

INITIATIVE PETITION

Proposed Ordinance for the City of Sylvania, Ohio

"Sylvania Resource Conservation and Equal Access Ordinance"

This petition is filed pursuant to Article II, Section 1f of the Ohio Constitution and Article XI, Section 1 of the Charter of the City of Sylvania, Ohio, reserving to the electors of the municipality the power of initiative.

SUMMARY: An ordinance limiting the use of City resources to assist federal immigration enforcement except to the extent required by federal or State law, and assuring equal access to all persons to City services, benefits, programs, and protections regardless of their immigration status.

The undersigned electors of the City of Sylvania hereby petition the Council of the City of Sylvania to adopt the following ordinance, and if not adopted within 40 days after submission to the Clerk-Auditor, direct the Committee request said petition be submitted to the vote of the electors of the City for approval at the next general election or regular municipal election occurring not less than sixty (60) days after the Committee submits the request.

FULL TEXT OF PROPOSED ORDINANCE

ORDINANCE NO. 37-2026

LIMITING THE USE OF CITY RESOURCES FOR FEDERAL IMMIGRATION ENFORCEMENT, ASSURING EQUAL ACCESS TO CITY SERVICES, BENEFITS, PROGRAMS, OR PROTECTIONS

- **WHEREAS**, the City of Sylvania ("City") is committed to protecting the civil and human rights of all residents, workers, and visitors, regardless of immigration status; and
- **WHEREAS**, trust between residents and local government, including the Sylvania Police Division, is essential to public safety and the effective delivery of municipal services; and
- **WHEREAS**, involvement of local government officials, including police officers and other City employees, in federal civil immigration enforcement undermines community trust, discourages victims and witnesses from reporting crimes, and diverts limited City resources from local public safety priorities; and
- **WHEREAS**, federal courts have recognized that the federal government may not compel local jurisdictions to administer or enforce federal regulatory programs, including immigration enforcement; and

- **WHEREAS**, it is in the best interests of the City of Sylvania to clarify the limits on the use of City funds, personnel, equipment, and facilities for federal immigration enforcement purposes; and
- **WHEREAS**, access to and eligibility for City services, benefits, programs, and protections shall be afforded to all persons and shall not be conditioned upon or affected by an individual's immigration status;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, members elected thereto concurring:

SECTION 1. Purpose

This ordinance shall be known and may be cited as the "Sylvania Resource Conservation And Equal Access Ordinance." The purposes of this ordinance are to:

1. Promote public safety by fostering trust and cooperation between immigrant communities and City officials.
2. Ensure that limited City resources are used to address local public safety and community needs rather than federal civil immigration enforcement.
3. Establish clear guidelines regarding the City's role with respect to federal immigration enforcement activities.
4. Establish that access to and eligibility for City services, benefits, programs, and protections shall be afforded to all persons and shall not be conditioned upon or affected by an individual's immigration status.

SECTION 2. Definitions

For purposes of this ordinance, the following terms shall have the meanings indicated:

- **(a) "City"** means the City of Sylvania, Ohio, and any of its departments, agencies, divisions, boards, commissions, officers, and employees, including the Sylvania Police Division.
- **(b) "City resources"** means any funds, personnel time, equipment, property, databases, records (whether paper or electronic), facilities, or other assets owned, controlled, or maintained by the City.
- **(c) "Immigration enforcement"** means any investigation, arrest, detention, surveillance, or information-gathering conducted for the primary purpose of enforcing federal civil immigration laws, including but not limited to actions undertaken by or on behalf of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).
- **(d) "Immigration status"** means a person's presence in, and/or authorization to remain in, the United States under federal immigration law, including but not limited to status as a U.S. citizen, lawful permanent resident, visa holder, refugee, asylee, undocumented person, or any other category recognized by federal law.

- **(e) "Civil immigration detainer" or "ICE detainer"** means any request, notice, or order, including DHS Form I-247 or any successor form, from federal immigration authorities asking a law enforcement agency to maintain custody of an individual beyond the time they would otherwise be released, or to notify such authorities of an individual's release, where such request is based solely on alleged violations of federal civil immigration law and is not accompanied by a judicial warrant or court order.
- **(f) "Judicial warrant"** means a warrant issued by a federal or state judge or magistrate that is based on probable cause and authorizes the arrest, detention, or search of a person or property. "Judicial warrant" does not include administrative immigration warrants, forms, or orders issued solely by federal immigration officers, including those labeled "Warrant for Arrest of Alien" (Form I-200) or "Warrant of Removal/Deportation" (Form I-205).

