



Board of County Commissioners Agenda Request

2L

Agenda Item #

Requested Meeting Date: March 25, 2025

Title of Item: Animals in County Buildings Policy

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <input type="checkbox"/> Hold Public Hearing <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Information Only
Submitted by: Bobbie Danielson		Department: HR Dept.
Presenter (Name and Title):		Estimated Time Needed: N/A Consent Agenda
Summary of Issue: <p>The following policy has been reviewed by department heads. It is recommended for approval to provide guidance to staff when pet-related requests are received.</p>		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: Motion to approve the Animals in County Building policy as proposed.		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

ANIMALS IN COUNTY BUILDINGS

Adopted 3/25/2025 (pending)

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. All other animals are strictly prohibited from county facilities, with the exception of the Aitkin 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".

3. Service animals must be under the full custody and control of their handler at all times. Service animals must be on a leash or harness at all times unless the handler is unable to leash or harness the animal due to disability or the use of a leash or harness would interfere with the animal's safe, effective performance of work or tasks. If the animal cannot be leashed or harnessed, it must be under the handler's control via voice, signals or other effective means. Owners of the service animal are solely responsible for the supervision and care of the service animal and must keep the animal directly with them at all times.

B. Therapy Animal or Emotional Support Animal (ESA): A "therapy animal" or "emotional support 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. Therapy animals are not permitted in county facilities except in special circumstances determined on a case-by-case basis.

B. Visitors requesting ESA access may be directed to alternative accommodations if available.

ENFORCEMENT PROCEDURES

When it is not obvious what service an animal provides, only limited inquiries are allowed.

Aitkin 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.