

**STEPHENS COUNTY**  
**ANIMAL POLICY**

## PURPOSE

- I. The purpose of this policy is to ensure that service animals that accompany employees, elected officials, and visitors with disabilities have public access to the Stephens County Courthouse, the Stephens County Courthouse surrounding property and outlying real property and buildings owned and/or operated by the Stephens County Commissioner's Court, except where the access may present risk to the animals, employees, elected officials and/or visitors. This policy also provides guidance to employees and elected officials regarding how to identify and interact with services animals (dogs) or miniature horses (MH). It is the policy of the Stephens County Commissioner's Court that persons with disabilities who need service animals shall not be discriminated against and that they will have full and equal access, services, and treatment. This Policy is meant to comply with the Americans with Disabilities Act so that individuals with disabilities be permitted to be accompanied by a service animal in unrestricted areas of all of the Stephens County facilities, and allow the individual to attend any class, meeting, or event on any property owned by Stephens County.
  
- II. All employees, elected officials, and visitors accompanied by a dog or miniature horse that is individually trained to do work or perform tasks for a disabled person must be permitted to enter all areas of Stephens County Courthouse open to the general public, unless
  - i. It poses a direct threat or
  - ii. It fundamentally alters the operations, policies, practices, and/or procedures of the Stephens County Courthouse, or
  - iii. The area requires the general public or the Stephens County Commissioner's Court to adopt safety measures that cannot reasonably be adopted by the service animal to mitigate safety risks and no other accommodation can be made or
  - iv. The area is closed to the general public.
  
- III. Public health and public nuisance issues are a concern because feral cats, non-domestic dogs, non-domestic cats, skunks, possums, and other animals cause damage and a nuisance to the Stephens County Courthouse but also to neighboring businesses. There is a public health issue from the urine and feces excreted by these animals being fed on the Stephens County properties in free feed environments. Further, animals attracted to free feed environments pose public health issues and expenses from the fleas, ticks, ringworms, round worms, and other parasites that are carried by these animals that can and do infest the facilities owned by the Stephens County Commissioner's Court, the Stephens County Courthouse lawns, and neighboring businesses and well as visitors to the Stephens County facilities. Also, this increases the risk of the possibility of an animal with rabies being drawn to the free feed area.

### A. **DEFINITIONS**

**"Accommodation"** means any change to the policies or work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Accommodation are considered reasonable if it does not create undue hardship or a direct threat to other employees, elected officials, invitees, or visitors. Reasonable accommodations vary according to the position the employee or elected official holds, the way their disability affects their ability to do their job, and the environment that they work in. If the need for an accommodation is not obvious, the employee or elected official may be required to provide documentation of a disability from the appropriate health or rehabilitation professional.

**“Approved Animal”** means a service animal that has been approved as a reasonable accommodation per the guidance covered in this policy.

**“Comfort Animal”** means an animal that functions as a companion which provides comfort and emotional support to its owner or handler. Animals often used as part of medical treatment plan, that may help with loneliness, depression, anxiety, or certain phobias. They may also be used in clinical settings to improve social, emotional, or cognitive functioning, but do not have special training to perform tasks that assist people with such disabilities. These animals do not enjoy the same level of legal protection as service animals. Dogs, cats, or other animals that solely provide companionship, comfort, and emotional support are **NOT** service animals under the Americans with Disability Act (ADA) and therefore do **NOT** have the same service animal accommodation requirements and considerations. These are typically animals that work only during active crisis, emergency, or disaster to offer a calming distraction to those impacted by such active crisis, emergency, or disaster. Businesses do **NOT** have any legal obligation to admit a comfort animal if the business institutes a no animal policy under state or federal law. A note or prescription from a doctor stating that an employee or elected official has a disability and needs a comfort animal does not automatically require the Stephens County Commissioner’s Court to provide an accommodation. Companionship, comfort, and emotional support do not constitute work or tasks.

**“Direct Threat”** means a significant risk of substantial harm to the health or safety of other employees, other elected officials, invitees, or visitors that cannot be eliminated or reduced by reasonable accommodations.

**“Disability”** means a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is perceived by others as having such an impairment.