SECTION 3. General Policy

The City of Sylvania declares it to be the policy of the City to treat all persons equally who reside in, work in, or travel through the City, regardless of their immigration status. City policies and practices shall be guided by the principle that municipal resources are not to be used for federal civil immigration enforcement except as expressly required by federal or state law or by a lawfully issued judicial warrant.

SECTION 4. Restrictions on City Personnel and Resources

No City officer, employee, or agent, including but not limited to any member of the Sylvania Police Division, shall:

- **(a)** Use City resources to investigate, inquire into, or collect information about an individual's immigration status, citizenship, place of birth, or national origin except: (A) when required by federal or state law for the provision of a specific City service or benefit; or (B) when necessary for the investigation of criminal activity and there is reasonable suspicion that such information is directly relevant to that criminal investigation, and even then, such inquiry shall be as limited as possible.
- **(b)** Use City resources to stop, question, arrest, detain, or place an immigration hold on any person based solely or primarily on: (A) a known or suspected immigration status; (B) a civil immigration detainer or other administrative immigration request not supported by a judicial warrant; or (C) a person's race, ethnicity, national origin, primary language, or apparent foreignness.
- **(c)** Provide any City resources, including but not limited to office space, databases, equipment, or personnel, for the purpose of assisting federal immigration authorities in conducting immigration enforcement operations, including interviews, surveillance, checkpoints, arrests, or raids, except where such assistance is: (A) pursuant to a judicial warrant, or (B) expressly required by federal or state law.

- **(d)** Enter into, renew, or extend any agreement, contract, memorandum of understanding, or similar arrangement that has as its primary purpose the deputizing or designating of City personnel to perform federal civil immigration enforcement functions, including but not limited to agreements under Section 287(g) of the Immigration and Nationality Act.

SECTION 5. Information Sharing Limits

Except where required by federal or state law, or pursuant to a judicial warrant:

- **(a)** No City officer, employee, or agent shall share with federal immigration authorities any non-public personal information about an individual, including but not limited to home or work address, release date from custody, court appearance dates, contact information, or family information, when the request is made for an immigration enforcement purpose.
- **(b)** Nothing in this ordinance shall be construed to prohibit the sharing of information that is: (A) already public; (B) necessary for the investigation or prosecution of a non-immigration-related criminal offense; or (C) required under 8 U.S.C. § 1373 or any other federal or state statute that expressly mandates the sharing of specific information concerning an individual's citizenship or immigration status, provided that such sharing shall be as limited as legally permissible.

SECTION 6. Handling of Civil Immigration Detainers

The Sylvania Police Division and any other City agency that operates or controls a detention facility shall not honor or comply with any civil immigration detainer, request to maintain custody, or request to provide advance notice of an individual's release that is based solely on alleged federal civil immigration violations, unless such request is accompanied by: (A) a judicial warrant or (B) a court order requiring such action. No person shall be detained by the City beyond the time they would otherwise be entitled to release from custody, solely or in part on the basis of a civil immigration detainer or other request from federal immigration authorities that is not supported by a judicial warrant or court order.

SECTION 7. Access to City Services and Benefits

City officers, employees, and agents shall not inquire into or request documentation concerning an individual's immigration status in the course of providing City services, benefits, or protections, unless such inquiry is: (A) expressly required by federal or state law as a condition of providing a specific service or benefit, or (B) necessary to comply with auditing or reporting requirements clearly imposed by law.

SECTION 8. Crime Victims, Witnesses, and Emergencies

The Sylvania Police Division shall not inquire into the immigration status of a crime victim, witness, or person reporting an emergency, unless: (A) required by law; or (B) there is

reasonable suspicion that the information is directly relevant to the investigation of a specific criminal offense, and such inquiry is necessary and narrowly tailored.

SECTION 9. Access to City Facilities

Federal immigration authorities shall not be granted access to non-public areas of City buildings, facilities, or property for immigration enforcement purposes without: a judicial warrant or court order specifically authorizing such access, or the express written consent of the Mayor or the Mayor's designee, upon consultation with the City Law Director, and only where such access is required by federal or state law. Nothing in this section shall be construed to prohibit federal officers from entering public areas of City buildings open to members of the general public during normal business hours.

SECTION 10. Equal Access to Programs

Except where otherwise required by federal or state law, eligibility for City services, benefits, programs, and protections shall not be conditioned upon or affected by an individual's immigration status. All City departments and divisions shall, to the maximum extent permitted by law, administer their services and programs in a manner that does not require disclosure of immigration status and that clearly communicates that services are available regardless of immigration status.

