

RESOLUTION NO. 26-19

BY: **BRIAN BROCHETTI, MARK CASSELBERRY, VITO DIPIERRO,
ALLAN DIVIS, ROY J. JECH, DENNIS M. KISH, DEBORAH LIME,
LARRY NAPOLI, KRISTIN L. SABAN**
(By Request – Mayor and Safety Director)

A RESOLUTION DIRECTING THE CUYAHOGA COUNTY BOARD OF ELECTIONS TO SUBMIT ON THE MAY 7, 2019 BALLOT THE QUESTION “SHALL SECTION 618.09(C) OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, WHICH PROHIBITS, WITHIN THE CITY, THE OWNING, HARBORING, OR KEEPING OF A PIT BULL DOG, DEFINED BY SECTION 618.01(Z) TO INCLUDE THE AMERICAN PIT BULL TERRIER, AS RECOGNIZED BY THE UNITED KENNEL CLUB, AND THE AMERICAN STAFFORDSHIRE TERRIER, THE STAFFORDSHIRE BULL TERRIER AND THE BULL TERRIER, AS RECOGNIZED BY THE AMERICAN KENNEL CLUB, AND ANY MIXED BREED OF DOG WHICH CONTAINS AS AN ELEMENT OF ITS BREEDING ANY OF THE BREEDS DESCRIBED, BE REPEALED?”, AND DECLARING AN EMERGENCY

WHEREAS, in 1987 Parma City Council unanimously adopted Ordinance 114-87 which prohibited, within the City of Parma the owning, harboring or keeping of a pit bull dog; and

WHEREAS, In May 2012 the State of Ohio stopped automatically classifying pit bulls as “vicious” or “dangerous”; and

WHEREAS, as of August 2017 approximately 21 municipalities in the State of Ohio prohibit pit bulls and another approximately 61 municipalities in Ohio either declare pit bulls as “dangerous”, “vicious” or restrict their ownership; and

WHEREAS, in the Fall of 2018 people attended a Parma City Council meeting to advocate against the City's prohibition on owning pit bulls. There were also individuals that spoke in support of the pit bull prohibition; and

WHEREAS, because the prohibition of pit bulls in the City of Parma is a matter that has its advocates and opponents it is best that the residents of the City of Parma have the opportunity to determine whether the City's pit bull ban be repealed; and

WHEREAS, under the authority of Article XVIII of the Ohio Constitution, Parma City Council is empowered and authorized to place on the ballot the question of whether Parma's pit bull ban should be repealed; and

WHEREAS, in order to submit the question whether Parma's pit bull ban should be repealed, the City of Parma must file a Resolution with the Cuyahoga County Board of Elections authorizing and directing the Cuyahoga County Board of Elections to place this question on the May 7, 2019 ballot.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1: That the Cuyahoga County Board of Elections is hereby directed to submit the question "Shall Section 618.09(c) of the Codified Ordinances of the City of Parma, which prohibits, within the City, the owning, harboring, or keeping of a pit bull dog, defined by Section 618.01(z) to include the American Pit Bull Terrier, as recognized by the United Kennel Club, and the American Staffordshire Terrier, the Staffordshire Bull Terrier and the Bull Terrier, as recognized by the American Kennel Club, and any mixed breed of dog which contains as an element of its breeding any of the breeds described, be repealed?" be submitted to the electors of the City of Parma at the primary election to be held on May 7, 2019, and said election shall be held at the regular places of voting in the City of Parma as established by the Cuyahoga County Board of Elections, Ohio or otherwise, within the time permitted by law and shall be conducted, canvassed and certified in the manner provided by law.

Section 2: That if a majority of electors of the City of Parma vote in the affirmative for the repeal of the pit bull ban, then Section 618.09(c) of the Codified Ordinances of the City of Parma, shall be repealed.

Section 3: That the Clerk of Council is hereby directed to provide notice of the adoption of this Resolution by publishing the title of the Resolution and abstract in a newspaper of general circulation in the City.

Section 4: That the Clerk of Council is hereby directed to immediately certify and file a copy of this Resolution with the Cuyahoga County Board of Elections on or before 4:00 p.m. February 6, 2019.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public health, safety and welfare of the City of Parma, and for further reason that this measure is necessary to immediately certify and file a copy of this Resolution with the Cuyahoga County Board of Elections on or before 4:00 p.m. February 6, 2019, and this Resolution shall be come immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____
MAYOR, CITY OF PARMA, OHIO