



ADA Policy

Introduction

New rules under the Americans with Disabilities Act (ADA), Titles II and III, went into effect on March 15, 2011. In part, these rules address access to “public accommodations” for individuals using wheelchairs, other power driven mobility devices (OPDMDs) and service animals. Any indoor or outdoor site or facility open to the public on property owned, leased, or controlled by Granby Ranch Amenities LLC is considered a “public accommodation.”

Types of mobility devices

The ADA defines wheelchairs as mobility aids belonging to any class of three or four- wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered, that do not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and do not weigh more than 600 pounds when occupied. Electric motorized scooters falling within these criteria meet this definition.

An OPDMD is defined as any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for the use by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT®, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair, falling within the definition stated above.

Individuals using an OPDMD may be asked if the device is being used due to a mobility disability and may be asked to provide “credible assurance” that the device is necessary because of the person’s mobility disability. “Credible assurance” can be the person’s State issued placard, ID, or can be a verbal statement not contradicted by observable fact.

However, documentation and further conversation establishing the nature and extent of the disability cannot be required and shall not take place.

Assessment Factors:

The new rules require public accommodations to consider the following factors in determining whether a particular OPDMD can be allowed in a specific facility as a reasonable accommodation:

1. Type, size, weight dimensions, and speed of the device.
2. The facility's volume of pedestrian traffic which may vary at different times of day, week, month, or year.
3. The facility's design and operational characteristics (e.g. whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user).
4. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility.
5. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Service Dogs

Individuals with disabilities are permitted to be accompanied by their service dog in all public areas of Granby Ranch. **However, in the interest of safety, service animals will not be allowed on Ski Lifts at any time. Additionally, service animals will not be allowed on Ski Trails or on Bike Park trails during operating hours. The use of service animals on ski lifts and ski terrain directly conflicts with Granby Ranch safety requirements and impedes the reasonably safe operation of Granby Ranch's on-slope activities. These safety concerns include the real potential for conflicts between service animals and skiers and riders and are compounded by the volume of slope and trail use. These safety requirements are based on actual risks and are not intended to be discriminatory in any way.** Reasonable accommodations will be made to transport an individual requiring a service animal to the top of the lift via company vehicle in the summer with 72 hours written notice.

At all times, a service dog must be under the control of its handler. A service dog shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

Authorized personnel will request that a service dog be removed from the premises if: (1) The animal is out of control and the animal's handler does not take immediate effective action to control it; or (2) The animal is not housebroken. If the service animal is removed, Granby Ranch will make all reasonable efforts to the individual with a disability, the opportunity to participate in the services or activities without having the service dog on premises.

Where it is not obvious that a dog is a service dog, Authorized personnel may inquire as to the following:

- 1) Is the animal required because of a disability?
- 2) What work or task has the animal been trained to perform?

It is our Policy that employees will not ask individuals the nature or extent of any disability.

FAQs

Question 1: What is a service animal?

Answer: Under the ADA, 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. The task(s) performed by the dog must be directly related to the person's disability

Question 2: What does "do work or perform tasks" mean?

Answer: The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

Question 3: Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

Answer: No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. *Exceptions: If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.*

Question 4: Does the ADA require service animals to be professionally trained or certified?

Answer: No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program. A Handler cannot be asked for certificates of training, ID cards or require the service animal to wear an identification vest.

Question 5: Are service-animals-in-training considered service animals under the ADA?

Answer: Yes in Colorado Service Animals in training are considered the same as Service Animals.