SECTION 11. Anti-Retaliation

No City officer, employee, or agent shall retaliate against, or discriminate against, any person, City employee, or contractor for:

- (a) asserting rights under this ordinance.
- (b) refusing to provide information related to immigration status, except where such information is specifically required by law.
- (c) filing a complaint, participating in an investigation, or otherwise opposing practices prohibited by this ordinance.

SECTION 12. Implementation and Training

Within 90 days of the effective date of this ordinance, the Chief of Police shall incorporate this ordinance into the standard operating procedures of the Sylvania Police Division and shall provide periodic training and guidance to ensure continued compliance.

SECTION 13. Construction and Exceptions

Nothing in this ordinance shall be construed to:

- (a) Prohibit or restrict any City officer or employee from cooperating with federal law enforcement authorities in the investigation or prosecution of criminal activity unrelated

to civil immigration enforcement, including but not limited to trafficking, terrorism, or violent felonies.

- (b) Prohibit compliance with any valid judicial warrant or court order.
- (c) Conflict with any applicable federal or state statute that expressly mandates particular actions by local governments with respect to information regarding an individual's citizenship or immigration status. This ordinance shall be interpreted and applied to the fullest extent possible consistent with such laws.
- (d) In the event any provision of this ordinance is found to conflict with federal or state law, that provision shall be interpreted and applied in a manner that most closely effectuates the purpose of this ordinance while complying with such law.

SECTION 14. Enforcement and Discipline

Compliance with this ordinance is a condition of employment for all City officers and employees. Violations may be grounds for appropriate disciplinary action, up to and including termination, in accordance with applicable laws, collective bargaining agreements, and City policies. Any person who believes that a City officer or employee has violated this ordinance may file a written complaint with the Mayor's office or the City's designated civil rights or human relations officer, as applicable. The City shall establish and publicize a process for receiving, investigating, and responding to such complaints.

SECTION 15. Private Right of Action

Nothing in this ordinance shall be construed to create a private right of action for damages or any other judicially enforceable right beyond what is already available under existing law. However, individuals may pursue any remedies available under federal, state, or local law.

SECTION 16. Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

PETITION SIGNATURE PAGES

NOTICE: *Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.*

We, the undersigned, electors of the City of Sylvania, Ohio, hereby designate **Katie Cappelini** (residing at 5648 Parkwood Blvd.), **Jason Mishka** (residing at 6944 Williamsburg), **Pamela Haynam** (residing at 4336 Tamworth Rd.), and **Dani Fuller** (residing at 6713 Roosevelt Ct.) as

the Committee to represent the undersigned electors and propose the foregoing ordinance and request that it be submitted to the electors of the City for approval.

Signature	Printed Name	Residence Address	Date Signed
1.			
2.			
3.			
4.			
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NOTICE: *Independent access to the original petition text via the Lucas County Board of Elections was unavailable. The text provided herein has been transcribed and digitized from a scanned copy of the original instrument for the purpose of public legibility. While reasonable diligence has been exercised to ensure an accurate and faithful reproduction of the original language, this transcription is provided for informational purposes without warranty, express or implied. Any typographical or textual discrepancies are entirely inadvertent and devoid of any intent or malice. A digital copy of the original scanned source material is provided herewith for independent verification and review.*

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The undersigned electors of the City of Sylvania hereby petition the Council of the City of Sylvania to adopt the following ordinance, and if not adopted within 40 days after submission to the Clerk-Auditor, direct the Committee request said petition be submitted to the vote of the electors of the City for approval at the next general election or regular municipal election occurring not less than sixty (60) days after the Committee submits the request.

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WHEREAS, the City of Sylvania ("City") is committed to protecting the civil and human rights of all residents, workers, and visitors, regardless of immigration status; and

WHEREAS, trust between residents and local government, including the Sylvania Police Division, is essential to public safety and the effective delivery of municipal services; and

WHEREAS, involvement of local government officials, including police officers and other City employees, in federal civil immigration enforcement undermines community trust, discourages victims and witnesses from reporting crimes, and diverts limited City resources from local public safety priorities; and

WHEREAS, federal courts have recognized that the federal government may not compel local jurisdictions to administer or enforce federal regulatory programs, including immigration enforcement; and

WHEREAS, it is in the best interests of the City of Sylvania to clarify the limits on the use of City funds, personnel, equipment, and facilities for federal immigration enforcement purposes; and

