

## ANIMALS IN WILKIN COUNTY BUILDINGS

Adopted 10-15-2019

### **POLICY**

In compliance with state and federal anti-discrimination laws, including the Americans with Disabilities Act, individuals with disabilities may be accompanied by a service animal in all county facilities accessible to members of the public or participants in services, programs, and activities. Animals accompanying law enforcement officers as part of their work assignments are also allowed access to county facilities (e.g. K-9). All other animals are strictly prohibited from county facilities, with the exception of the Wilkin County Fairgrounds.

### **DEFINITIONS**

- A. **Service Animal:** State and federal laws define a “service animal” as “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.” 28 C.F.R §35.104; Minn. Stat. §363A.19c. A “miniature horse” may also qualify as a service animal under certain conditions set forth below. All other species of animal, whether wild or domestic, trained or untrained, do not qualify as service animals.
1. A miniature horse may qualify as a service animal if:
    - a. The miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability;
    - b. The public facility can accommodate the miniature horse accounting for its type, size and weight;
    - c. The handler maintains sufficient control of the miniature horse;
    - d. The miniature horse is housebroken; and
    - e. The presence of the miniature horse does not compromise legitimate safety requirements that are necessary for safe operations. 28 C.F.R §36.302.
  2. 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”.
- B. **Therapy Animal:** A “therapy animal” is an animal whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits or to promote emotional well-being. A therapy animal is NOT a service animal. 28 C.F.R. Part 35, App. A.
- A. Therapy animals are NOT permitted in county facilities.

## **ENFORCEMENT PROCEDURES**

When it is not obvious what service an animal provides, only limited inquiries are allowed. Wilkin County staff may ask only two questions:

- A. Is the animal a service animal required because of a disability?
- B. What work or task has the animal been trained to perform?

Staff **CANNOT** ask about the person's disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

## **VIOLATIONS**

Minnesota law provides that it is a crime for a person to intentionally misrepresent an animal as a service animal in order to obtain any special rights or privileges knowing the person is not entitled to those rights or privileges.

In light of this requirement, designated Wilkin County buildings accessed by the public will exhibit the following signage: "Notice: No Pets Allowed. Service animals specifically trained to aid a person with a disability are welcome. It is illegal for you to misrepresent your animal as a service animal in order to obtain any special rights or privileges knowing that you are not entitled to those rights or privileges."