

City of Cleveland Heights

The information in this document is correct as of **March 17, 2009**. If you are not sure whether this is the most up-to-date information available, please contact the Zoning Administrative Assistant at 216-291-4863.

The City of Cleveland Heights supports home-based (Type 'B') day-care services as a necessary and important component of community life. Home day-care operations are regulated to ensure that they are conducted in a manner suitable for a residential neighborhood and that the homes used for day-care services are in compliance with applicable health and safety regulations.

Application procedure

Once you have read through this entire document, complete the application form found on page 7, and return it, along with a \$40 application fee and a copy of your mortgage deed or lease agreement. If you are a renter, you must also include your landlord's written authorization of your plan to provide home-based day-care services, unless your landlord's authorization is clearly set out in your lease agreement. Checks should be made payable to the City of Cleveland Heights and must include, on the memo line, either your driver's license or state i.d. number or your company's FEIN.

Applications should be mailed to: Zoning Administrative Assistant, City of Cleveland Heights, Dept. of Planning and Development, 40 Severance Circle, Cleveland Heights, OH 44118. Applications may also be hand-delivered to the Planning Department, which, upon entering City Hall through the main entrance, is through the first door on your right. City Hall hours are 8 a.m. to 5:30 p.m., Monday through Friday.

Once your application has been received in our office, it will be reviewed by the Zoning Administrative Assistant. If your application does not assert that the following requirements are met, your application will not go forward until discrepancies are resolved:

- The number of children cared for cannot exceed six, and no more than three may be under the age of 24 months. Any of your own children under the age of six, who are at home when day-care services are being provided, must be counted toward this total.
- You must reside in the home in which you are planning to provide home-based day-care services. No more than one person who is not a member of the immediate family living on the premises may be employed or engaged in the furtherance of the home-based day-care operation.
- Home-based day-care operations are permitted only in 'A' and AA single-family and 'B' two-family zoning districts. Planning Commission approval is required for home day care operations in 'B' districts, while those in 'A' and AA districts require only administrative approval. If your proposed home day-care facility would be in a 'B' district, you must complete a conditional use permit application, which can be obtained from the Planning Department or downloaded from the City's website at www.clevelandheights.com. If you are unsure what zoning district your home is

located in, you should contact the Zoning Administrative Assistant at the number listed.

- You are not eligible to receive a home day-care permit if there is an existing home day-care operation on any lot contiguous to yours, if there is a home-based day care directly across the street from you, or if your home is within 150 frontage feet of an existing home day care.
- If your proposed home-day care operation would not be in compliance with the regulations, it may be possible, if the circumstances of your property are unusual, to obtain a variance from the regulations. If you would like to discuss this possibility, please contact the Zoning Administrative Assistant at the number listed.

Referral to Fire Department

If the Zoning Administrative Assistant is satisfied that Zoning Code requirements have been met, your application will be forwarded to the Fire Department. The Fire Inspector will then contact you to schedule a health-and-safety inspection of your home. A home day-care permit will not be granted until your home has passed this required inspection. To prepare for this inspection, thoroughly read the summary of applicable regulations below.

Support for your home-based day-care operation

Starting Point, an organization established to improve the quality of child care in our region, is available to help you as you get your home day-care business started. For more information, visit www.starting-point.org or call 216-575-0061.

Summary of applicable regulations

On the following pages are two sets of regulations that apply to home-based day care operations. The first set of regulations, the entire Chapter 1511 of the Fire Prevention Code, applies specifically to home-based day-care facilities. The second set, an excerpt of Chapter 1165 of the Zoning Code, applies to all home-based businesses in Cleveland Heights.

CHAPTER 1511 (Codified Ordinances, City of Cleveland Heights)

Child Day-Care Homes

1511.01	Purpose.
1511.02	Definitions.
1511.03	Permit application, issuance, term, renewal, and fee
1511.04	Permit refusal, suspension, or revocation.
1511.05	General standards.
1511.06	Emergency exits.
1511.07	Fire evacuation requirements.
1511.08	Storage of flammable and combustible materials.
1511.09	Smoke detectors.
1511.10	Fire extinguishers.
1511.11	Heaters.
1511.12	Electrical outlets and connections.
1511.99	Penalty.

