

BILL NO. 16-013

ORDINANCE NO. 4718

FIRST READING 06.07.2016

SECOND READING 06.21.2016

**AN ORDINANCE OF THE CITY OF HANNIBAL REVISING CHAPTER 4, ARTICLE I,
BY ADDING SECTION 4-19 REGARDING SERVICE ANIMALS**

WHEREAS, pursuant to Federal Law, namely the American with Disabilities Act, as well as state law, certain requirements and guidelines affecting “service animals” are set out which may affect these ordinances regarding, and animals.

WHEREAS, the City of Hannibal is a constitutional Charter City of the State of Missouri and is authorized thereby under their reasonable police powers to promulgate such ordinances as they deem necessary and prudent, provided that such ordinances do not contravene state or federal law, and

WHEREAS, the City Council of the City of Hannibal has determined that is reasonable, necessary and prudent, that the City establish certain guidelines regarding service animals to ensure compliance with State and Federal Law.

**NOW THEREFORE, the City Council makes the following amendment to
CHAPTER 4, ARTICLE I, by adding SECTION 4-19:**

SECTION ONE: The city council hereby enacts CHAPTER 4, ARTICLE I,
SECTION 4-19, as follows:

4-19 SERVICE ANIMALS

1. Definitions. Service animals shall be defined as a dog, or such other animals as may be authorized under the Americans with Disabilities Act or ADA as animals that are individually trained to do work or perform tasks for people with disabilities. The work or task the animal has been trained to provide must be directly related to the person’s disability.
2. Inquiries Related to Service Animals.
When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (a) is the animal a service animal required because of a disability, and (b) what work or task has the animal been trained to perform.
3. Every person with a visual, aural or physical disability shall have the right to be accompanied by a service animal, which is especially trained for the purpose, in common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited without being required to pay an extra charge for the service animal; provided that such person shall be liable for any damage done to the premises or facilities by such service animal.

4. Control of Service Animals Required. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

5. Removal of Service Animals. Owners of service animals may be required to remove their service animal from the premises of a business or other public place if either:

- (a) the animal is out of control and the handler does not take effective action to control it or
- (b) the animal is not housebroken.

When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

6. Service Animal in Training. It shall not be a defense to the requirements of this ordinance that the animal is a "service animal in training". The provisions of this ordinance shall apply to all Service Animals.

(State Law Reference, RSMo 209.150, RsMo 209.200)


SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 21st day of June, 2016.

Approved this 21st day of June, 2016.


James R. Hark, Mayor

ATTEST:


Angelica N. Vance, MRCC - City Clerk