



CUYAHOGA COUNTY COUNCIL

EDUCATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE

CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
4th FLOOR

MEETING AGENDA

WEDNESDAY, JULY 1, 2026 — 3:00 P.M.

Committee Members

Sunny M. Simon, Chair | Dist. 11
Robert E. Schleper, Jr., Vice Chair | Dist. 6
Michael J. Houser, Sr. | Dist. 10
Pernel Jones, Jr. | Dist. 8
Dale Miller | Dist. 2

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES FROM THE JUNE 3, 2026 MEETING

5. MATTERS REFERRED TO COMMITTEE

- a) R2026-0164: A Resolution awarding a total sum, not to exceed \$10,000, to Cuyahoga Community College for the purchase of a mini-excavator for the Utility Technician program from the District 3 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.
- b) O2026-0003: An Ordinance amending Chapter 1301 of the Cuyahoga County Code to enact new Section 1301.022, prohibiting the retail sale and display of gun-shaped lighters within Cuyahoga County, amending Section 1301.021 to add a cross-reference thereto; and declaring the necessity thereof.
- c) O2026-0006: An Ordinance enacting Section 205.11 of Title 2 (County Organization) of the Cuyahoga County Code to establish the Cuyahoga County Administrative Appeals Board as an independent body to hear and decide appeals from administrative enforcement actions of County departments and agencies.
- d) O2026-0007: An Ordinance repealing existing Chapter 1301 of Title 13 (Commercial Regulation) of the Cuyahoga County Code and re-enacting Chapter 1301 (Consumer Protection) to prohibit unfair, deceptive, and unconscionable consumer sales acts and practices and to establish complaint, investigation, enforcement, and penalty procedures.
- e) O2026-0008: An Ordinance amending Chapter 1302 (Weights and Measures) of Title 13 (Commercial Regulation) of the Cuyahoga County Code to conform the County's weights-and-

measures program to current state law and national standards and to establish price-verification, item-pricing, penalty, and consumer-remedy provisions.

6. PRESENTATION

- a) Update from Department of Consumer Affairs

7. MISCELLANEOUS BUSINESS

8. ADJOURNMENT

** Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Download the Metropolis smartphone app and create an account to have parking validated at meetings. Please scan the QR code posted in Council Chambers to input your license plate information for parking to be validated by Metropolis, a non-County entity. You will be responsible for the cost of parking if you are unable to utilize this online parking service.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



CUYAHOGA COUNTY COUNCIL

EDUCATION, ENVIRONMENT & SUSTAINABILITY

COMMITTEE

CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS

4th FLOOR

MEETING MINUTES

WEDNESDAY, JUNE 3, 2026 — 3:00 P.M.

Committee Members

Sunny M. Simon, Chair | Dist. 11

Robert E. Schleper, Jr., Vice Chair | Dist. 6

Michael J. Houser, Sr. | Dist. 10

Pernel Jones, Jr. | Dist. 8

Dale Miller | Dist. 2

1. CALL TO ORDER

Chairwoman Simon called the meeting to order at 3:03 p.m.

2. ROLL CALL

Ms. Simon asked Deputy Clerk Carter to call the roll. Committee members Simon, Schleper, Houser and Miller were in attendance and a quorum was determined. Committee member Jones was in attendance after the roll call was taken.

3. PUBLIC COMMENT

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE MAY 20, 2026 MEETING

A motion was made by Mr. Schleper, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the May 20, 2026 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2026-0149: A Resolution awarding a total sum, not to exceed \$50,000, to Food Strong for infrastructure improvements at the Superior Avenue Community Farm from the District 7 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.

Ms. Sara Continenza, Founder of Food Strong, addressed the Committee regarding Resolution No. R2026-0149. Discussion ensued.

Committee members asked questions of Ms. Continenza pertaining to the item, which she answered accordingly.

On a motion by Ms. Simon with a second by Mr. Schleper, Resolution No. R2026-0149 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

Committee members Miller and Schleper requested to have their names added as co-sponsors to the legislation.

- b) R2026-0150: A Resolution awarding a total sum, not to exceed \$20,000, to Ohio City, Inc. for the Field House Upgrade Project from the District 7 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.

Mr. Brandon Collier, Director of Neighborhood Strategy & Outreach of Ohio City Inc, and the following members of Kentucky Gardens: Mr. Mike Mashaga; Ms. Gail Long; and Mr. Jaren Van Wagen, addressed the Committee regarding Resolution No. R2026-0150. Discussion ensued.

Committee members asked questions of Mr. Collier, Mr. Mashaga, Ms. Long and Mr. Van Wagen pertaining to the item, which they answered accordingly.

On a motion by Mr. Schleper with a second by Ms. Simon, Resolution No. R2026-0150 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

- c) R2026-0152: A Resolution awarding a total sum, not to exceed \$10,000, to the Cleveland Rehab Community Funding Foundation for the School-to-Prison Pipeline Prevention Program from the District 8 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.

Mr. Damian Calvert, representing the Rehab Community Funding Foundation, addressed the Committee regarding Resolution No. R2026-0152. Discussion ensued.

Committee members asked questions of Mr. Calvert pertaining to the item, which he answered accordingly.

On a motion by Mr. Jones with a second by Mr. Schleper, Resolution No. R2026-0152 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

Mr. Houser requested to have his name added as a co-sponsor to the legislation.

6. PRESENTATION

- a) The Department of Consumer Affairs: Making a Difference for Residents

Ms. Simon postponed the presentation by The Department of Consumer Affairs.

Ms. Sheryl Harris, Director of the Department of Consumer affairs, briefly addressed the Committee regarding testimony given to the House Banking Committee in 2024 regarding consumer scams and contact information for the Scam Squad. Discussion ensued.

7. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

8. ADJOURNMENT

With no further business to discuss, Chairwoman Simon adjourned the meeting at 4:02 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2026-0164

Sponsored by: Councilmember Sweeney	A Resolution awarding a total sum, not to exceed \$10,000, to Cuyahoga Community College for the purchase of a mini-excavator for the Utility Technician program from the District 3 ARPA Community Grant Fund; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County received \$239,898,257 from the Federal Government through the American Rescue Plan Act (“ARPA”); and

WHEREAS, Cuyahoga County calculated 100% of the ARPA dollars as loss revenue under the U.S. Department of the Treasury Final Rule; and

WHEREAS, since all the ARPA dollars have been calculated as loss revenue, the ARPA dollars have been deposited in the County’s General Fund; and

WHEREAS, the County Executive and County Council have authorized \$86 million of the ARPA dollars for community grants to benefit the residents of Cuyahoga County (the “ARPA Community Grant Fund”); and

WHEREAS, of the \$86 million for community grants, \$66 million have been encumbered for equal distribution to each County Council District; and

WHEREAS, the Cuyahoga County Council desires to provide funding from the District 3 ARPA Community Grant Fund in the amount of \$10,000 to Cuyahoga Community College for the purchase of a mini-excavator for the Utility Technician program; and

WHEREAS, Cuyahoga Community College estimates approximately 22 people will be served annually through this award; and

WHEREAS, Cuyahoga Community College estimates the total cost of the project is \$10,000; and

WHEREAS, Cuyahoga Community College is estimating the start date of the project will be June 2026 and the project will be completed by December 2026; and

WHEREAS, Cuyahoga Community College requested \$10,000 from the District 7 ARPA Community Grant Fund to complete this project; and

WHEREAS, the Cuyahoga County Council desires to provide funding in the amount of \$10,000 to Cuyahoga Community College to ensure this project is completed; and

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue to provide for the usually, daily operations of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby awards a not-to-exceed amount of \$10,000 to Cuyahoga Community College from the General Fund made available by the American Rescue Plan Act revenue replacement provision for the purchase of a mini-excavator for the Utility Technician program.

SECTION 2. If any specific appropriation is necessary to effectuate this agreement, the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

SECTION 3. That the County Council staff is authorized to prepare all documents to effectuate said award.

SECTION 4. That the County Executive is authorized to execute all necessary agreements and documents consistent with said award and this Resolution.

SECTION 5. If requested or necessary, the Agency of the Inspector General or Department of Internal Audit is authorized to investigate, audit, or review any part of this award.

SECTION 6. To the extent that any exemptions are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution.

SECTION 7. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga

County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 8. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 9, 2026

Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 20____



Cuyahoga County Council

2079 East 9th Street, 8th Floor • Cleveland Ohio 44115
(216) 698-2010

COUNTY AMERICAN RESCUE PLAN ACT APPLICATION

APPLICANT INFORMATION:	
Name of Requesting Entity (City, Business, Non-Profit, etc.): Cuyahoga Community College	
Address of Requesting Entity: 700 Carnegie Avenue Cleveland, Ohio 44115	
County Council District # of Requesting Entity: Cuyahoga County District 7	
Address or Location of Project if Different than Requesting Entity: Tri-C Metropolitan Campus (2900 Community College Avenue; Cleveland, OH; 44115); and Tri-C KeyBank Advanced Technology Training Center (3409 Woodland Avenue; Cleveland, OH; 44115)	
County Council District # of Address or Location of Project if Different than Requesting Entity: Cuyahoga County District 8	
Contact Name of Person Filling out This Request: Megan O'Bryan	
Contact Address if different than Requesting Entity:	
Email: Megan.OBryan@tri-c.edu	Phone: (216) 987-4868
Federal IRS Tax Exempt No.: 34-0896630	Date: May 20, 2026

PROJECT DESCRIPTION

REQUEST DESCRIPTION (include the project name, a description of the project, why the project is important or needed, and timeline of milestones/tracking of the project):

Cuyahoga Community College (Tri-C) requests \$10,000 for the purchase of a mini-excavator for use with its Utility Technician program. This project is important because it will enhance the learning and skills development of future utilities technicians, an essential field in powering Northeast Ohio's economy.

Tri-C is the designated Utility Technician training location for the 16-county region in Northeast Ohio. Tri-C's program meets the rising demand for skilled workers looking to enter or advance in Northeast Ohio's utility contracting and public utilities industry. The program offers hands-on learning in essential areas such as overhead and underground electrical communication, natural gas distribution, wastewater management, and water systems. Students learn to operate specialized equipment like bucket trucks and directional boring machines, as well as master critical skills in underground utility location and fiber optic technology.

Tri-C courses of study include:

- **Certificate of Proficiency in Utilities Safety and Operations Fundamentals.** This credential provides students with the essential background to begin working safely in utilities construction in entry-level roles. Students learn the basics of construction safety, advanced safety, traffic management, reading utility prints, locating underground utilities, and operating equipment through hands-on labs.
- **Associate of Applied Science degree in Utilities Technology.** This degree provides students with a background in essential utilities construction and operations. Students learn about telecommunications/fiber, water, wastewater and gas system operations, standard construction tasks (including fiber splicing), and operating equipment such as aerial lifts, directional boring machines, hydrovac trucks, and mini-excavators.

The use of mini-excavators in utilities technician training is crucial because these machines are industry-standard tools that allow operators to navigate confined spaces, avoid existing infrastructure, and minimize surface disruption. Using them in training programs ensures technicians build the skills to thread between buried utility lines safely and efficiently.

Currently, Tri-C's Utility Technician program is renting mini-excavators to deliver the training program. This limits the availability of the equipment and is not cost-effective in the long run. A grant from Cuyahoga County would support the purchase of a mini-excavator, increasing its availability as a training tool and ensuring that Tri-C's Utility Technician graduates are equipped to maneuver compact machines without damaging surrounding properties, fences, or landscaping; excavate precisely around sensitive, existing infrastructure such as buried fiber-optic cable, gas lines, or water mains; and complete digging, trenching, grading, and material handling tasks with a single machine.

The purchase of a mini-excavator would be a key enhancement for the program and will allow Tri-C to produce workforce-ready utility technicians that are poised to contribute to the regional economy.

Project Start Date: 6/1/2026

Project End Date: 12/31/2026

IMPACT OF PROJECT:

Who will be served:

This project will serve all students pursuing an Associate of Applied Science or Certificate of Proficiency in Utilities Safety and Operations Fundamentals at Tri-C. All students will have the opportunity to use the mini-excavator as part of their hands-on coursework. The program currently has 22 students enrolled.

How many people will be served annually:

During the grant period, an estimated 22 students will be served through hands-on experience with the mini-excavator. In the long term, there is the potential for hundreds of thousands of people to be served indirectly through the utility technician work performed by program graduates as they maintain, repair, and monitor essential infrastructure like water, gas, electricity, and telecommunications.

Will low/moderate income people be served; if so how:

Yes, low/moderate income people will be served. Tri-C's Utility Technician program serves students of all socio-economic backgrounds, with the majority falling into the LMI category. To ensure cost is not a barrier to participation, scholarship support is available to eligible students.

