shall be amended to read as follows:

(3) It shall be unlawful for any person of any place of public accommodation or amusement to refuse to permit a person with a disability to enter or use any such accommodations as are available for the reason that the person is being assisted by a service animal, unless admission of the service animal would fundamentally alter the nature of a service or program being provided at the place of public accommodation.

- (a) For purposes of this section, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability.
- (b) In situations where it is not obvious that the dog is a service animal, staff of any place of public accommodation may ask only two specific questions: (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?
- (c) The service animal must always remain under the control of the handler, and must be harnessed, leashed or tethered while in a place of public accommodation unless these devices interfere with the service animal's work or the person's disability prevents use of these devices.

(d) A person with a disability accompanied by a service animal shall not be required to provide documentation or credentials as proof that a service animal has been certified, trained or licensed as a service animal.

(e) A service animal trainer, while engaged in the training process of a service animal, is entitled to access to any public accommodation.

Section 2. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

Passed by the Common Council of the City of Muncie, Indiana, this ____ day of _____, 2021.

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Bradley Polk	_____	_____	_____	_____
Jerry D. Dishman	_____	_____	_____	_____
Anitra Davis	_____	_____	_____	_____
Aaron Clark	_____	_____	_____	_____
Troy A. Ingram	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____

President
City Council, City of Muncie


ATTEST:

Belinda Munson, City Clerk

This resolution is proposed by Council Member

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This resolution is approved in form by Legal Counsel

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