**“Emotional Support Animal”** means an animal that provides emotional support alleviating one or more symptoms associated with loneliness, depression, anxiety, or certain phobias. They do not have special training to perform tasks that assist people with any disabilities. Dogs, cats, or other animals that solely provide companionship, comfort, and emotional support are **NOT** service animals under the Americans with Disability Act (ADA) and therefore do **NOT** have the same service animal accommodation requirements and considerations. These animals do **NOT** enjoy the same level of legal protection as service animals. Businesses do **NOT** have any legal obligation to admit an emotional support animal if the business institutes a no animal policy under state or federal law. A note or prescription from a doctor stating that an employee or elected official has a disability and needs an animal for emotional support does **NOT** automatically require the Stephens County Commissioner’s Court to provide an accommodation. Companionship, comfort, and emotional support do **NOT** constitute work or tasks.

**“Feral Cats”** means cats that live freely outdoors and are not owned by any person and have never been socialized to live with humans.

**“Free Feed Environment”** means providing food and/or water that is left outside for animals that attracts feral cats, non-domestic cats, non-domestic dogs, skunks, raccoons, and possums.

**“Fundamental Alteration”** means a change that is so significant that it alters the nature of the facility, duties, or services offered.

**“Pet”** means a domesticated animal (other than a service animal) kept for amusement or companionship.

**“Psychiatric Service Dogs”** means dogs that are trained to provide services that allow people with mental impairments to go places and face situations they would not otherwise be able to do. Psychiatric service dogs are trained to perform tasks like: 1) initiating contact to disrupt a panic attack; 2) serving as a buffer to help the person cope with being in a crowd; 3) alerting an owner who's exercising poor judgment; 4) interrupting risky behaviors; 5) getting medication and water when the person is unable to do it, and 6) getting outside help when needed. These dogs are covered by both Texas law and the ADA.

**“Service Animal”** means dogs, or in some cases, miniature horses, that are **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. **All other species of animals**, whether wild or domestic, trained or untrained, **are not** service animals for the purposes of this definition.

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** for the purposes of this definition. (28 C.F.R. 35.104)

**“Solid Waste”** means waste matter expelled from the bowels of the service animal or pet; excrement

**“Stephens County Courthouse”** means the building and surrounding real property owned or controlled by the Stephens County Commissioner's Court and the Stephens County Sheriff located at 200 West Walker, Breckenridge, Stephens County, Texas.

**“Stephens County Courthouse Grounds”** means the land owned and/or controlled by the Stephens County Commissioner's Court.

**“Stephens County facilities”** means all of the buildings and surrounding real property owned or controlled by the Stephens County Commissioner's Court.

**“Stray Animal”** means a dog or cat that lived indoors or in a person's yard, was socialized to people at some point during its life, but has left or lost its home or was abandoned and now lives outdoors without a owner.

**“Therapy Animal”** means an animal that has successfully completed a program operated by an organization that registers, insures, or certifies a therapy animal and the animal's handler as meeting or exceeding the standards of practice in animal-assisted interventions. Therapy Animals shall **NOT** be considered service animals.

**“Trained”** means under the ADA a service dog must be trained by a certified service animal trainer to do work or perform tasks. A dog cannot be a service animal until it has completed its training.

**“Undue burden”** Generally, means significant difficulty or expense. Additional information regarding factors to consider with undue burden:

- (1) The nature and cost of the action needed;
- (2) The overall financial resources of Stephens County Courthouse; the number of persons employed by Stephens County; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of Stephens County business;
- (3) The geographic separateness, and the administrative or fiscal relationship of the business in question;
- (4) The number, type, and location of facilities owned or operated by Stephens County Commissioner’s Court, Stephens County Sheriff, or Stephens County; and
- (5) If applicable, the type of operation or operations of the Stephens County Courthouse, including the composition, structure, and functions of the workforce of the Stephens County Courthouse and each individual office therein.

## **B. POLICIES, PRACTICES, AND PROCEDURES**

The Stephens County Commissioner’s Court shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless the Stephens County Commissioner’s Court can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. (28 C.F.R. 35.130(b)(7), .136(a))

## **C. ACCESS**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of The Stephens County Courthouse’s facilities where members of the public, invitees, employees, and/or elected officials, are allowed to go. (28 C.F.R. 35.136(g))

## **D. EXCEPTIONS**

Stephens County Commissioner’s Court may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal’s handler does not take effective action to control it, (i.e. Disruption or Aggressive Behavior such as barking, running, jumping, biting, lunging); or
2. The animal is not clean or properly groomed, is not housebroken or continues to urinate or have bowel movements inside the Stephens County Courthouse; or
3. The service animal’s behavior causes a disruption to the operation of duties, services, or operation of any offices in the Stephens County Courthouse.