WHEREAS, access to and eligibility for City services, benefits, programs, and protections shall be afforded to all persons and shall not be conditioned upon or affected by an individual's immigration status;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, ____ members elected thereto concurring:

SECTION 1. This ordinance shall be known and may be cited as the "Sylvania Resource Conservation And Equal Access Ordinance." The purposes of this ordinance are to:

- (a) Promote public safety by fostering trust and cooperation between immigrant communities and City officials.
- (b) Ensure that limited City resources are used to address local public safety and community needs rather than federal civil immigration enforcement; and
- (c) Establish clear guidelines regarding the City's role with respect to federal immigration enforcement activities.
- (d) Establish that access to and eligibility for City services, benefits, programs, and protections shall be afforded to all persons and shall not be conditioned upon or affected by an individual's immigration status

SECTION 2. For purposes of this ordinance, the following terms shall have the meanings indicated:

- (a) "City" means the City of Sylvania, Ohio, and any of its departments, agencies, divisions, boards, commissions, officers, and employees, including the Sylvania Police Division.
- (b) "City resources" means any funds, personnel time, equipment, property, databases, records (whether paper or electronic), facilities, or other assets owned, controlled, or maintained by the City.

(c) "Immigration enforcement" means any investigation, arrest, detention, surveillance, or information-gathering conducted for the primary purpose of enforcing federal civil immigration laws, including but not limited to actions undertaken by or on behalf of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

(d) "Immigration status" means a person's presence in, and/or authorization to remain in, the United States under federal immigration law, including but not limited to status as a U.S. citizen, lawful permanent resident, visa holder, refugee, asylee, undocumented person, or any other category recognized by federal law.

(e) "Civil immigration detainer" or "ICE detainer" means any request, notice, or order, including DHS Form I-247 or any successor form, from federal immigration authorities asking a law enforcement agency to maintain custody of an individual beyond the time they would otherwise be released, or to notify such authorities of an individual's release, where such request is based solely on alleged violations of federal civil immigration law and is not accompanied by a judicial warrant or court order.

(f) "Judicial warrant" means a warrant issued by a federal or state judge or magistrate that is based on probable cause and authorizes the arrest, detention, or search of a person or property. "Judicial warrant" does not include administrative immigration warrants, forms, or orders issued solely by federal immigration officers, including those labeled "Warrant for Arrest of Alien" (Form I-200) or "Warrant of Removal/Deportation" (Form I-205).

SECTION 3. The City of Sylvania declares it to be the policy of the City to treat all persons equally who reside in, work in, or travel through the City, regardless of their immigration status. City policies and practices shall be guided by the principle that municipal resources are not to be used for federal civil immigration enforcement except as expressly required by federal or state law or by a lawfully issued judicial warrant.

SECTION 4. No City officer, employee, or agent, including but not limited to any member of the Sylvania Police Division, shall:

(a) Use City resources to investigate, inquire into, or collect information about an individual's immigration status, citizenship, place of birth, or national origin except: (A) when required by federal or state law for the provision of a specific City service or benefit; or (B) when necessary for the investigation of criminal activity and there is reasonable suspicion that such information is directly relevant to that criminal investigation, and even then, such inquiry shall be as limited as possible.

(b) Use City resources to stop, question, arrest, detain, or place an immigration hold on any person based solely or primarily on: (A) a known or suspected immigration status; (B) a civil immigration detainer or other administrative immigration request not supported by a judicial warrant; or (C) a person's race, ethnicity, national origin, primary language, or apparent foreignness.

(c) Provide any City resources, including but not limited to office space, databases, equipment, or personnel, for the purpose of assisting federal immigration authorities in conducting immigration enforcement operations, including interviews, surveillance, checkpoints, arrests, or raids, except where such assistance is: (A) pursuant to a judicial warrant; or (B) expressly required by federal or state law.

(d) Enter into, renew, or extend any agreement, contract, memorandum of understanding, or similar arrangement that has as its primary purpose the deputizing or designating of City personnel to perform federal civil immigration enforcement functions, including but not limited to agreements under Section 287(g) of the Immigration and Nationality Act.

SECTION 5. Except where required by federal or state law, or pursuant to a judicial warrant:

(a) No City officer, employee, or agent shall share with federal immigration authorities any non-public personal information about an individual, including but not limited to home or work address, release date from custody, court appearance dates, contact information, or family information, when the request is made for an immigration enforcement purpose.