How does the project fit with the community and with other ongoing projects:

Graduates of the program will support the essential functions of the community as well as major economic growth and development projects planned in Greater Cleveland. Graduating students will provide critical services in the utilities field, including preventing service disruptions, guaranteeing public safety, and ensuring compliance with environmental and regulatory standards.

If applicable, how many jobs will be created or retained (specify the number for each) and will the jobs be permanent or temporary:

N/A. Although this is not a job creation program, it is a job-readiness program and will result in filling demand for essential utilities technician positions.

If applicable, what environmental issues or benefits will there be:

As mentioned above, program graduates will contribute to ensuring compliance with environmental standards.

If applicable, how does this project serve as a catalyst for future initiatives:

Adding a mini-excavator to Tri-C's Utility Technician educational programs will help ensure that the program remains top-notch and the designated Utility Technician training location for the 16-county region in Northeast Ohio. Building on this investment, Tri-C will continually review and update its curriculum and equipment to guarantee the best possible preparation for the utility technician workforce.

FINANCIAL INFORMATION:**Total Budget of Project:**

Mini-excavator - \$10,000. All requested ARPA funds will be used toward the purchase of the mini-excavator.

Other Funding Sources of Project (list each source and dollar amount separately):

Should the cost of the mini-excavator Tri-C selects to purchase exceed the \$10,000 grant from Cuyahoga County, the College will fund the excess.

Total amount requested of County Council American Resource Act Dollars:

\$10,000

Since these are one-time dollars, how will the Project be sustained moving forward:

Once the mini-excavator is purchased, it will become a permanent part of Tri-C's Utility Technician curriculum. As such, it will be maintained and serviced on a regular basis along with the other program equipment.

DISCLAIMER INFORMATION AND SIGNATURE:

Disclaimer:

I HEREBY CERTIFY that I have the authority to apply for financial assistance on behalf of the entity described herein, and that the information contained herein and attached hereto is true, complete, and correct to the best of my knowledge.

I acknowledge and agree that all County contracts and programs are subject to Federal Guidelines and Regulations, the Ohio Revised Code, the Cuyahoga County Charter, and all County Ordinances including all information submitted as part of this application is a public record.

I understand that any willful misrepresentation on this application or on any of the attachments thereto could result in a fine and/or imprisonment under relevant local, state, and/or federal laws or guidelines.

I agree that at any time, any local, state, or federal governmental agency, or a private entity on behalf of any of these governmental agencies, can audit these dollars and projects.

Printed Name:

Megan O'Bryan
President, Tri-C Foundation

Signature:



Date:

5/21/2026

Additional Documents

Are there additional documents or files as part of this application? Please list each document's name:

N/A

County Council of Cuyahoga County, Ohio

Ordinance No. O2026-0003

Sponsored by: Councilmember Houser	An Ordinance amending Chapter 1301 of the Cuyahoga County Code to enact new Section 1301.022, prohibiting the retail sale and display of gun-shaped lighters within Cuyahoga County, amending Section 1301.021 to add a cross-reference thereto, and declaring the necessity thereof.
Co-sponsored by: Councilmembers Kelly, Turner, Schleper, Sweeney, Simon & Gallagher	

WHEREAS, Cuyahoga County has a duty to safeguard the health, safety, and welfare of its residents; and

WHEREAS, the County Council enacts this Ordinance pursuant to the County’s Home-Rule authority under Article X, Section 3 of the Ohio Constitution and the Cuyahoga County Charter, and the consumer-protection authority established by Chapter 1301 of this Code; and

WHEREAS, novelty lighters designed in the likeness of a firearm (“gun-shaped lighters”) pose a distinct risk to children and the general public because they are often visually indistinguishable from real firearms and can cause accidental injury, intimidation, or law-enforcement misidentification; and

WHEREAS, the Consumer Product Safety Commission’s safety standard for cigarette lighters (16 C.F.R. Part 1210) addresses only child-resistant mechanisms and does not regulate the exterior design or form factor of lighters; and

WHEREAS, consistent with the mission of the Cuyahoga County Office of Violence Prevention, the County seeks to reduce the presence of weapon-like consumer products that desensitize residents to violence and compromise community safety, and several states and municipalities, the European Union, and the City of Vancouver, British Columbia, which documented 162 calls to police in a single year triggered by gun-shaped lighters, have enacted similar prohibitions; and

WHEREAS, this Council finds it necessary to prohibit the retail sale and display of gun-shaped lighters within Cuyahoga County to protect children, promote public safety, and support the County’s violence-prevention initiatives.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 1301.021 of the Cuyahoga County Code is hereby amended to add the following new subsection D:

D. Gun-Shaped Lighters — See Section 1301.022 for the prohibition on the retail sale and distribution of lighters designed in the likeness of a firearm.

SECTION 2. Chapter 1301 of the Cuyahoga County Code, Subchapter B (Prohibited Conduct), is hereby amended to enact the following new Section 1301.022:

Section 1301.022: Prohibition on Gun-Shaped Lighters

A. Definitions. As used in this section:

1. “Gun-Shaped Lighter” means any consumer lighter whose exterior housing or casing is designed, manufactured, or marketed to resemble a pistol, revolver, rifle, shotgun, or any other firearm in overall shape, such that a reasonable person would identify the item as having the appearance of a firearm, regardless of scale, color, or material, and regardless of whether the lighter is capable of discharging a projectile. The term does not include: (a) any firearm as defined in R.C. 2923.11(B)(1); (b) any replica firearm regulated under state or federal law; or (c) any lighter whose resemblance to a firearm arises solely from a generic rectangular or cylindrical shape common to standard lighters.
2. “Sell” or “Offer for Sale” means to sell, barter, exchange, give away, display for sale, advertise for sale, or otherwise make available for purchase or acquisition, whether in person, through catalog, or by electronic means, to a consumer located within Cuyahoga County.
3. All other terms used in this section shall have the meanings assigned by Section 1301.01.

B. Prohibition.

1. No supplier shall sell or offer for sale any gun-shaped lighter within Cuyahoga County.
2. No supplier shall display any gun-shaped lighter in a retail establishment, market, kiosk, or other commercial premises within the County.
3. This section shall be interpreted narrowly to apply solely to novelty consumer lighters designed in the likeness of a firearm. Nothing in this section shall be construed as regulating the sale, possession, or use of any firearm, ammunition, or firearm accessory as defined in R.C. 2923.11 and R.C. 9.68.

C. Exemptions. This section shall not apply to:

1. Lighters used exclusively for bona fide theatrical productions, accredited museum exhibits, or educational demonstrations approved in writing by the Director;
2. Transactions involving licensed law-enforcement agencies or licensed firearm-training facilities for training or prop purposes;
3. Wholesale or bulk shipments in interstate commerce not offered for retail sale within the County.

