

## Chapter 37. Service Animals at County Facilities

### Contents:

37.001	Authority 1
37.002	Policy 1
37.003	Definitions 1
37.004	Service Animals Allowed at County Facilities 2
37.005	Non-Service Animals Prohibited from County Facilities
37.006	Service Animals Must Be Under Control at All Times 2
37.007	Inquiries Regarding Service Animals 3
37.008	Allergies or Fear of Dogs 3
37.009	Food Establishments at County Facilities 4
37.010	Discrimination Prohibited 4
37.011	Fees; Liability 4
37.012	Care or Supervision of Service Animal 4
37.013	Miniature Horses 4

### **37.001 Authority**

- (a) The Commissioners Court acting in its capacity as the governing body of Travis County adopts this chapter under the authority of the laws of Texas, including Chapters 291, 292, and 320 of the Texas Local Government Code.
- (b) The Commissioners Court designates and authorizes the Travis County Facilities Management Department Director and his designees, along with the Travis County Sheriff and the Sheriff's respective deputies, to enforce the provisions of this chapter with respect to County facilities that are not parks or open space owned, operated, or leased by the County.
- (c) The Commissioners Court designates and authorizes the Travis County Transportation and Natural Resources Department County Executive and his designees, including Travis County Park Rangers, along with the Travis County Sheriff, and the Sheriff's respective deputies, to enforce the provisions of this chapter with respect to County facilities that are parks or open space owned, operated, or leased by the County.

### **37.002 Policy**

It is the policy of Travis County to encourage and enable persons with disabilities who use service animals to fully enjoy and use all County-owned or operated facilities in the County.

### **37.003 Definitions**

In this chapter:

- (a) "Assistance Animal" and "Service Animal" mean a canine that is specially trained or equipped to help a person with a disability and that is used by a person with a disability. A service animal is a working animal, not a pet. Examples of work performed by service animals include: guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and

protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with post-traumatic stress disorder during an anxiety attack, keeping a child with autism from running away, or performing other duties. An animal whose sole function is to provide comfort or emotional support does not qualify as a service animal under the Americans with Disabilities Act (the “ADA”) or the Travis County Code.

- (b) “Person with a Disability” means a person who has:
  - (1) a mental or physical disability;
  - (2) an intellectual or developmental disability;
  - (3) a hearing impairment;
  - (4) deafness;
  - (5) a speech impairment;
  - (6) a visual impairment;
  - (7) post-traumatic stress disorder; or
  - (8) any health impairment that requires special ambulatory devices or services.
- (c) “County Facility” means any facility owned, operated, or leased by the County.

**37.004 Service Animals Allowed at County Facilities**

- (a) A service animal is allowed to accompany a person with a disability in all areas of a County facility where members of the general public are allowed to be.
- (b) A service animal in training is allowed to accompany an approved trainer in all areas of a County facility where members of the general public are allowed to be. This chapter’s provisions regarding service animals also apply to service animals in training.

**37.005 Non-Service Animals Prohibited from County Facilities**

- (a) Except as provided in Chapter 92 of the Travis County Code and in subsection (b) of this section, no person may bring into or possess in or at any County facility an animal other than a service animal.
- (b) The Commissioners Court may grant temporary exceptions to subsection (a).

**37.006 Service Animals Must Be Under Control at All Times**

- (a) Each service animal at a County facility must be harnessed, leashed, or tethered at all times unless the person who has a disability cannot use a leash, harness, or tether due to the person’s disability or because use of

these devices would interfere with the service animal's ability to perform the service animal's work or tasks, in which case the person with a disability must maintain control of the service animal through voice, signal, or other effective controls.

- (b) A person with a disability must comply with a County representative's request to remove the person's service animal from a County facility if:
  - (1) the service animal is out of control and the person with a disability does not take effective action to control it, or
  - (2) the service animal is not housebroken.
- (c) A person who is asked to remove a service dog from a County facility must be provided the opportunity to be at the County facility without the service animal.

**37.007 Inquiries Regarding Service Animals**

- (a) When, for admissions purposes, it is not readily apparent what service an animal provides, County representatives may only make the following two inquiries to determine whether the animal qualifies as a service animal:
  - (1) Whether the dog a service animal required because of a disability, and
  - (2) What work or task has the dog been trained to perform.
- (b) County representatives are prohibited from:
  - (1) asking about the person's disability;
  - (2) requiring medical documentation;
  - (3) requiring a special identification card or training documentation for the animal; or
  - (4) asking that the animal demonstrate its ability to perform the work or task.

**37.008 Allergies or Fear of Dogs**

- (a) Allergies and fear of dogs are not valid reasons for denying access or refusing service to a person with a disability who uses a service animal.
- (b) When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or area of a County facility, the County will make reasonable efforts to accommodate both of them by assigning them, if possible to different locations within the room or area or different rooms or areas in the County facility.

### **37.009 Food Establishments at County Facilities**

Establishments at County facilities that sell or prepare food must allow persons with disabilities who use service animals access to public areas of the establishment even if state or local health codes prohibit animals on the premises.

### **37.010 Discrimination Prohibited**

County representatives are prohibited from:

- (1) isolating any person with a disability who uses a service animal at a County facility from other members of the public at the County facility and
- (2) treating a person with a disability who uses a service animal at a County facility less favorably than other members of the public are treated.

### **37.011 Fees; Liability**

- (a) The County will not require a person with a disability who uses a service animal at a County facility to pay an extra fee for the service animal or make a deposit for the service animal.
- (b) A person with a disability who uses a service animal at a County facility is liable for damages caused by the animal to the County facility, except for reasonable wear and tear.

### **37.012 Care or Supervision of Service Animal**

The County is not responsible for the care or supervision of any service animal brought to a County facility. A person who brings a service animal to a County facility is responsible for cleaning up after the service animal.

### **37.013 Miniature Horses**

- (a) Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.
- (b) The County will make reasonable accommodations in policies, practices, or procedures to permit the use of a miniature horse by a person with a disability at a County facility if the miniature horse has been individually trained to do work or perform tasks for the benefit of the person with a disability.
- (c) In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse in a specific County facility, the County must consider:
  - (1) the type, size, and weight of the miniature horse and whether the specific County facility can accommodate these features;
  - (2) whether the handler has sufficient control of the miniature horse;

- (3) whether the miniature horse is housebroken; and
  - (4) whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation of the County facility.
- (d) This chapter's provisions regarding service animals also apply to miniature horses that have has been individually trained to do work or perform tasks for the benefit of the person with a disability if the County facility can make reasonable accommodations for miniature horses.