



City of Chicago



O2013-6158

Office of the City Clerk

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Meeting Date: 9/11/2013

Sponsor(s): Burke, Edward M. (14)
Harris, Michelle A. (8)

Type: Ordinance

Title: Amendment of Chapter 8-4 of Municipal Code by adding new Section 8-4-345 regarding false presentation of a service animal

Committee(s) Assignment: Committee on Finance

Finance

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, under the American's With Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go; and

WHEREAS, the ADA applies to all businesses open to the public, including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks and zoos; and

WHEREAS, numerous news reports have referenced the recent trend of individuals using fake service dogs to access public places where pets are not allowed; and

WHEREAS, the problem is so widespread that the nation's largest breeding and training program for services dogs has launched an online petition asking the U.S. Department of Justice to address service dog fraud and prohibit the online sale of illegitimate service dog certification products; and

WHEREAS, the practice of using fake service animals provokes resentment against individuals with disabilities who rely on their highly trained dogs to perform daily life activities; and

WHEREAS, fake service dogs, which are not properly trained to access all public places, create a public safety issue for people with disabilities, their service animals, and the public at large; NOW THEREFORE

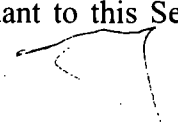
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 8-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 8-4-345 as follows:

8-4-345 False Presentation of a Service Animal

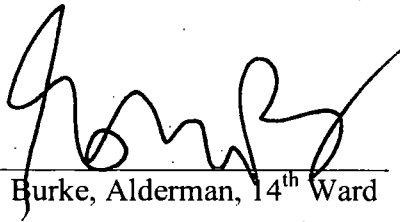
(a) No person shall knowingly present as a service animal any animal that does not meet the definition of a service animal pursuant to this Section. Any person



who violates this subsection (a) shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense.

(b) As used in this Section, "service animal" means 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, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 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 for the purposes of this definition.

SECTION 3. This ordinance shall be in full force and effect ten (10) days after passage and publication.



Edward M. Burke, Alderman, 14th Ward