D. Enforcement.

1. The Director of the Department of Consumer Affairs, in coordination with the Office of Violence Prevention, shall enforce this section in response to consumer complaints under Sections 1301.05, 1301.06, 1301.061, 1301.07, and 1301.08 of this Title.
2. A violation of this section shall constitute an unfair or deceptive practice under Section 1301.02. For first-time violations by a supplier with no prior enforcement history under this Chapter, the Director shall issue a Cease and Desist pursuant to Section 1301.07 before issuing a Civil Citation or Charging Document, unless the violation involves targeting of minors or presents an immediate risk to public safety.
3. Computation of Violations. Each discrete sale or distribution of a gun-shaped lighter shall constitute a separate violation. Display of one or more gun-shaped lighters at a single commercial location shall constitute one violation per inspection at which the display is found. However, if a supplier has previously received a Cease and Desist, Civil Citation, or Charging Document with respect to the same location, each gun-shaped lighter found on display at that location during any subsequent inspection shall constitute a separate violation.
4. Removal from Display. Upon finding one or more gun-shaped lighters offered for sale or displayed at a commercial location in violation of this section, the Director or designee authorized under Section 1301.05 may issue a written order directing the supplier to immediately remove all such items from display and cease offering them for sale. Failure to comply with a removal order within twenty-four (24) hours of service of the written order shall constitute a separate violation of this section. A removal order under this subsection is not a seizure of property and does not authorize physical confiscation of merchandise by the Department; it is an administrative compliance order enforceable through the civil penalty and enforcement provisions of this Chapter.

E. Penalties.

1. Violations shall be subject to civil penalties under Section 1301.07(G) and Civil Citations under Section 1301.06 where applicable.
2. In addition to penalties under Section 1301.07(G) the Director may impose the following supplemental penalties:
 - a. First violation at a location: supplemental civil fine not to exceed five hundred dollars (\$500).
 - b. Second and subsequent violations at the same location within twelve months: supplemental civil fine not to exceed one-thousand dollars (\$1000) per violation.
3. The Director may refer repeat violators to the County Prosecutor for civil injunctive relief pursuant to Section 1301.07(B).

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this 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.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 9, 2026

Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorships Requested on the Floor: June 9, 2026

[Clerk's Note: Legislation was re referred to the Education, Environment & Sustainability Committee: June 23, 2026.]

Journal _____
_____, 20____

Proposed Substitute

County Council of Cuyahoga County, Ohio

Ordinance No. O2026-003

Sponsored by: Councilman Michael J. Houser Sr.	An Ordinance amending Chapter 1301 of the Cuyahoga County Code to enact new Section 1301.022, prohibiting the retail sale and display of gun-shaped lighters within Cuyahoga County, amending Section 1301. 021 <u>02</u> to add a cross-reference thereto, and declaring the necessity thereof.
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WHEREAS, Cuyahoga County has a duty to safeguard the health, safety, and welfare of its residents; and

WHEREAS, the County Council enacts this Ordinance pursuant to the County’s Home-Rule authority under Article X, Section 3 of the Ohio Constitution and the Cuyahoga County Charter, and the consumer-protection authority established by Chapter 1301 of this Code; and

WHEREAS, Tamir Rice, a 12-year-old boy, was fatally shot on November 22, 2014, at Cudell Park Recreation Center while holding a toy black airsoft pistol; and

WHEREAS, the County Council believes the prohibition of the retail sale and display of gun-shaped lighters could help reduce similar encounters to November 22, 2014, and avoid life altering consequences; and

WHEREAS, novelty lighters designed in the likeness of a firearm (“gun-shaped lighters”) pose a distinct risk to children and the general public because they are often visually indistinguishable from real firearms and can cause accidental injury, intimidation, or law-enforcement misidentification; and

WHEREAS, the Consumer Product Safety Commission’s safety standard for cigarette lighters (16 C.F.R. Part 1210) addresses only child-resistant mechanisms and does not regulate the exterior design or form factor of lighters; and

WHEREAS, consistent with the mission of the Cuyahoga County Office of Violence Prevention, the County seeks to reduce the presence of weapon-like consumer products that desensitize residents to violence and compromise community safety, and several states and municipalities, the European Union, and the City of Vancouver, British Columbia, which documented 162 calls to police in a single year triggered by gun-shaped lighters, have enacted similar prohibitions; and

WHEREAS, this Council finds it necessary to prohibit the retail sale and display of gun-shaped lighters within Cuyahoga County to protect children, promote public safety, and support the County's violence-prevention initiatives.

NOW, THEREFORE, BE IT ~~RESOLVED~~ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 1301.~~021~~02 of the Cuyahoga County Code is hereby amended to add the following new subsection ~~DO~~:

~~DO~~. Gun-Shaped Lighters — See Section 1301.022 for the prohibition on the retail sale and ~~distribution~~display of lighters designed in the likeness of a firearm.

SECTION 2. Chapter 1301 of the Cuyahoga County Code, Subchapter B (Prohibited Conduct), is hereby amended to enact the following new Section 1301.022:

Section 1301.022: Prohibition on Gun-Shaped Lighters

A. Definitions. As used in this section:

1. "Gun-Shaped Lighter" means any consumer lighter whose exterior housing or casing is designed, manufactured, or marketed to resemble a pistol, revolver, rifle, shotgun, or any other firearm in overall shape, such that a reasonable person would identify the item as having the appearance of a firearm, regardless of scale, color, or material, and regardless of whether the lighter is capable of discharging a projectile. The term does not include: (a) any firearm as defined in R.C. 2923.11(B)(1); (b) any replica firearm regulated under state or federal law; or (c) any lighter whose resemblance to a firearm arises solely from a generic rectangular or cylindrical shape common to standard lighters.

2. “Sell” or “Offer for Sale” means to sell, barter, exchange, give away, display for sale, advertise for sale, or otherwise make available for purchase or acquisition, whether in person, through catalog, or by electronic means, to a consumer located within Cuyahoga County.

3. All other terms used in this section shall have the meanings assigned by Section 1301.01.

B. Prohibition.

1. No supplier shall sell or offer for sale any gun-shaped lighter within Cuyahoga County.

2. No supplier shall display any gun-shaped lighter in a retail establishment, market, kiosk, or other commercial premises within the County.

