Schertz Public Library
Animals in the Library

Purpose

Schertz Public Library recognizes that guests with disabilities may have service animals trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. The Library recognizes legal rights under federal and state laws regarding use of service animals. The Library also considers the safety and health of all its patrons, the public, and library staff to be of utmost priority.

Service Animals—Definitions

Service Animal

The Americans with Disabilities Act (ADA) defines service animals as dogs 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. 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. Beginning on March 15, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.

Emotional Support/Therapy/Comfort/Companion Animal

These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as a service animal under the ADA or Texas law and do not have to be admitted into public spaces. The effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

Disability: The term "disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the ADA.

Miniature Horses

Federal regulations allow miniature horses to be recognized as a lawful service animal. Therefore, an individual with a disability may be allowed to utilize a miniature horse as a service animal, subject to all of the restrictions stated in this policy, but also subject to additional considerations. When determining whether to allow a miniature horse to function as a service animal, the Library may consider the following before permission is granted to utilize a miniature horse as a service animal.

1. The horse in question may be no more than 34 inches tall measured at its shoulder and it may weigh no more than 100 pounds.
2. As with dogs, the horse must have been individually trained to do work or perform tasks for the benefit of the individual with a disability.
3. As with dogs, the handler of the horse must be able to be in sufficient control of the horse and the horse must be housebroken.
4. The presence of the horse may not compromise legitimate safety requirements that are necessary for the safe operation of library service.

Service Dogs in Training

Service dogs being trained for the purpose of assisting persons with disabilities are entitled to access to library facilities under State of Texas Code Sec. 121.003 (i) provided that any such service dog in training is accompanied by an approved trainer.

Other Species

Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals under the ADA or Texas law.

Animals in the Library Policy

- Pets or any other animals are not allowed in the library.
- Animals that are necessary for library programming are allowed in the library.
- Service animals or service animals in training are allowed in the library.
- Under the ADA, a service animal is a dog that has been individually trained to do work or perform tasks for an individual with a disability. The dog must be trained to take a specific action to assist the person with a disability, and the task(s) performed must be directly related to the disability.
- Emotional support, therapy, comfort, or companion animals which have not been trained to perform a specific job or task do not qualify as service animals under the ADA and are not allowed in the library.
- If it is not obvious that a dog brought into the library is a service animal, a staff member may ask the following questions:
    - Is the dog a service animal required because of a disability?
    - What specific work or task has the dog been trained to perform?
- Library staff may not request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability.
- Service animals are not allowed on library furniture and must remain on the floor or be carried (as appropriate) by their handlers at all times.
- Service animals must be under the immediate control of their handlers at all times.
- The service animal must be harnessed, leashed, or tethered unless these devices interfere with the animal's work or the person's disability prevents the use of these devices.
- Service animals which are not housebroken, bark repeatedly, are uncontrolled, or are otherwise disruptive will be required to leave the premises.
- When a service animal must be removed, library staff will offer the person with the disability an opportunity to obtain materials or services without the animal's presence.
- Other library users' allergies or fear of dogs are not valid reasons for the removal of service animals.
- Animals may never be left unattended on library grounds.
- Misrepresenting a dog as a service animal is a violation of State of Texas Human Resources Code Sec. 121.006 and may result in suspension of library privileges.

Animal Endangerment

Schertz Public Library does not condone leaving non-service animals outside the library in a way that may endanger the animal or library guests. The Library reserves the right to contact the police regarding any unattended animals on its premises.

Sources

Americans with Disabilities Act Title II Regulations: Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services
http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

U.S. Department of Justice revised regulations implementing Title II (state and local government services) of the Americans with Disabilities Act
http://www.ada.gov/service_animals_2010.htm

U.S. Department of Justice's publication "Frequently Asked Questions about Service Animals and the ADA"
https://www.ada.gov/regs2010/service_animal_qa.pdf

Texas Disability Law—Service Animals, Office of the Texas Governor
https://gov.texas.gov/organization/disabilities/assistance_animals

Texas Human Resources Code, Title 8. Rights and Responsibilities of Persons with Disabilities, Chapter 121
https://statutes.capitol.texas.gov/Docs/HR/htm/HR.121.htm#121

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