The ADA does **NOT** require a public facility to permit an individual to participate in or benefit from the services, programs, or activities of that public facility when that individual poses a direct threat to the health or safety of others. (28 C.F.R. 35.139). If a public facility properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. (28 C.F.R. 35.136(c))

**E. ANIMAL UNDER HANDLER'S CONTROL**

A service animal shall be under the direct control of its handler at all times. A service animal 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). (28 C.F.R. 35.136(d))

The care and supervision of a service animal is to be solely the responsibility of its handler and is completely and solely liable for any injuries or damage to personal property or property owned by Stephens County caused by the service animal. Any repair, replacement or cleaning costs incurred by any individual or Stephens County Commissioner's Court which were incurred due to any action of the service animal shall be the sole responsibility of the handler. This shall include cleaning or replacement of furniture, carpet, tile, and/or wooden flooring.

**F. INQUIRIES**

The Stephens County Commissioner's Court shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The Stephens County Commissioner's Court may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

The Stephens County Commissioner's Court shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, The Stephens County Commissioner's Court may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). (28 C.F.R. 35.136(f))

**G. CARE OR SUPERVISION OF A SERVICE ANIMAL**

The Stephens County Commissioner's Court nor the elected official is responsible for the care or supervision of a service animal. (28 C.F.R. 35.136(e)) The Handler of the service animal shall be the person solely responsible for the care and supervision of the service animal.

If a service animal becomes sick or injured while in the Stephens County Courthouse, the owner or handler is responsible for arranging veterinary care. Neither the Stephens County Courthouse, an elected official, or the Stephens County Commissioners shall be responsible for any veterinary services

or shall be required to provide care to privately owned service animals and shall not be financially responsible for any expenses associated with privately owned service animals.

#### **H. SURCHARGE**

The Stephens County Commissioner's Court shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

If the Stephens County Commissioner's Court normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. (28 C.F.R. 35.136(h))

#### **I. MINIATURE HORSES**

The Stephens County Commissioner's Court shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

#### **J. ASSESSMENT FACTORS**

In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the Stephens County Commissioner's Court shall consider:

1. The type, size, and weight of the miniature horse and whether the 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.

#### **K. Texas Law Provisions**

"Assistance animal" and "service animal" means 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. (Texas Human Resources Code 121.002(1))

No person with a disability may be denied admittance to any public facility in the state because of the person's disability or may be denied the use of an assistance animal.

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class.

A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer. (Texas Human Resources Code 121.003(c), (e), (i))

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal.

“Harass” means any conduct that is directed at an assistance animal that impedes or interferes with, or is intended to impede or interfere with, the animal’s performance of its duties or places a person with a disability who is using an assistance animal, or a trainer who is training an assistance animal, in danger of injury.

A person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a public facility except to determine the basic type of assistance provided by the service animal to a person with a disability.

If a person’s disability is not readily apparent, a staff member or manager of the facility may inquire about whether the service animal is required because the person has a disability and what type of work or task the service animal is trained to perform. (Texas Human Resources Code 121.002, .003(j)–(l))

No public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person with a disability solely because of the person's disability, nor may a person with a disability be required to pay an additional fare because of his or her use of an assistance animal. (Texas Human Resources Code 121.003(b))

A person with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.

A person with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals. (Texas Human Resources Code 121.005)

A person, including a firm, association, corporation, or other public or private organization, or the agent of the person, who violates the provisions of Texas Human Resources Code 121.003:

1. Commits a misdemeanor punishable by a fine of not more than \$300 and 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year; and

2. Is deemed to have deprived a person with a disability of his or her civil liberties. Subject to Texas Human Resources Code 121.0041 (pertaining to notice of claim and opportunity for cure), if applicable, the person with a disability deprived of his or her civil liberties may maintain an action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$300 to the person with a disability. (Texas Human Resources Code 121.004)



A person that masquerades or publicly holds out an untrained animal as a service animal is punishable by a fine of not more than \$1,000.00 and not more than 30 hours of community service for organizations serving persons with disabilities.

**L. SERVICE/ASSISTANCE ANIMALS AND MINIATURE HORSES**

An employee or elected official with a qualifying disability may have the right to have a service/assistance animal, as defined herein, or a miniature horse accompany him or her at work in the Stephens County Courthouse or other Stephens County facilities.