3. This section shall be interpreted narrowly to apply solely to novelty consumer lighters designed in the likeness of a firearm. Nothing in this section shall be construed as regulating the sale, possession, or use of any firearm, ammunition, or firearm accessory as defined in R.C. 2923.11 and R.C. 9.68.

C. Exemptions. This section shall not apply to:

1. Lighters used exclusively for bona fide theatrical productions, accredited museum exhibits, or [bona fide](#) educational demonstrations [approved in writing by the Director](#);

2. Transactions involving licensed law-enforcement agencies or licensed firearm-training facilities for training or prop purposes;

3. Wholesale or bulk shipments in interstate commerce not offered for retail sale within the County.

D. Enforcement.

1. The Director of the Department of Consumer Affairs, in coordination with the Office of Violence Prevention, shall enforce this section in response to consumer complaints under Sections [1301.04](#), [1301.05](#), [1301.06](#), [1301.061](#), [1301.07](#), and [1301.08](#) of this [TitleChapter](#).

2. A violation of this section shall constitute an unfair or deceptive practice under Section 1301.02. For first-time violations by a supplier with no prior enforcement history under this Chapter, the Director shall issue a Cease and Desist [Order](#) pursuant to Section 1301.~~07~~[05\(H\)](#) before issuing a Civil Citation or Charging Document, unless the violation involves targeting of minors or presents an immediate risk to public safety.
3. Computation of Violations. Each discrete sale or distribution of a gun-shaped lighter shall constitute a separate violation. Display of one or more gun-shaped lighters at a single commercial location shall constitute one violation per inspection at which the display is found. However, if a supplier has previously received a Cease and Desist, Civil Citation, or Charging Document with respect to the same location, each gun-shaped lighter found on display at that location during any subsequent inspection shall constitute a separate violation.
4. Removal from Display. Upon finding one or more gun-shaped lighters offered for sale or displayed at a commercial location in violation of this section, the Director or designee authorized under Section 1301.05([A](#)) may issue a written order directing the supplier to immediately remove all such items from display and cease offering them for sale. Failure to comply with a removal order within twenty-four (24) hours of service of the written order shall constitute a separate violation of this section. A removal order under this subsection is not a seizure of property and does not authorize physical confiscation of merchandise by the Department; it is an administrative compliance order enforceable through the civil penalty and enforcement provisions of this Chapter.

E. Penalties.

1. Violations shall be subject to civil penalties under Section 1301.07(~~G~~[H](#)) and Civil Citations under Section 1301.06 where applicable.
2. In addition to penalties under Section 1301.07(~~G~~[H](#)), the Director may impose the following supplemental penalties:

a. First violation at a location: supplemental civil fine not to exceed five hundred dollars (\$500).

b. Second and subsequent violations at the same location within twelve months: supplemental civil fine not to exceed one- thousand dollars (\$~~1000~~1,000) per violation.

3. The Director may ~~refer repeat violators to,~~ in consultation with the County Prosecutor ~~for,~~ seek civil injunctive relief against repeat violators pursuant to Section 1301.07(~~B~~C).

~~**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.~~

~~**SECTION 4.**~~**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution~~Ordinance~~ were adopted in an open meeting of the Council, and that all deliberations of this 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.

On a motion by _____, seconded by _____, the foregoing
~~Resolution~~Ordinance was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2026-0006

Sponsored by: County Executive Ronayne/Department of Consumer Affairs	An Ordinance enacting Section 205.11 of Title 2 (County Organization) of the Cuyahoga County Code to establish the Cuyahoga County Administrative Appeals Board as an independent body to hear and decide appeals from administrative enforcement actions of County departments and agencies.
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WHEREAS, Article X, Section 3 of the Ohio Constitution and the Cuyahoga County Charter vest in the County the powers of local self-government, including the authority to organize its administrative departments and to establish processes for the adjudication of administrative enforcement actions; and

WHEREAS, the regulatory programs of the County, including those established under Title 13 of the Cuyahoga County Code, require a fair, impartial, and independent forum for the administrative review of enforcement actions affecting the rights and obligations of persons doing business in the County; and

WHEREAS, the Due Process Clauses of Article I, Sections 1 and 16 of the Ohio Constitution and the Fourteenth Amendment to the United States Constitution require that a person subject to an administrative enforcement action be afforded adequate notice and a meaningful opportunity to be heard before an impartial decision-maker, upon a record adequate for judicial review under Chapter 2506 of the Ohio Revised Code; and

WHEREAS, the establishment of a standing Administrative Appeals Board, structurally independent of the departments whose actions it reviews, will promote public confidence, procedural regularity, and the prompt and economical resolution of administrative appeals; and

WHEREAS, this Section is intended to operate in coordination with the enforcement provisions of Chapters 1301 and 1302 of the Cuyahoga County Code and such other provisions of the Code as may designate the Board as the forum for the review of administrative enforcement actions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 205.11 (Administrative Appeals Board) of Title 2 (County Organization) of the Cuyahoga County Code is hereby enacted to read as follows:

Section 205.11 Administrative Appeals Board

A. Establishment, Purpose, and Independence

1. Establishment. The Cuyahoga County Administrative Appeals Board ("Board") is hereby established as an independent adjudicatory body to hear appeals from administrative enforcement actions of County departments and agencies as designated by this Code or other ordinance.
2. Purpose. The Board shall provide fair, impartial, and expeditious review of administrative enforcement actions while ensuring due process protections.
3. Independence:
 - a. The Board shall not be housed within, report through, or be subject to the supervisory or budgetary authority of, any department subject to its jurisdiction.
 - b. The Board's budget shall be subject to appropriation by County Council under the Charter's budgetary procedure.
 - c. No County official or employee shall attempt to influence the decision of the Board in any pending matter, except through proper participation in proceedings. Any such attempt shall be documented in the record and may constitute grounds for sanctions or dismissal of the enforcement action.
 - d. Anti-Retaliation. No Board member shall be subject to adverse action, budget reduction, office relocation, or other retaliation for decisions rendered in the exercise of adjudicatory duties. Any credible allegation of retaliation shall be investigated by the County Inspector General and reported to Council.
4. Procedural Standards. The Board's appellate procedures are designed to generally align with the procedural protections afforded by ORC Chapter 119 and to produce a record adequate for full judicial review under ORC Chapter 2506. The Board shall afford all parties the minimum procedural protections required by the Due Process Clauses of Article I, Sections 1 and 16 of the Ohio Constitution and the Fourteenth Amendment to the United States Constitution, including ensuring adequate notice of the alleged violations and evidence, a meaningful opportunity to be heard before an impartial decision maker, the right to present evidence and cross-examine adverse witnesses, and a written decision supported by findings of fact and a plain statement of the legal basis for the decision.

