



City of Cleveland
Department of Law
Mark Griffin, Director
Interoffice Memorandum

To: Clerk Patricia Britt

Date: September 22, 2022

From:  Stephanie Melnyk
Chief Assistant Director of Law

Re: Ord. No. 450-2022

At the request of the Department of Port Control, I am requesting that Ordinance No. 450-2022 be tabled at the next available Council meeting. The legislation is currently in the Transportation Committee Box.

The Department states that the legislation is no longer needed.

Enc.

cc: Allan Dreyer, City Council
Chiefs Ryan Puentes, Elise Hara Auvil, Bradford Davy
Director Frank Williams
Yanna Maxwell, Department of Public Works

Ordinance No. 450-2022

By Council Members McCormack and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 139.01, 139.04, 139.05, 139.06, and 139.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to the duties of the Director of Port Control and its divisions and commissioners.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That upon the concurrence of the Board of Control, as required by Section 77 and 79 of the Charter of the City of Cleveland, the duties of the Director of Port Control are amended, and for such purpose Section 139.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2817-82, passed May 6, 1983, is amended to read as follows:

Section 139.01 Duties of Director of Port Control

(a) The Director of Port Control shall supervise and control the Department of Port Control as established by Charter Section 76-8, and the administration and control of the activities in and about the harbor and airplane landing fields of the City.

(b) The Director shall initiate, promote and ~~supervise~~ administer such means of publicity and promotional activities as will encourage the fullest use of the Municipally owned and operated port facilities of the City for both air and water-borne commerce, in order to place the operation of such facilities within regulatory compliance on a self-sustaining basis.

(c) The Director shall have authority to solicit proposals and to negotiate for the leasing of any ~~piers or docks~~ Department of Port Control facilities of the City with any and all interested parties and, after approval by Council, to enter into leases therefor with the parties deemed to be best able to advance the development of ~~the Port of~~ Cleveland thereby. The Director of Port Control, subject to the approval of the Board of Control, shall fix the charges for the use of Department of Port Control space and related fees.

Section 2. That upon the concurrence of the Board of Control, as required by Section 77 and 79 of the Charter of the City of Cleveland, the Division of Harbor is discontinued and the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 139.06, as amended by Ordinance No. 1484-54, passed June 21, 1954; and

Section 139.07, as amended by Ordinance No. 962-78, passed May 15, 1978,

are repealed.

Ordinance No. 450-2022

Section 3. That upon the concurrence of the Board of Control, as required by Section 77 and 79 of the Charter of the City of Cleveland, the Division of Operations and Harbors is established, and for such purposes the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 139.06 and 139.07 to read as follows:

Section 139.06 Division of Operations and Harbor

There is hereby established a Division of Operations and Harbor in the Department of Port Control to be administered and controlled by a Commissioner of Operations and Harbor, subject to the provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.07 Duties of Commissioner of Operations and Harbor

The Commissioner of Operations and Harbor provides administrative direction, leadership, and oversight of airport and Harbor operations. The Commissioner works with the Department of Homeland Security (DHS), Transportation Security Administration (TSA), Federal Aviation Administration (FAA) and other federal, state, and city officials. The Commissioner oversees the compliance of Federal Aviation Regulations. Additionally, the Commissioner shall perform such other and further duties as the Director of Port Control may require.

Section 4. That Sections 139.04 and 139.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 846-17, passed October 9, 2017, are amended to read as follows:

Section 139.04 Division of Airports

There is established in the Department of Port Control, a Division of Airports to be administered and controlled by a Commissioner of Airports, subject to provisions of the Charter and ordinances of the City, and under the leadership to the supervision and direction of the Director of Port Control.

Section 139.05 Duties of the Commissioner of Airports

The Commissioner of Airports shall have ~~charge and general management of Cleveland Hopkins International Airport and Burke Lakefront Airport and, subject to the approval of the Board of Control, shall fix the charges for the use of hangar space, landing and take-off fees. He or she~~ general management duties for airplane landing fields of the City and shall perform such other and further duties as the Director of Port Control may require.

Section 5. That existing Sections 139.04 and 139.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 846-17, passed October 9, 2017, are repealed.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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.