

ORDINANCE NO. 8-2019 (SMS), *Second Reading*

By Council Member Yasinow

An Ordinance repealing Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights and renumbering Section 1715.10 to Section 737.06, Chapter 1753 to Chapter 763, Chapter 1779 to Chapter 555; amending Subsection 1553.01(a)(3); and declaring an emergency.

WHEREAS, pursuant to Ohio Revised Code Section 3709.08, after dissolving the City's Health Department, this Council has authorized the retention of the Cuyahoga County Board of Health for city health services; and

WHEREAS, retention of Part Seventeen, *Health Code*, of the Codified Ordinances of Cleveland Heights after the dissolution of the City's Health Department has created confusion concerning the County's jurisdiction over health services; and

WHEREAS, such confusion would be remedied by: (1) repealing sections of the Health Code which are under the County' jurisdiction, (2) repealing sections of the Health Code which are regulated and/or enforced by the State, (3) repealing sections of the Health Code which are antiquated or duplicative of existing city Code sections, and (4) renumbering sections of the Health Code which remain relevant to place them in appropriate sections of the Codified Ordinances as set forth herein.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Title One, "Administrative Provisions," of Part Seventeen, *Health Code*, of the Cleveland Heights Codified Ordinances (hereafter, "*Health Code*") shall be, and is hereby repealed in its entirety.

SECTION 2. Title Three, "Food Business Places and Sales," of the *Health Code* shall be, and is hereby, repealed in its entirety except that Section 1715.10, "Street and Sidewalk Business Stands," shall be renumbered 737.06, and incorporated into Chapter 737, *Peddlers and Solicitors*, of Part Seven, "Business Regulation Code" of the Codified Ordinances of Cleveland Heights.

SECTION 3. Chapter 1741, *Shops*, of Title Five, "Occupations," of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 4. Chapter 1743, *Public Laundries*, of Title Five, "Occupations," of the *Health Code* shall be, and is hereby, repealed in its entirety.

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SECTION 5. Chapter 1745, *Barber Shops*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 6. Chapter 1747, *Beauty Parlors*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 7. Chapter 1749, *Pest Control Operators*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 8. Chapter 1751, *Animal Hospitals, Kennels, and Pet Shops*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 9. Chapter 1753, “Solid Waste Collectors,” of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, renumbered Chapter 763. All references to “the Director of Health” shall be replaced with “the City Manager.”

SECTION 10. Chapter 1755, *Nursing and Rest Homes*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 11. Chapter 1757, *Day-Care Centers*, of Title Five, “Occupations,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 12. Chapter 1771, *Abatement of Nuisances*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 13. Chapter 1773, *Rodent Harborage*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 14. Subsection 1553.01(a)(3), *Definitions*, of Chapter 553, “Abatement of Nuisances,” of Part Five, *General Offenses Code*, of the Cleveland Heights Codified Ordinances shall be, and is hereby amended to read as follows:

(3) Any deterioration of structural materials or lack of repair or maintenance of a building, structure or real estate that is a hazard to the health, safety or welfare of its occupants or the public or that, if not abated, will become a blighting or deteriorating factor in the neighborhood that impairs or adversely affects the value of neighboring property. Such deterioration shall include, but not be limited to, deterioration of sidewalks or vegetation; an unsecured vacant structure; abandoned, unusable personal property or other debris; and conditions found and declared to be conducive to harboring mice and rats. Conditions conducive to harboring mice and rats shall include, but not be limited to, broken, cracked or defective ceilings, walls, floors or foundations in which are holes or cracks of a size sufficient to permit a rat or mouse to pass through; materials, including rubbish, piled, stored or kept on the premises, into, among or under

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which rats or mice have burrowed or may burrow; buildings, foundations of buildings, appurtenances to buildings, floor, walks or driveways under which mice or rats have burrowed; portable buildings, boxes, crates and materials, including rubbish, piled, stored or kept so that they rest directly on the ground surface or less than eighteen (18) inches above such surface; garbage containers without watertight tops, sides and bottoms or without tight-fitting tops or around or under which mice or rats have burrowed or may burrow; and feeding of wild animals, birds or other wild life, other than in suitable containers for food, elevated at least thirty-six (36) inches above the ground level, or in any other manner which attracts or may attract rodents.

SECTION 15. Chapter 1775, *Miscellaneous General Provisions*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 15. Chapter 1777, *Disposition of the Dead*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 16. Chapter 1779, *Air Pollution*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, renumbered Chapter 555 of Part Five, *General Offenses*, of the Codified Ordinances of the Cleveland Heights.

SECTION 17. Chapter 1780, *Clean Indoor Air*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 18. Chapter 1781, *Abortion Service Facilities*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 19. Chapter 1783, *Swimming Pools*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 20. Chapter 1785, *Application of Pesticides*, of Title Seven, “Nuisances and General Provisions,” of the *Health Code* shall be, and is hereby, repealed in its entirety.

SECTION 21. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 22. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to effectively eliminate confusion concerning the *Health Code*. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: February 4, 2019