CROSS REFERENCES:

State law provisions - see Ohio R.C. Ch. 5104
Child day-care centers - see OAC Ch. 5101:2-12
Licensing and regulating - see Ch. 1757

1511.01 PURPOSE.

The purpose of this Chapter 1511 is to provide for the licensing through permit of child day-care homes and to establish minimum fire safety and health standards for child day-care homes. It is anticipated that the inspection for compliance with standards set forth herein shall be made by the Fire Warden.

1511.02 DEFINITIONS.

As used in this Chapter, "child day-care home" means a permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the child day-care home shall be counted.

1511.03 PERMIT APPLICATION, ISSUANCE, TERM, RENEWAL, AND FEE.

Every person who operates or desires to establish a child day-care home shall apply to the City Manager or his representative [the Zoning Administrative Assistant] for a permit on such form as he prescribes. The permit shall be renewed annually and a fee of ten dollars shall be paid for each permit or renewal thereof. Fees collected under this section shall be paid into the General Fund.

Upon filing, the application shall be forwarded to the Zoning Administrator for review and to the Fire Department for inspection of the premises under applicable codes of the Cleveland Heights Codified Ordinances, including this Chapter 1511. When, after examination, the City Manager or his representative is satisfied that all requirements are complied with, a permit shall be issued in such form and manner as he or she prescribes, but including at least the name of the property owner and the name of the provider. The permit shall be valid only for the provider at the address designated on the permit and the permit shall be posted in a conspicuous place at the subject premises. The permit shall not be transferable.

1511.04 PERMIT REFUSAL, SUSPENSION, OR REVOCATION.

The City Manager shall have the power to refuse issuance or suspend or revoke any permit granted under the provisions of this Chapter if any of the following conditions exist:

- (1) If any false statement has been made by the permittee in connection with the application for the permit or in the operation.
- (2) If the permittee fails or refuses to comply with any provision of this chapter or with any other City ordinances or State laws applicable thereto.
- (3) If the building or premises for which the permit has been issued does not comply with all provisions of this chapter and all other City ordinances and State laws applicable thereto.

1511.05 GENERAL STANDARDS.

- (1) The provider shall be at least 18 years of age and have a minimum of six months experience in caring for children, either as a parent or in [an]other context, including previous employment, center observations, volunteer service, in-service training, etc.
- (2) The provider shall take preventative steps to ensure the safety of the children in care. These steps shall include: providing flashlights or other emergency lighting, repair of loose floor boards, removal of peeling and/or accessible lead paint, placing

all toxic and dangerous substances out of reach of children, and removing sharp and dangerous objects.

1511.06 EMERGENCY EXITS.

Each child day-care home shall have emergency exit capacity as outlined below:

- (1) All floors used for child day care shall have a primary escape route which provides a safe path for travel to the outside of the building. When the floor is above or below ground level, the primary escape route shall be an interior stairway or an exterior stairway.
- (2) In addition to the primary escape route, each floor used for child day care, including floors used for sleeping or napping purposes, shall have an alternate means of escape. This includes either of the following:
 - (a) A door or stairway providing a means of unobstructed travel to the outside of the building at ground level; or,
 - (b) An exterior window operable without the use of tools which provides a minimum clear opening of 20 inches in width, 24 inches in height, and five and seven-tenths square feet in area. The lower edge of the window shall not be more than 44 inches above the floor or platform which is permanently attached to the floor or wall under the escape window.
- (3) No room or space that is accessible only by a ladder, folding stairs, or through a trap door shall be used for child day-care.
- (4) All stairs, hallways, corridors, ramps, and passageways leading to an exit shall be maintained at a minimum illumination, measured at the floor level, of one footcandle.
- (5) Doorways, corridors, and stairways which are part of the primary or alternate escape route shall be kept clear of obstructions such as, but not limited to, toys, clothing, snow, ice, accumulated trash, and assorted debris.

1511.07 FIRE EVACUATION REQUIREMENTS.

Each child day-care home shall meet the following fire evacuation requirements:

- (1) The provider must have a written fire evacuation plan which consists of a floor plan marked with a primary escape route and an alternate escape route to a designated meeting place outside the home.
- (2) The provider shall practice the fire evacuation plan at least once each month at different times of the day. The date and time of day of each practice drill shall be kept in a written log.
- (3) The written fire evacuation plan and log of practice fire drills shall be available for review by the Fire Warden or other City official designated by the City Manager.

1511.08 STORAGE OF FLAMMABLE, COMBUSTIBLE MATERIALS AND

CONTROLLED SUBSTANCES.