B. Definitions

As used in Section 205.11:

1. "Administrative Enforcement Action" means any enforcement proceeding initiated by a department or agency subject to the Board's jurisdiction that may result in a Final Order imposing penalties, requiring corrective action, or otherwise affecting the rights or obligations of a respondent.
2. "Appellant" means any individual, corporation, partnership, association, or other legal entity that is the subject of a Final Order of an Administrative Enforcement Action and that files a timely notice of appeal under Section 205.11(E).
3. "Board" means the Cuyahoga County Administrative Appeals Board established by Section 205.11(A).
4. "Board Clerk" means the administrative officer responsible for maintaining records, managing case scheduling, and performing ministerial functions for the Board.
5. "Chair" means the member designated pursuant to Section 205.11(C)(1)(b) to preside over the Board.
6. "Days" means business days, excluding Saturdays, Sundays, days observed as holidays by the County, and days on which the County offices are closed, unless otherwise specified.
7. "Department" means any County department or agency whose enforcement actions are subject to the Board's jurisdiction under Section 205.11(D).
8. "Final Appeals Order" means a decision of the Board that concludes a matter before it, subject only to any reconsideration under Section 205.11(E) and judicial review under ORC Chapter 2506.
9. "Respondent" means the person against whom an Administrative Enforcement Action is brought. For Chapter 1301 and 1302 matters, the Respondent is a Supplier, as defined.
10. "Stay" means the suspension of enforcement of an order pending appeal.

11. "Charging Document" has the meaning given in Section 1301.01(F).
12. "Director" has the meaning given in Section 1301.01(P).
13. "Director of Law" means the Director of Law of Cuyahoga County or designee.
14. "Final Order" has the meaning given in Section 1301.01(R).
15. "Quorum" means three (3) members of the Board, as provided in Section 205.11(C)(6).

Where a term defined in this subsection conflicts with a definition in another Chapter of this Code, the definition in this subsection shall govern proceedings before the Board and the definition in the other Chapter shall govern proceedings before the Department under that Chapter.

In computing any period of time prescribed by this Section for the performance of an act, the day of the act or event from which the period begins to run shall not be included, and the last day of the period shall be included. Where the last day of a period measured in calendar days falls on a Saturday, a Sunday, a day observed as a holiday by the County, or a day on which County offices are closed, the period shall run until the end of the next day that is none of those days. This rule governs deadlines for action by a party, the Board, the Director, or the Department; it does not extend the duration or automatic expiration of any order.

C. Composition and Appointments

1. The Board shall consist of five (5) members appointed as follows:
 - a. Four (4) members appointed by the County Executive and confirmed by County Council.
 - b. One (1) member who shall serve as Chair. The Chair shall be appointed jointly by the County Executive and County Council.
2. Qualifications
 - a. Members shall be residents of Cuyahoga County.
 - b. No member shall have a financial interest in any matter pending before the Board.
 - c. Each member shall be an attorney at law in good standing in the State of Ohio, admitted to the practice of law for at least three (3) years in the aggregate, which need not be consecutive or immediately precede the appointment.

- d. The Chair shall have at least five (5) years' cumulative experience in litigation, appellate, or administrative-hearing practice.
- e. No member shall be an employee of Cuyahoga County while serving on the Board.
- f. Recusal. A member who has a financial interest or other conflict of interest in any matter pending before the Board shall disclose the conflict on the record and shall not participate in the hearing or decision of that matter.

3. Terms

- a. Each member's term shall be four (4) years.
- b. No member shall serve more than two (2) consecutive terms.
- c. Members shall continue to serve until a successor is appointed and qualified, but not longer than ninety (90) calendar days after the term expires, after which the seat shall be deemed vacant, and the appointing authority shall act to fill it.
- d. A member may be removed only for cause (including but not limited to neglect of duty, malfeasance, conviction of a crime, incapacity, violation of ethics requirements, or failure to maintain the qualifications required by subsection (C)(2)) upon two-thirds vote of County Council after written charges served by the member's appointing authority and an opportunity to be heard before County Council or a committee it designates.
- e. Initial Terms. To ensure continuity, the initial appointments to the Board shall be staggered as follows: one member shall serve a one (1) year initial term; one member shall serve a two (2) year initial term; the Chair shall serve a three (3) year initial term; and two members shall serve four (4) year initial terms, so that the initial terms expire in four (4) successive years. The County Executive shall designate which initial appointments receive which initial term length at the time of appointment. Each term following an initial term, including the renewal term of a member reappointed upon the expiration of the member's initial term, shall run for the standard term length specified in subsection (C)(3)(a); an initial term counts as a term for purposes of the consecutive-term limit in subsection (C)(3)(b). Terms shall remain staggered so that the terms of no more than two (2) members expire in the same year.
- f. Vacancies. If a vacancy occurs during an unexpired term, the vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment to that seat.

4. Compensation. Board members shall serve on a voluntary basis. Service on the Board is a public trust and not County employment and confers no tenure, benefits, or property interest in office.
5. Meetings; Notice; Public Access
 - a. Meetings. The Board shall meet quarterly and at such other times as established by its Rules of Procedure or called by the Chair.
 - b. Notice and Agenda. The Board Clerk shall publish the notice and agenda for each Board meeting on the County's website no later than 6:00 p.m. on the second business day before the meeting. The Board may conduct a special or emergency meeting on shorter notice where the Chair determines an emergency exists; for any such meeting, the Board Clerk shall give such advance notice as is practicable, including to any news media organization that has requested notice of Board meetings.
 - c. Public Meetings; Executive Session. Meetings of the Board shall be open to the public, and hearings under Section 205.11(E) shall be conducted in open session. The Board may deliberate on the decision of any appeal or other adjudicatory matter in closed session and may hold an executive session for any purpose permitted by the Ohio Open Meetings Act, ORC 121.22, upon a motion, approved by a majority of the members present by roll-call vote, stating the topic of the session.
 - d. Minutes and Journal. The Board Clerk shall record the minutes of each Board meeting and publish them on the County's website within one (1) week of their approval and shall maintain a journal of the Board containing the notices, agendas, and minutes of all Board meetings. The journal may be maintained electronically.
6. Quorum; Board Action
 - a. Three (3) members of the Board shall constitute a quorum for the transaction of any business of the Board, including the hearing and decision of appeals.
 - b. Every action of the Board, including the issuance of any Final Appeals Order, shall require the affirmative vote of at least three (3) members. No appeal or other matter shall be heard or decided by fewer than three (3) members, and no individual member shall hear, decide, or otherwise act on behalf of the Board in any matter. Amendments to items before the Board and parliamentary motions may be adopted by a majority of the members present, provided that a quorum is present.
 - c. No member shall vote on the decision of an appeal unless the member attended the hearing or has reviewed the complete record of the proceeding.