The terms “assistance animal” and “service animal” are used interchangeably in this regulation.

“Service animals” include Hearing dogs, Guide or Signal dogs, Seizure-alert dogs, Allergen-alert dogs, Mobility or physical support dogs, Diabetic Alert dogs, and Psychiatric service dogs.

**M. MINIATURE HORSES**

An employee or elected official with a qualifying disability may request that a miniature horse that has been individually trained to work or to perform tasks for the benefit of the employee or elected official be permitted to accompany the employee or elected official at work in the Stephens County Courthouse or other Stephens County facilities. Consideration and approval for use of a miniature horse will be on a case-by-case basis and will be in accordance with the assessment factors prescribed in law and herein.

**N. REQUIREMENTS**

A service animal or miniature horse at the Stephens County Courthouse or in any Stephens County facility must remain within the control of the employee or elected official or adult handler at all times and must be well groomed, housebroken and not disruptive.

**O. REMOVAL OR SERVICE ANIMAL OR MINIATURE HORSE**

If a service animal or miniature horse is not housebroken, displays signs of being out of control at any time and the animal’s handler does not take effective action to control it, or is a direct threat to the health or safety of others, the animal will be removed from the building until the owner can provide the Stephens County Commissioner’s Court evidence that animal’s behavior has been corrected..

**P. REQUEST FOR SERVICE ANIMAL**

An employee or elected official must submit a written request to the Stephens County Commissioner’s Court for a service animal or a miniature horse to accompany said employee or elected official at work in the Stephens County Courthouse or any other Stephens County facility. The Stephens County Commissioner’s Court will try to accommodate a request as soon as possible but will do so within fifteen business days. If not readily apparent, the employee or elected official will confirm that the animal is required because of the employee or elected

official's disability and will provide information about the work or tasks that the animal has been trained to perform.

#### **Q. VACCINATIONS AND FEES**

A service animal's vaccinations and registration must be kept current in accordance with state and local law, including rabies vaccinations. The employee or elected official will annually provide a copy of the vaccination records and registration fees, which will be kept on file with the Stephens County Commissioner's Court.

#### **R. LIABILITY**

The owner or handler of a service animal or a miniature horse is liable for any harm, injury, or damage caused by the animal to other employees, elected officials, invitees, or visitors to the Stephens County Courthouse, and/or property of the Stephens County Courthouse.

#### **S. HANDLER**

The service animal or miniature horse handler is presumed to be the employee or elected official. However, the Stephens County Commissioner's Court may permit an adult handler to accompany the service animal on a case-by-case basis after a written request from the employee or elected official. An adult handler is a designated adult who has agreed to handle the service animal or miniature horse. If an adult handler, who is not an employee or elected official is needed to accompany the service animal or miniature horse, the Stephens County Commissioner's Court will conduct a criminal history check of the handler. Any fee associated with a criminal history check will be paid by the employee or elected official requesting the handler. In addition, the Stephens County Commissioner's Court will verify whether the adult handler is a registered sex offender. An adult handler will not be permitted to accompany the service animal or miniature horse on any Stephens County facility prior to the completion of a criminal history check and final approval of the Stephens County Commissioner's Court. Upon final approval, an adult handler will be required to comply with all Stephens County policies and procedures.

Service animals shall be under the handler's control at all times via harness, leash, or tether, unless these devices interfere with the service animal's work in which case the handler must be able to maintain control over the service animal via voice control, motion/signal control or effective controls.

The handler shall perform hand hygiene and follow Standard Precautions policy for self and animal care. The handler shall use the prescribed/designated areas for animal relief which shall be designated as the Northeast corner of the Stephens County Courthouse lawn. The handler shall immediately properly remove all service animal solid waste from the Stephens County Courthouse lawn or from the Stephens County Courthouse if the service animal defecates inside the Stephens County Courthouse by scooping said solid waste, placing the solid waste in a leak-proof bag, and depositing the leak-proof bag in an outdoor trash receptacle which is regularly emptied by the City of Breckenridge, Texas, or some other refuse collector. A litter box placed in the Stephens County Courthouse for a service animal is not appropriate for a service animals solid waste or urine and is not allowed.