(b) Nothing in this ordinance shall be construed to prohibit the sharing of information that is: (A) already public; (B) necessary for the investigation or prosecution of a non-immigration-related criminal offense; or (C) required under 8 U.S.C. § 1373 or any other federal or state statute that expressly mandates the sharing of specific information concerning an individual's citizenship or immigration status, provided that such sharing shall be as limited as legally permissible.

SECTION 6. The Sylvania Police Division and any other City agency that operates or controls a detention facility shall not honor or comply with any civil immigration detainer, request to maintain custody, or request to provide advance notice of an individual's release that is based solely on alleged federal civil immigration violations, unless such request is accompanied by: (A) a judicial warrant; or (B) a court order requiring such action. No person shall be detained by the City beyond the time they would otherwise be entitled to release from custody, solely or in part on the basis of a civil immigration detainer or other request from federal immigration authorities that is not supported by a judicial warrant or court order.

SECTION 7. City officers, employees, and agents shall not inquire into or request documentation concerning an individual's immigration status in the course of providing City services, benefits, or protections, unless such inquiry is: (A) expressly required by federal or state law as a condition of providing a specific service or benefit; or (B) necessary to comply with auditing or reporting requirements clearly imposed by law.

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SECTION 9. Federal immigration authorities shall not be granted access to non-public areas of City buildings, facilities, or property for immigration enforcement purposes without: a judicial warrant or court order specifically authorizing such access; or the express written consent of the Mayor or the Mayor's designee, upon consultation with the City Law Director, and only where such access is required by federal or state law. Nothing in this section shall be construed to prohibit federal officers from entering public areas of City buildings open to members of the general public during normal business hours.

SECTION 10. Except where otherwise required by federal or state law, eligibility for City services, benefits, programs, and protections shall not be conditioned upon or affected by an individual's immigration status. All City departments and divisions shall, to the maximum extent permitted by law, administer their services and programs in a manner that does not require disclosure of immigration status and that clearly communicates that services are available regardless of immigration status.

SECTION 11. No City officer, employee, or agent shall retaliate against, or discriminate against, any person, City employee, or contractor for:

(a) asserting rights under this ordinance;

(b) refusing to provide information related to immigration status, except where such information is specifically required by law; or

(c) filing a complaint, participating in an investigation, or otherwise opposing practices prohibited by this ordinance.

SECTION 12. Within 90 days of the effective date of this ordinance, the Chief of Police shall incorporate this ordinance into the standard operating procedures of the Sylvania Police Division and shall provide periodic training and guidance to ensure continued compliance.

SECTION 13. Nothing in this ordinance shall be construed to:

(a) Prohibit or restrict any City officer or employee from cooperating with federal law enforcement authorities in the investigation or prosecution of criminal activity unrelated to civil immigration enforcement, including but not limited to trafficking, terrorism, or violent felonies.

(b) Prohibit compliance with any valid judicial warrant or court order.

(c) Conflict with any applicable federal or state statute that expressly mandates particular actions by local governments with respect to information regarding an individual's citizenship or immigration status. This ordinance shall be interpreted and applied to the fullest extent possible consistent with such laws.

(d) In the event any provision of this ordinance is found to conflict with federal or state law, that provision shall be interpreted and applied in a manner that most closely effectuates the purpose of this ordinance while complying with such law.

SECTION 14. Compliance with this ordinance is a condition of employment for all City officers and employees. Violations may be grounds for appropriate disciplinary action, up to and including termination, in accordance with applicable laws, collective bargaining agreements, and City policies. Any person who believes that a City officer or employee has violated this ordinance may file a written complaint with the Mayor's office or the City's designated civil rights or human relations officer, as applicable. The City shall establish and publicize a process for receiving, investigating, and responding to such complaints.

SECTION 15. Nothing in this ordinance shall be construed to create a private right of action for damages or any other judicially enforceable right beyond what is already available under existing law. However, individuals may pursue any remedies available under federal, state, or local law.

SECTION 16. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

PETITION SIGNATURE PAGES

NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own or signs when not a legal voter is liable to prosecution.

We, the undersigned, electors of the City of Sylvania, Ohio, hereby designate Katie Cappelini (who resides at 5648 Parkwood Blvd.), Jason Mishka (who resides at 6944 Williamsburg), Pamela Haynam (who resides at 4336 Tamworth Rd.), and Dani Fuller (who resides at 6713 Roosevelt Ct.) as the Committee to represent the undersigned electors and propose the foregoing ordinance and request that it be submitted to the electors of the City for approval.

Signature	Printed Name	Residence Address	Date Signed
1.			
2.			
3.			
4.			
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