

Use of Service Animals in the City of Portland's Parks and Other Recreational Facilities

It is the policy of the City of Portland Parks, Recreation and Facilities that service animals be allowed in all City parks in all areas that are open to the public. Service animals are animals that are individually trained to perform tasks for persons who have qualifying disabilities under the Americans with Disabilities Act (ADA).

A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals (except as noted below), whether wild or domestic, trained or untrained, are not considered to be service animals. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks and as such do not meet the definition of a service animal under the ADA.

Pursuant to the ADA, a miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability is a valid service animal. If you plan to visit a park unit with a miniature horse that has been trained as a service animal, please contact the park unit in advance so that staff may assess (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the park facility can accommodate the miniature horse's type, size, and weight; (4) whether the miniature horse's presence will compromise legitimate safety requirements for safe operation of the park facility.

Service animals shall be under the control of the owner, and restrained or on a leash at all times in accordance with Chapter 5 of the City of Portland Code of Ordinances¹, with few exceptions. Exceptions may include persons in wheelchairs who cannot operate the chair and manage a leash, an animal that is retrieving an item for its owner, or other situations in which tethering devices interfere with the service animal's work or the individual's disability prevents the use of them. In such cases, the animal must otherwise be under the handler's control through voice, signals, or other effective controls.

17 M.R.S. §1314-A makes it a civil violation subject to a fine of not more than \$1,000 for each occurrence that a person knowingly misrepresents as a service animal any animal that does not meet the definition of "service animal," as defined in 5 M.R.S. § 4553(9-E).

¹ Chapter 5 of the City's Code requires dogs to be on a leash or otherwise tethered except in certain, identified areas.