7. Board Clerk. The County Executive shall designate a staff person to serve as the Board Clerk. The Board Clerk shall publish the agendas, meeting notices, and minutes required by this Section; shall maintain the journal, dockets, and records of the Board; shall manage case scheduling; and shall perform the other ministerial functions assigned to the Board Clerk by this Section and the Rules of Procedure.
8. Vice Chair. The Board shall elect annually, from among its members, a Vice Chair, who shall preside and perform the duties of the Chair when the Chair is absent, recused, or unable to act.
9. Members Pro Tempore. Where recusal, vacancy, or unavailability would leave fewer than four (4) members able to participate in a matter, the County Executive, with the concurrence of the Chair (or of the Vice Chair where the Chair is recused or unavailable), may designate a member pro tempore who meets the qualifications of subsection (C)(2) to serve in that matter only. A member pro tempore has the powers and duties of a member for the assigned matter, including for purposes of the quorum and voting requirements of subsection (C)(6), and is subject to the recusal, ethics, and compensation provisions of this Section. A member pro tempore shall not otherwise participate in the business of the Board.

D. Jurisdiction

1. The Board shall have exclusive jurisdiction to hear appeals from Final Orders of:
 - a. Department of Consumer Affairs, for consumer protection matters under Chapter 1301 and other chapters of this Title as enacted.
 - b. Department of Consumer Affairs, for weights and measures matters (Chapter 1302).
 - c. Such other departments as designated by ordinance.
2. The Board shall conduct expedited review of Emergency Orders as provided in Section 1301.05(C) and/or other applicable chapters.
3. The Board shall decide motions to quash Civil Investigative Demands, as provided in Section 1301.05(E) and/or other applicable chapters.
4. Exclusions. The Board shall not have jurisdiction over personnel matters subject to collective bargaining, tax assessment appeals, zoning appeals, adjudication orders issued under the Ohio Building Code or the

Residential Code of Ohio that are appealable to a board of building appeals under ORC 3781.19, or matters committed by law to other tribunals.

E. Appeal Procedures

1. Filing

- a. An Appellant may appeal by filing written notice with the Board within ten (10) calendar days of service of a Final Order of an Administrative Enforcement Action. The notice shall identify the order and state the grounds for appeal. The Board shall make available a plain-language notice-of-appeal form; a self-represented Appellant may, but need not, use the form, and substantial compliance with its requirements shall suffice.

2. Automatic Stay

- a. The filing of a timely appeal shall automatically stay enforcement of the appealed order, including cease-and-desist orders and injunctive provisions, pending final disposition of the appeal, subject to subsection (E)(2)(b).
- b. Within ten (10) business days of the filing of an appeal, the Department may move to dissolve or modify the stay. The Department bears the burden of showing, by clear and convincing evidence, that immediate enforcement is necessary to prevent imminent, substantial, and irreparable harm to consumers that cannot be remedied by monetary relief. The Appellant may file a response to the motion within five (5) business days of the motion's filing. The Board shall rule on the motion no later than seven (7) business days after the motion is filed. If the Department does not so move, or if the motion is denied, the stay shall continue pending final disposition of the appeal, and the motion shall not delay the scheduling or hearing of the appeal under subsection (E)(3).
- c. The automatic stay under this subsection does not apply to Emergency Orders issued under Section 1301.05(C) or to stop-use, stop-sale, or condemned orders under Chapter 1302; review of Emergency Orders proceeds exclusively under that subsection, and review of stop-use, stop-sale, and condemned orders proceeds exclusively under Section 1302.07(E)(3)-(5).

3. Proceedings

- a. Each appeal shall be heard and decided by the Board in accordance with the quorum and voting requirements of Section 205.11(C)(6); no appeal shall be assigned to, heard, or decided by an individual member. The Chair shall schedule appeals for hearing, and consolidation of related appeals shall be governed by the Board's

Rules of Procedure. Appeals shall be scheduled within forty-five (45) business days of filing unless extended by agreement or for good cause.

- b. Board hearings shall be informal in nature. Formal rules of evidence and civil discovery shall not apply, except for rules concerning privilege. No pre-hearing brief shall be required, although any party may submit a short written statement of its position. Parties may present their documents, evidence, and arguments at the hearing.
 - c. If a party, without good cause shown, fails to appear at a scheduled hearing, the Board may (i) rule on the record before it, including evidence and argument submitted by the appearing party, or (ii) enter a decision by default for the appearing party. The Board shall have discretion to determine whether good cause exists.
4. Hearing, Burden, and Standard of Review
- a. Hearing. The Board shall determine the appeal on the Department's record and the parties' written submissions. On the Appellant's written request, or where the parties stipulate in writing to an evidentiary hearing, the Board shall conduct an evidentiary hearing at which both the Department and the Appellant may present documentary evidence, call and cross-examine witnesses, and be represented by counsel, consistent with the respondent's entitlement under Section 1301.08(E). The Board shall set a schedule for written submissions; where no evidentiary hearing is requested or held, proceedings conclude upon the close of briefing.
 - b. Burden of Proof. The Appellant bears the burden of establishing any affirmative defense to the Final Order and any mitigating factor relied upon to reduce a civil penalty.
 - c. Standard of Review. The Board reviews the Final Order de novo on the record before it, including the Department's record, the parties' written submissions, and any evidence received at a hearing. The Board shall determine whether each finding of violation is established by a preponderance of the evidence and whether the penalty is within the range authorized by Section 1301.07 and proportionate under Section 1301.07(I).
 - d. Disposition. The Board may affirm, reverse, or modify the Final Order, in whole or in part. The Board may reduce a penalty within the range authorized by Section 1301.07, but shall not increase a penalty above the amount imposed by the Final Order.
5. Decision. The Board shall issue a Final Appeals Order within fifteen (15) business days of the conclusion of proceedings, unless extended by the Board for good cause. Extensions under this subsection shall not exceed thirty (30) business days in the aggregate absent the written agreement