If a service animal becomes sick or injured while in the Stephens County Courthouse, the owner or handler is responsible for arranging veterinary care. Neither the Stephens County Courthouse, an elected official, or the Stephens County Commissioners shall be responsible for any veterinary services or shall be required to provide care to privately owned service animals and shall not be financially responsible for any expenses associated with privately owned service animals.

#### **T. Excluding/Removing Service Animals and/or Comfort/Emotional Support Animals**

Any decision to exclude or remove service animals and/or comfort/emotional support animals from the Stephens County Courthouse shall be made only after an individualized assessment by the Stephens County Commissioner's Court in consultation with the liability insurance agency used by the Stephens County Courthouse.

The individualized assessment shall include the following:

1. Reasonable judgment that relies on current medical knowledge or on the best available objective evidence,
2. Ascertaining the nature, duration, and severity of the risk,
3. Probability that the potential injury will occur, and
4. Whether reasonable modification of policies, practices or procedures or provisions of auxiliary aids or services could mitigate the risk,
5. Be based on actual risks, not speculation or generalizations,
6. Rely upon current insurance assessments knowledge or best available objective evidence,
7. The nature, duration and severity of the risk,
8. Determine the probability that potential injury will occur, and
9. Determine reasonable accommodations to policy, practice, or procedures to accommodate the disability.

#### **U. RESTRICTED ACCESS**

Service animals may be excluded from areas which may provide risk to the animals, elected officials, employees, and/or visitors. In addition, service animals shall be excluded from areas where it may pose a risk to the service animal. Service animals are prohibited from areas and offices, unless it is determined that the service animal does not pose a direct threat or fundamentally alter Stephens County Courthouse operations, policies, practices, and procedures.

#### **V. COMMISSIONER'S COURT INQUIRY**

Stephens County Commissioner's Court shall use minimal inquiry when the work, service or tasks performed by the dog or miniature horse are not obvious and apparent. When it is not obvious or apparent what service, task or work the dog performs, the Stephens County Commissioner's Court may ask two questions only:

- a. Is the dog a service animal, as defined under Texas law, required because of a disability; and

b. What work or task has the dog been trained to perform?

Under the Americans with Disability Act (ADA), Stephens County Commissioner's Court shall initially rely upon the employee's or the elected official's word that the dog is a service animal, as defined under Texas law, and the description of the service, task or work it performs.

## **W. Safety Incidents and Legitimate Reasons for Removing the Service Animal**

All employees, elected officials and/or visitors safety incidents shall be reported to the Stephens County Commissioner's Court. Reasons for removal of Service Animals from the Stephens County Courthouse facilities shall include the following:

- a. The animal has become a Direct threat to other employees, other elected officials, invitees, or visitors.
- b. The animal fundamentally alters the operations, policies, practices, and procedures of the Stephens County Courthouse.
- c. The animal is out of control and effective action isn't taken to control the animal.
  - i. Disruption (e.g., barking, running, jumping).
  - ii. Aggressive behavior (e.g., biting, lunging, barking loudly or aggressively).
- d. The animal is not housebroken or continues to urinate or defecate in the Stephens County Courthouse
- e. The animal has Poor hygiene (e.g., fleas, ticks, ringworms, skin conditions).
- f. The Dog is sick (coughing, sneezing, vomiting, and diarrhea).
- g. The handler, during possession and care of the animal, appears to be incapable of managing the animal. In such cases, any employee or elected official or visitor to the Stephens County Courthouse shall contact the Stephens County Commissioner's Court to request arrangements for alternate care.

h. Miniature Horses (MH)

1. Miniature Horses may sometimes be Service Animals under the ADA; however, Miniature Horses shall be only be accommodated where it is reasonable and if individually trained to do work or perform tasks for people with disabilities.

2. The Stephens County Commissioner's Court, in consult with elected officials as needed, shall complete an individualized assessment to determine whether miniature horses can be accommodated. The four (4) assessment factors are: a. Whether the Miniature Horse is housebroken or has devices used to support elimination. b. Whether the Miniature Horse is under the owner or handler's control. c. Whether the facility can accommodate the miniature horse's type, size, and weight; and d. Whether the Miniature Horse's presence will not compromise legitimate safety requirements necessary for safe operations.

## **X. COMPLIANCE:**

All workforce members including employees, elected officials, volunteers, invitees, and visitors are responsible for ensuring that all individuals comply with this policy.