Storage of flammable, combustible materials and hazardous, toxic, or controlled substances, such as, but not limited to, gasoline, kerosene, fuels, rubbing alcohol, furniture polish and wax, rubber and contact cement, paint, paint thinner and stripper, detergents, herbicides, pesticides, and prescription drugs, shall be as follows:

- (1) No gasoline, kerosene, or fuels shall be stored in the home.
- (2) Flammable and combustible materials and controlled substances shall be:
 - (a) stored in their original containers;
 - (b) kept in closed storage;
 - (c) stored out of the reach of children; and
 - (d) stored away from heaters, furnaces, water heaters, and gas appliances.

1511.09 SMOKE DETECTORS.

There shall be at least one UL- or FM-approved smoke detector located in the basement and on each level. The provider shall place, install, test, and maintain smoke detectors in accordance with manufacturer's recommendations.

1511.10 FIRE EXTINGUISHERS.

- (1) There shall be at least one UL- or FM-approved portable fire extinguisher in the home which shall have a minimum rating of 2A 10BC. At least one fire extinguisher shall be located in the kitchen of the home.
- (2) Upon discovery of a fire on the premises, the provider shall immediately notify the City Fire Department to request their assistance, even if a home fire extinguisher has been used to put out the fire.

1511.11 HEATERS.

Unvented fuel-fired heaters shall not be used. When vented gas, oil, or wood-fired heaters are used, a guard shall be provided for each heater, stove, or fireplace, to protect the children from hot surfaces and open flames.

1511.12 ELECTRICAL OUTLETS AND CONNECTIONS.

- (1) All electrical connections shall be made in junction boxes which are properly covered. Electrical extension cords shall not be used as permanent wiring.
- (2) The provider shall install child-proof protective covers for all electrical outlets in all areas of the home where children are present.

1511.99 PENALTY.

A violation of any provision of this Chapter by any person shall constitute a fourth-degree misdemeanor, with a penalty as provided by Section 501.99 of the Codified Ordinances and further shall be cause for revocation of a child day-care home permit.

Excerpt of CHAPTER 1165 (Codified Ordinances, City of Cleveland Heights)

1165.02(b)_Home Occupations Accessory to a Dwelling Unit in a Residential

District, Applicable Regulations.

A home occupation may be conducted in a dwelling unit in Cleveland Heights provided that the following standards are maintained. Please note that regulation 6 is not included because it does not apply to home-based day care facilities.

- (1) There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling.
- (2) There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises. A home occupation involving individual works of art and involving some machine process as part of the creation of individual works of art is permitted, provided it meets all other criteria of this section, and involves no direct sales of such works of art to consumers on a regular basis from the premises.
- (3) There is no more than one person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises.
- (4) There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located.
- (5) There are and will be no exterior alterations made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling so as to indicate from the exterior that the building is used for any purpose other than that of a dwelling unit.
- (6) *Subsection 6 does not apply to home-based day-care facilities.*
- (7) No home occupation shall be permitted in any portion of any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons.
- (8) The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached garage.

HOME DAY-CARE PERMIT APPLICATION FORM

Name: _____ Date of birth: _____
Address: _____ Zip code: _____
Phone nos.: _____ E-mail: _____
Dwelling type: ___single-family ___two-family ___multiple-family

If you have any school-age children living in your home, what are their names and ages?

Names and ages of children whom you will be caring for in your home day-care operation:

1. _____ 2. _____
3. _____ 4. _____
5. _____ 6. _____

Names and, if applicable, address of care providers other than yourself (please note that no more than one person not living in your home may work there as a caregiver):

Has your home been inspected and approved for home day-care services by the Fire Department during the past 12 months? _____ If yes, when? _____

By signing, I declare that the information I provided is true, correct, and complete, to the best of my knowledge.

Signature: _____ Date: _____

OFFICE USE ONLY

Application and fee (\$40.00) received by: _____ Date: _____

Zoning district in which this property is located: _____

Is this property contiguous to any existing home day-care operations? _____

Is there an existing home day-care operation within 150 lineal feet? _____

Is there an existing home day-care operation directly across the street? _____

Zoning approval: _____ Date: _____

Fire Inspection approval: _____ Date: _____

I hereby approve granting of the requested permit: _____
Zoning Administrative Assistant