

1 ORDINANCE NO. 2015-082

2  
3 SPONSOR Mr. Pry, Ms. Shapiro

4  
5 DATE March 2, 2015

COMMITTEE Rules

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7 **An Ordinance amending Sections 505.01, 505.11 and 505.52 of the Codified Ordinances of**  
8 **the County of Summit to add language concerning service animals in order to conform to**  
9 **the Americans with Disabilities Act of 1990 and related regulations, for the Executive, and**  
10 **declaring an emergency.**

11  
12 WHEREAS, Section 35.104 of Title 28 of the United States Code of Federal Regulations  
13 (“C.F.R.”), issued pursuant to the Americans with Disabilities Act of 1990, Title 42 of the United  
14 States Code (“U.S.C.”) Sections 12101-12213, Title 47 U.S.C. Section 225, defines the term  
15 “service animal” “as any dog that is individually trained to do work or perform tasks for the  
16 benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual,  
17 or other mental disability;” and

18  
19 WHEREAS, Section 955.011(B)(3) of the Ohio Revised Code (“ORC”) defines the term  
20 “assistance dog” as a “guide dog, hearing dog, or service dog that has been trained by a nonprofit  
21 special agency;” and

22  
23 WHEREAS, ORC § 955.011(A) provides that “[w]hen an application is made for  
24 registration of an assistance dog and the owner can show proof by certificate or other means that  
25 the dog is an assistance dog, the owner of the dog shall be exempt from any fee for the  
26 registration;” and

27  
28 WHEREAS, 28 C.F.R. § 35.136 expressly prohibits the County from requiring  
29 documentation, such as proof that an animal has been certified, trained or licensed as a service  
30 animal; and

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32 WHEREAS, because ORC § 955.011 conflicts with the Americans with Disabilities Act  
33 of 1990 and related regulations over the requirement that an applicant for registration of a service  
34 animal provide documentation that said animal has been certified, trained or licensed as a service  
35 animal, it is preempted by federal law; and

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37 WHEREAS, for the aforementioned reasons, it is necessary to amend Sections 505.01,  
38 505.11 and 505.52 of the Codified Ordinances of the County of Summit to add language  
39 concerning service animals in order to conform to the Americans with Disabilities Act of 1990  
40 and related regulations; and

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42 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
43 that it is necessary and in the best interest of the County of Summit to amend Sections 505.01,  
44 505.11 and 505.52 of the Codified Ordinances for the aforementioned reasons;

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46 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
47 of Ohio, that;

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1 ORDINANCE NO. 2015-082

2 PAGE TWO

3  
4 SECTION 1

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6 Sections 505.01, entitled "Animal Definitions Generally," 505.11, entitled "Animals  
7 Prohibited in Stores," and 505.52, entitled "Registration of Dogs; Tags Required," of the  
8 Codified Ordinances of the County of Summit, are hereby amended as set forth in Exhibit A,  
9 attached to this Ordinance and incorporated herein as if fully restated.

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11 SECTION 2

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13 This Ordinance is declared an emergency in the interest of the health, safety, and welfare  
14 of the citizens of the County of Summit, and for the further reason that it immediately amends  
15 Sections 505.01, 505.11 and 505.52 of the Codified Ordinances to conform to the Americans  
16 with Disabilities Act of 1990 and related regulations.

17  
18 SECTION 3


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20 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
21 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
22 effect and be in force at the earliest time provided by law.

23  
24 SECTION 4

25  
26 It is found and determined that all formal actions of this Council concerning and relating  
27 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
28 deliberations of this Council and any of its committees that resulted in such formal action, were  
29 in meetings open to the public, in compliance with all legal requirements, including Section  
30 121.22 of the Ohio Revised Code.


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33 INTRODUCED February 9, 2015

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35 ADOPTED March 2, 2015

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CLERK OF COUNCIL

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43 \_\_\_\_\_  
PRESIDENT OF COUNCIL

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45 APPROVED March 3, 2015

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EXECUTIVE

ENACTED EFFECTIVE March 3, 2015

Voice Vote: 11-0: YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras,  
Kurt, Lee, Prentice, Rodgers, Schmidt, Shapiro