

Ordinance No. 1186-2023

By Council Members Conwell and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Section 213.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1234-12, passed December 3, 2012, relating to public swimming pools, public spas and special use pools, license and fees.

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 Section 213.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1234-12, passed December 3, 2012, is amended to read as follows:

Section 213.01 Public Swimming Pools, Public Spas and Special Use Pools; License and Fee

(a) Every person who intends to operate or maintain a new or existing public swimming pool, public spa, or special-use pool, as defined in OAC 3701-31-01, shall, during the month of April of each year, apply for, and receive, a license, in accordance with requirements of the OAC Chapter 3701-31 and RC Chapter 3749. The application shall be made to the Commissioner of Assessments and Licenses.

(b) No person shall operate or maintain a public swimming pool, public spa, or special-use pool without a license issued by the Director of Public Health.

(c) In addition to the license fee required under RC 3749.04 for public swimming pools, public spas, and special-use pools, each application for a license shall be accompanied by a local combined license and inspection fee. Where there are multiple pools or spas located at the same address a separate fee shall be charged for each pool or spa located at that address. The fee for each pool and spa is as follows:

~~(1) For an individual public swimming pool, individual public spa, or individual special use pool, the local fee shall be: one hundred ninety five dollars (\$195.00).~~

~~(2) For a public swimming pool, public spa, or special use pool, that is owned or operated by a governmental agency or tax supported primary or secondary public school, the local fee shall be forty dollars (\$40.00).~~

2023	
<u>Each Pool or Spa</u>	<u>Fee</u>
<u>Public Swimming Pool</u>	<u>\$195.00</u>
<u>Public Spa</u>	<u>\$195.00</u>
<u>Special Use Pool</u>	<u>\$195.00</u>

2024	
<u>Each Pool or Spa</u>	<u>Fee</u>
<u>Public Swimming Pool</u>	<u>\$368.00</u>
<u>Public Spa</u>	<u>\$318.00</u>
<u>Special Use Pool</u>	<u>\$322.00</u>

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(d) For a public swimming pool, public spa, or special use pool, that is owned or operated by the federal government, the State government, the County, the City, or tax-supported primary or secondary public school, the fee for each pool and spa is as follows:

2023	
<u>Each Pool or Spa</u>	<u>Fee</u>
<u>Public Swimming Pool</u>	<u>\$40.00</u>
<u>Public Spa</u>	<u>\$40.00</u>
<u>Special Use Pool</u>	<u>\$40.00</u>

2024	
<u>Each Pool or Spa</u>	<u>Fee</u>
<u>Public Swimming Pool</u>	<u>\$184.00</u>
<u>Public Spa</u>	<u>\$158.00</u>
<u>Special Use Pool</u>	<u>\$160.00</u>

(e) If payment of a fee established under this section is not received by the day on which payment is due, the fee shall include a late penalty. The amount of the penalty shall be equal to twenty-five percent (25%) of the applicable fees.

~~(d)~~(f) The Commissioner shall submit all applications for a license required under RC Chapter 3749 and under this chapter to the Director of Public Health for approval or disapproval of the application.

~~(e)~~(g) The Commissioner is authorized to collect license fees under this chapter and under RC 3749.04 and deposit such fees collected under RC 3749.04 into the Swimming Pool Fund created under division (E) of RC 3749.04.

~~(f)~~(h) The Commissioner shall transmit the appropriate amount of each license fee collected under RC 3749.04 to the Treasurer of the State of Ohio under the requirements of the Ohio Revised Code for deposit in the General Operations Fund created by RC 3701.83, under the requirements of RC 3749.04.

Section 2. That existing 213.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1234-12, passed December 3, 2012, is repealed.

Section 3. 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.

ST:nl
10-16-2023
FOR: Director Margolius

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REPORT
after second Reading

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READ FIRST TIME on OCTOBER 16, 2023

REPORTS

and referred to DIRECTORS of Public Health, Finance, Law;
COMMITTEES on Health Human Services and the Arts,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY
COMMITTEE ON
HEALTH, HUMAN SERVICES
and the ARTS

FILED WITH COMMITTEE

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COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

FILED WITH COMMITTEE