Violations of this policy will be reported to the Stephens County Commissioner's Court and any other appropriate elected official or person in control of such office at the time of the violation. Violations will be investigated to determine the nature, extent, and potential risk to Stephens County Courthouse, employees, elected officials, and/or visitors.

Employees who violate this policy will be subject to the appropriate disciplinary action up to and including termination.

## Y. ORDINANCE

### Feeding

It shall be unlawful for any person to feed or provide water to a wild animal, including but not limited to non-domestic canines, non-domestic felines, feral cats, stray animals, non-domestic rabbits, skunks, and/or raccoons, on any property owned or operated by the Stephens County Commissioner's Court, the Stephens County Sheriff, or Stephens County, Texas.

### Free Feed Environment

It shall be unlawful to provide food and/or water that is left outside for animals in a free feed environment. This Free feed environment attracts not only feral cats, non-domestic cats, non-domestic dogs, but also skunks, raccoons, and possums which not only causes damage and a nuisance to the Stephens County Courthouse but also to neighboring businesses. There is a public health issue from the urine and feces excreted by these animals being fed on the Stephens County properties in free feed environments. Further, animals attracted to free feed environments pose public health issues and expenses from the fleas, ticks, ringworms, and round worms that are carried by these animals that can and do infest the facilities owned by the Stephens County Commissioner's Court, the Stephens County Courthouse lawns, and neighboring businesses and well as visitors to the Stephens County facilities. Also, this increases the risk of the possibility of an animal with rabies being drawn to the free feed area.

### Animal Solid Waste Disposal

All service animal owners or handlers who are employees or elected officials of Stephens County, Texas, or pets owners who are visitors to facilities or real property owned by Stephens County, Texas, are required to immediately and properly dispose of their animal's solid waste deposited on any property owned by Stephens County, Texas. The service animal owner or handler or pet owner shall properly remove all animal solid waste from the Stephens County Courthouse lawn or from the Stephens County Courthouse if the animal defecates inside the Stephens County Courthouse by scooping said solid waste, placing the solid waste in a leak-proof bag, and depositing the bag in an outdoor trash receptacle which is regularly emptied by the City of Breckenridge, Texas, or some other refuse collector.

### Enforcement

The provisions of this Ordinance shall be enforced by any Breckenridge Law Enforcement officer, including but not limited to the Breckenridge Police Officer, Stephens County Sheriff, Stephens County Deputy Sheriff and the Stephens County Constable. A violation of this Ordinance shall be prosecuted in the Office of the Stephens County Justice of the Peace in the same manner provided for enforcement of offenses under the Texas Code of Criminal procedure. Any person who violates or permits such violation shall upon conviction shall be



punished by fine only as set forth hereinafter. The Stephens County Commissioner's Court has approved a violation fee schedule as follows:

1<sup>st</sup> Offense is a \$100.00 fine;

2<sup>nd</sup> Offense is \$200.00 fine;

3<sup>rd</sup> Offense is \$300.00 fine and an additional \$100.00 fine per animal found at said free feed environment or on the surrounding property owned by Stephens County;

4<sup>th</sup> offense and subsequent offenses shall be \$500.00 fine and a \$300.00 fine per animal located at the area of free food environment located on Stephens County property.

#### Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

#### **Z. PETS**

The Stephens County Commissioner's Court has weighed the considerations for employees or elected officials to bring pets to work at facilities owned by Stephens County. In considering the health and safety of employees, elected officials and visitors to Stephens County facilities, the Stephens County Commissioner's Court finds that pets can spur allergic reaction among co-workers, invitees, elected officials, and visitors which can cause interruptions to their ability to work effectively. The Stephens County Commissioner's Court believes that work is disrupted because of the need to take pets outside. The Stephens County Commissioner's Court states that some employees have a genuine fear of dogs, cats, and other animals or pets, which needs to be respected. The Stephens County Commissioner's Court contacted their liability insurance carrier and was advised about concerns of liability for Stephens County should an employee, elected official, invitee, or visitor be bitten or injured by a pet brought to work.

Therefore, the Stephens County Commissioner's Court finds after due and deliberate consideration that it is not appropriate to bring pets into the Stephens County Courthouse or other facilities owned by Stephens County, and thus, Stephens County Commissioner's Court hereby prohibits employees and elected officials from bringing pets to work at the Stephens County Courthouse or other facilities owned by Stephens County. Violations of this policy will result in disciplinary action up to and including termination.