

ORDINANCE NO.: 2013-67

INTRODUCED BY: Council President Jackie Albers

ADOPTED BY: Councilman Alex Adams

AN ORDINANCE REPEALING CHAPTER 822 AND AMENDING SECTION 1298.28 OF THE CODIFIED ORDINANCES REGARDING CHILD DAY CARES IN THE CITY OF MAPLE HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Job and Family Services regulates the operation of Child Day Care in Ohio; and

WHEREAS, Chapter 822 of the Codified Ordinances is redundant, and may be in conflict with state statutes; and

WHEREAS, the City of Maple Heights desires to maintain local control of Type-A Child Day Care operations in the residential areas in the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, State of Ohio, Cuyahoga County:

Section 1. Chapter 822 of the Codified Ordinances is hereby repealed in its entirety.

Section 2. Section 1298.28 of the Codified Ordinances is hereby amended as follows:

1298.28 CHILD DAY CARE FACILITIES

A) DEFINITIONS

1) "Administrator" means the person responsible for the daily operation of a Center, Type-A home, or Type-B home. The administrator and the owner may be the same person.

2) "Child Care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

3) "Child Day-Care Center" and "Center" mean any place in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted

4) "Type-A Family Day Care Home" and "Type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.

5) "Type-B Family Day Care Home" and "Type-B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "

6) "Licensed Child Care Program" means a Type A family daycare home or Type B family daycare home licensed by the department of job and family services pursuant to Chapter 5104 of the Ohio Revised Code.

B) PROHIBITIONS.

No person, firm or organization, institution or agency shall operate, establish, manage, conduct or maintain any day care home or day care center in violation of any of the provisions of ORC Chapter 5104 and any and all related laws established in the of City of Maple Heights.

C) INCOME TAXES

All persons who receive payment for the services that they provide for in home child day care shall be required to file income taxes and pay any amounts due to the City of Maple Heights.

D) TYPE B HOME DAYCARE, REQUIREMENTS, PERMITS, APPLICATION.

Effective January 1, 2014, every person who operates or desires to establish a Type B home day care shall comply with Chapter 5104 of the Ohio Revised Code and the Maple Heights Codified Ordinances. Type B home Day cares are required to be licensed by the State of Ohio. A current license must be posted in a conspicuous place at the subject premises.

E) TYPE A HOME DAYCARE, REQUIREMENTS, PERMITS, APPLICATION.

Effective January 1, 2014, every person who operates or desires to establish a Type A home day care shall comply with Chapter 5104 of the Ohio Revised Code. Type-A home day cares are required to be licensed by the State of Ohio. A current license must be posted in a conspicuous place at the subject premises.

F) ADDITIONAL REGULATIONS.

In addition to the regulations of Chapter 1541 of the Ohio Revised Code, any in home child Type-A Day Care located in residential districts in the City of Maple Heights must comply with the following regulations:

1) The administrator of a Type-A day Care who desires to operate in a residential district must apply for a Three (3) Year Conditional Use permit in the Building Department to operate in a residential district as a Home Occupation Business, and shall be required to also comply with Section 1298.22 of the Code. A public hearing and review by the Planning and Zoning Commission shall be required.

2) Comply with all requirements of the Planning and Zoning Commission according to Chapter 1262 of the Codified Ordinances.

3) If the applicant is renting the home to operate a Type A Day Care, the owner of the property must provide written permission to the City and comply with Chapters 1486 and 1487 of the Code regarding rental properties.

4) The administrator of the Day Care must provide written notice to all neighbors abutting the property that he or she desires to operate a Type A home Day Care at that address and include said letters, including the names and addresses of the neighbors, with their application.

5) The administrator must comply with all requests from the Building, Fire, and Engineering Departments.

6) Conditional Use Permits for the operation of a Type-A day care in a residential district are only valid for three (3) years and must be renewed in the Building Department before expiration.

G) PLAY AREAS/PROPERTY REQUIREMENTS.

- 1) Outdoor play areas for children shall be permitted in the side and rear yards only.
- 2) Any child day care facility or home with an outdoor play area, shall enclose said area with a fence or wall a minimum of five (5) feet in height. Fence or wall requirements shall also be subject to Section 1298.19, Fences.
- 3) The use of outdoor play equipment and areas shall be limited to between the hours of 8:00 AM and 8:00 PM.

(H) SIGNS.

When located in a residential district, the exterior of the front of the home or facility shall not differ in appearance to the character of the surrounding neighborhood in which it exists. No signs shall be utilized other than an unlit nameplate, not more than two (2) square feet in area, for a home day care in a residential district.

H) PICK-UP/DROP OFF CHILDREN

- 1) Unloading and loading of children from vehicles shall only be permitted in the driveway or approved parking area of the home or facility. An on-site drop off area sufficient to accommodate at least (2) two vehicles shall be required to operate a home day care.
- 2) The administrator shall ensure that the neighbors are not disturbed during drop-off or pick-up times.

I) HOURS OF OPERATION

- 1) Hours of operation for a Type A child home daycares shall be limited to the hours between 6:00 a.m. and 10:00 p.m., Mondays through Saturdays.

Section 2 That effective January 1, 2014, Section 1298.28 in conflict with the above is hereby repealed and amended accordingly. That Chapter 822 as it previously existed shall be repealed and eliminated in its entirety from the Code.

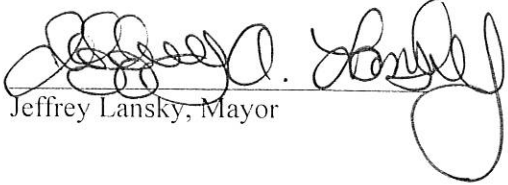
Section 3. This Ordinance constitutes an emergency measure necessary for order and guidance of the City Council, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting on the date indicated below, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED: October 16, 2016


Jackie Albers, President of Council

ATTEST: 
Katherine M. Unger, Clerk of Council


Jeffrey Lansky, Mayor