



Office of the City Clerk

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Legislation Text

File #: O2018-941, **Version:** 1

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of 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, Chicago's Midway and O'Hare airports are a primary asset to the City of Chicago and make it an important component of the nation's transportation system; and

WHEREAS, Chicago's airports transport millions of passengers annually, making safety and security within them a top priority for residents and visitors; and

WHEREAS, consumer protection and customer satisfaction at both airports are central to the City's administration of aviation services; and

WHEREAS, supporting the use of animals to facilitate travel has increasingly been an aspect of these services; and

WHEREAS, recently there has been an increase in passengers flying with "emotional support animals" who provide owners comfort, security, and love when suffering from a mental or emotional disability; and

WHEREAS, under the Air Carrier Access Act (ACAA), airlines are required to allow trained service animals and emotional support animals to accompany their handlers in the cabin of the aircraft; and

WHEREAS, the ACAA allows free travel for "any animal" that is trained to assist a person with a disability or that provides emotional support; and

WHEREAS, broad regulation interpretation is cited as a reason for an increase in people forging documents in an attempt to bring animals into the cabin free of charge and without a proper kennel or carrier, with dubious claims that their pet is an emotional support animal; and

WHEREAS, the Investigative Unit of NBC News reported multiple accounts of people who openly admit to lying about their dogs being service and support dogs in order to take them into restaurants, markets, and airplanes; and

WHEREAS, U.S. Department of Transportation reports on disability-related complaints show that those involving service animals quadrupled from 2012 to 2016, when more than 2,300 complaints were filed; and

WHEREAS, additionally, there has been an increase in injuries in keeping with the increase in emotional

support animals traveling with their handlers; and

WHEREAS, in June 2017, a passenger was bitten by a dog aboard a Delta Airlines flight to San Diego; and

WHEREAS, in February 2018, a six-year old girl was bitten by a dog aboard a Southwest Airlines flight to Phoenix; and

WHEREAS, because of these occurrences, airlines are beginning to impose stricter regulations to keep passengers safe, requiring more documentation to prove the vaccination and training of service and support animals; and

WHEREAS, Delta Airlines, for example, will implement tougher regulations for service and support animals after passengers have attempted to fly with turkeys, gliding possums, snakes, spiders and more under the pretense of being a service or support animal; and

WHEREAS, Delta Airlines has reported an eighty-four percent (84%) increase in animal incidents since 2016 including urination and defecation, biting, and a widely reported attack upon a passenger by a 50-pound dog; and

WHEREAS, Delta Airlines also stated that it flew 250,000 emotional support animals in 2017, an increase of one-hundred and fifty percent (150%) from 2015; and

WHEREAS, in 2017, Delta Airlines employees reported increased acts of aggression such as barking, growling, lunging and biting, all behaviors not typically seen in animals that are properly trained to serve as service and support animals; and

WHEREAS, United Airlines reported a seventy-five percent (75%) increase in emotional support animals from 2016 to 2017, causing a "significant increase in onboard incidents;" and

WHEREAS, in an extreme case, in late January 2018, a woman tried to bring her claimed support peacock on a United flight in the Newark Airport in New Jersey; and

WHEREAS, misrepresentation of pets as emotional support animals is a growing problem for flight attendants, frequent fliers, passengers on the plane and in the airport, as well as people with disabilities or conditions who have legitimately trained service animals; and

WHEREAS, aggressive animals in close confinement in an airplane put airport and airline consumers and employees at greater risk of injury and decrease the level of comfort and customer satisfaction; and

WHEREAS, untrained animals may display aggressive behaviors that a trained animal would not fight back against or engage with, therefore putting other people with disabilities and their service and support animals at risk as well; and

WHEREAS, ensuring that animals in airports are accompanied by proper documentation and handling relative to their category and purpose serves to ensure the health and safety of all who avail themselves of our airports; now, therefore.

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

SECTION 1. Chapter 10-36-359 of the Municipal Code of Chicago is hereby amended by inserting Section 10-36-359 as follows:

10-36-359 Animal Requirements.

a) Definitions. For purposes of this section, the following terms will have the following meanings:

"Commissioner" means the commissioner of the Chicago Department of Aviation.

"Emotional support animal and trained service animal" shall have the same meaning as ascribed in the Air Carriers Access Act (ACAA) and 14 CFR Part 382.117.

b) Requirements. No person shall bring or lead any animal into an airport except as follows:

1) Trained service animals. Trained service animals are allowed if they are with a ticketed airline passenger who is a qualified individual with a disability within the meaning of the U.S. Department of Transportation Rules (Part 382) and who provides to the Chicago department of aviation in a form and manner provided by its commissioner: 1) the animal's veterinary health form or 2) an immunization record or other proof of vaccination that is current within one year of the travel date.

2) Emotional support animals. Emotional support animals, including psychiatric and therapeutic support animals, are allowed if they are with a ticketed airline passenger who is a qualified individual with a disability within the meaning of the U.S. Department of Transportation Rules (Part 382) and who provides to the Chicago department of aviation in a form and manner provided by its commissioner: 1) documentation from a licensed medical or mental health professional stating the passenger needs the emotional support animal as an accommodation for air travel or for activity at the passenger's destination; 2) an immunization record or other proof of vaccination that is current within one year of the travel date; 3) the passenger's name; 4) animal type or animal breed; and 5) a signed statement confirming the animal has been trained to behave in a public setting and takes direction upon command.

i) This documentation must be sent to the person designated by the commissioner. The forms are valid for one year and must be submitted at least 48 hours prior to airport travel.

ii) Notification to the department of aviation shall be given in a form and manner provided by the commissioner of the department of aviation.

3) Law enforcement animals. Restrictions shall not apply to trained and in-training animals utilized by a law enforcement agency and assigned to a sworn peace officer as part of a canine team or unit.

(4) All other animals shall be allowed only in areas designated for flight check in, transport, baggage and cargo claim, and any other such area that the commissioner identifies as necessary. These animals must be kept in their appropriate kennels or carriers while in the airport unless in a designated relief area where they shall be kept in a manner provided for by the commissioner.

c) Violation - Penalty. Any person who shall violate any of the provisions of this section shall be subject to removal from the airport and shall be fined \$250.

d) Rules and Regulations. The commissioner shall have the authority to promulgate rules and regulations necessary to implement the requirements of this section. Such rules shall include provisions identifying required access areas, proper documentation, and notification procedures.

SECTION 2. This ordinance shall be in full force and effect within ninety (90) days of passage and approval.