

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION ADOPTING SERVICE ANIMAL POLICY FOR THE COURTHOUSE

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103(6), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, it has become necessary to create a set Service Animal Policy for the Courthouse to ensure equal and correct application of the ADA Standards; and,

WHEREAS, a motion was made to proceed to final adoption of the Service Animal Policy for the Courthouse; and,

WHEREAS, the County Board desires to adopt a Service Animal Policy for the Courthouse, a copy of which is attached.

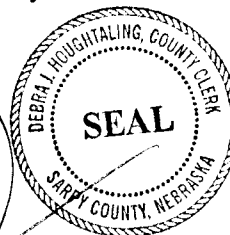
NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board does hereby adopt the Service Animal Policy for the Courthouse, a copy of which is attached hereto.

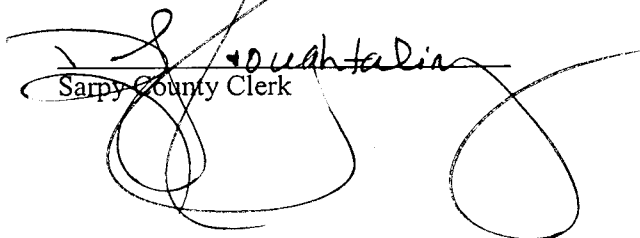
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 3rd day of November, 2015.


Sarpy County Board Chairperson

Attest:

SEAL




Sarpy County Clerk

Topic: Service Animals

I. DEFINITIONS

- a) *Emotional Support Pet*: A pet that has been prescribed by a licensed therapist, psychologist, or psychiatrist as part of an individual's treatment program. The purpose of the animal is to bring comfort and minimize the negative symptoms of an individual's emotional or psychological disability. An emotional support pet does not perform a specific job or task for their handler.
- b) *Handler*: The individual responsible for the care and supervision of his or her service animal.
- c) *Service Animal*: Service animals are working animals, they are not pets. Nebraska Law defines service animals in the same manner as the United States Code of Federal Regulations. Therefore, *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. However, miniature horses who have been trained to do work or perform tasks for individuals with disabilities must be reasonably accommodated for. The work or tasks performed by a service animal must be directly related to the individual's disability. **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.**
- d) *Therapy Animal*: An animal, generally a dog, that provides affection and comfort to members of the public, typically in facility settings such as hospitals, nursing homes, assisted-living, hospice, shelters, schools, libraries, and physical therapy centers.
- e) *Miniature Horse*: A miniature horse is generally 24 to 34 inches measured to the shoulder and weighs between 70 to 100 pounds.

II. POLICY

Sarpy County recognizes the important role that service animals serve in the community as a whole and also within the Courthouse itself.

To comply with the Americans with Disabilities Act, no service animal may be excluded from any area of the Courthouse which is open to public access. This policy only applies to service animals, not to therapy animals or emotional support pets.

The ADA does not require that the Courthouse allow Emotional Support Pets or Therapy Animals.

III. EXCEPTIONS

Any Facility Dog employed by Victim Witness is exempt from this policy.

A service animal may be excluded from a facility if: 1) the animal is out of control and the animal's handler does not take effective action to control it, or 2) the animal poses a direct threat to the health or safety of others. A single bark is not considered to be an act of aggression, but if the dog cannot be controlled by its owner by verbal or signaled commands, the handler may be asked to remove the animal from the Courthouse.

A service animal must be housebroken to be allowed inside the Courthouse.

If a service animal must be removed from the Courthouse, the handler must be provided an opportunity to complete their business in the Courthouse without the presence of their animal.

IV. PROCEDURE

The ADA only allows for two questions to be asked regarding a service animal. If a dog or miniature horse is brought onto the property, an employee may only ask:

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

Employees may **not** ask for papers or certification documents on the service animal, ask that the animal demonstrate its ability to perform the task, or ask anything about the individual's disability.

Each animal must be evaluated on an individual basis. A decision to exclude may not be based on a general fear of animals or allergies or on past experience with other animals.

If a Courthouse employee believes that an animal should be removed from the facility, the employee shall contact the HR Department. The HR Department will then make the determination whether or not the animal should be removed from the facility. However, in instances in which the animal poses an imminent threat of injury to others, the Courthouse employee should direct the handler to remove the animal from the building and then report the incident to the HR Department.

V. MISCELLANEOUS PROVISIONS

Courthouse employees are not responsible for the care or feeding of any service animal brought onto the property, nor is it the responsibility of Courthouse employees to clean up after any service animal brought onto the property.

Any damage caused by a service animal is the financial responsibility of the handler.