of all parties. If no Final Appeals Order has issued by the expiration of the time provided by this subsection, any party may move the Board for immediate issuance and for dissolution or modification of any stay in effect under subsection (E)(2), and the Board shall rule on the motion within five (5) business days. If no disposition of an appeal receives the affirmative vote of three (3) members within the time provided by this subsection, including any extension, the Final Order under review shall be deemed affirmed by operation of law, and the deemed affirmance shall constitute a Final Appeals Order for all purposes of this Section, including subsections (E)(8) and (E)(9). The Board Clerk shall promptly serve on the parties written notice of any deemed affirmance, stating the votes cast; the time for judicial review under subsection (E)(8) runs from service of that notice. Notwithstanding subsection (E)(9), where affirmance occurs by operation of law rather than by decision of the Board, any stay in effect under subsection (E)(2) shall remain in effect until the time for judicial review under subsection (E)(8) expires; if the Appellant files a timely petition for review and moves the Common Pleas Court for a stay pending review within fourteen (14) calendar days of filing the petition, the stay shall remain in effect until the court rules on the motion. The stay dissolves by operation of law upon the expiration of the time for judicial review without a timely petition, upon the expiration of the fourteen (14) day period without a timely stay motion, or upon the court's ruling on the motion, as applicable. The Final Appeals Order shall include findings of fact, a plain statement of the legal basis for the decision, and disposition; in routine matters the Board may issue a short-form decision stating its findings and disposition in plain language, provided the findings are sufficient to permit review under ORC Chapter 2506.

6. Motions for reconsideration shall be granted only upon a showing of substantial change in the law, facts, evidence, or conditions relating to the decision occurring after issuance of the Final Appeals Order. The Board may, on its own motion, reconsider a Final Appeals Order within ten (10) business days of issuance where the Board believes the Order may have been issued in error. The time for filing a petition for review under Section 205.11(E)(8) shall commence on the date of issuance of any revised Final Appeals Order under this subsection.
7. Record Requirements. All proceedings before the Board shall be recorded by audio recording, video recording, or stenographic means sufficient to produce a verbatim transcript. The method of recording shall be specified in the Board's Rules of Procedure. A transcript of the proceedings shall be prepared and made available to any party upon request at the requesting party's cost. When a party files an appeal under

ORC Chapter 2506, the Board Clerk shall prepare and transmit the transcript as part of the certified record transmitted to the Court of Common Pleas, and the cost of preparing the transcript shall be taxed as a cost of the appeal and borne by the appealing party, subject to taxation and recovery as costs as provided by law.

8. Judicial Review. Final Appeals Orders of the Board may be appealed to Common Pleas Court under ORC Chapter 2506 within thirty (30) calendar days of service of the Final Appeals Order. The Board Clerk shall certify and transmit the complete record to the Court of Common Pleas, including: (i) the Charging Document or notice of enforcement action; (ii) all pleadings filed by the parties; (iii) the transcript; (iv) all exhibits admitted into evidence; (v) the Final Order and any objections filed; (vi) the Final Appeals Order and proof of service.
9. The filing of a petition for review under ORC Chapter 2506 shall not automatically stay enforcement of the Final Appeals Order. A stay pending judicial review may be granted only by the Common Pleas Court on motion and a showing of likelihood of success on the merits, irreparable harm absent the stay, and that the public interest does not weigh against a stay. The Board may, on motion filed before the petition for review, condition or limit the enforceability of its order pending judicial review.

F. Rules of Procedure

1. The Board shall adopt procedural rules (the "Rules of Procedure") governing filings, service, discovery, proceedings, evidence, and related matters. The enactment of the Board's Rules of Procedure shall be subject to the formal, written approval of the Director of Law, and shall thereafter be published and made available to the public. The Board shall adopt its initial Rules of Procedure no later than one hundred twenty (120) calendar days after the establishment of the Board under Section 205.11(G)(2); if the initial Rules of Procedure have not been adopted by that deadline, the Board shall report in writing to the County Executive and the Clerk of Council the reasons for the delay and the expected date of adoption.
2. The Board shall publish annual statistics including number of appeals filed and resolved; average time to resolution; outcomes by Department, the Board, and by individual Board members (without identifying parties); and stay motions filed and resolved.

3. The Board shall post each Final Appeals Order to the County's public website within a reasonable time after issuance and shall publish each Final Appeals Order in a searchable online format as resources permit.

G. Effective Date

1. Passage of this Ordinance shall constitute the "Effective Date" of this Section and of Chapters 1301 and 1302 of this Code. Ordinance Nos. O2018-0002 and O2018-0003 are hereby repealed to the extent inconsistent with this Ordinance.
2. The Administrative Appeals Board shall be established within ninety (90) calendar days of the Effective Date. At least three (3) members of the Board, including the Chair, shall be appointed and the Board shall adopt interim procedures for the conduct of expedited reviews and rulings on motions to quash within one hundred fifty (150) calendar days of the Effective Date. Interim procedures under this subsection may be adopted without the approval required by Section 205.11(F)(1) and expire upon adoption of the Rules of Procedure. No Emergency Order under Section 1301.05(C) shall issue before the interim procedures under this subsection take effect. In the pendency of the Board being established, nothing in this Code limits a department's authority to issue a Cease-and-Desist Order, Civil Citation, or Charging Document, or to seek injunctive or other relief in Common Pleas Court.
3. Proceedings pending as of the Effective Date shall continue under the procedures in effect at the time of filing. For new proceedings initiated within one hundred twenty (120) calendar days after the Effective Date, Respondents may elect to proceed under either the prior procedures or the procedures established by this Ordinance. Assurances of Voluntary Compliance entered prior to the Effective Date shall continue in force under their original terms; enforcement of breaches occurring after the Effective Date may proceed under either the prior procedures or the procedures established by this Ordinance.
4. Penalty guidelines apply to violations occurring on or after the Effective Date.

H. Severability

The provisions of this Section are severable. If any provision of this Section, or its application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. The County Council declares that it would have enacted each remaining provision irrespective of the invalidity of any other.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this 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.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 23, 2026

Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 20____

County Council of Cuyahoga County, Ohio

Ordinance No. O2026-0007

Sponsored by: County Executive Ronayne/Department of Consumer Affairs	An Ordinance repealing existing Chapter 1301 of Title 13 (Commercial Regulation) of the Cuyahoga County Code and re-enacting Chapter 1301 (Consumer Protection) to prohibit unfair, deceptive, and unconscionable consumer sales acts and practices and to establish complaint, investigation, enforcement, and penalty procedures.
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WHEREAS, Article X, Section 3 of the Ohio Constitution and the Cuyahoga County Charter vest in the County the powers of local self-government and authorize the County to establish local regulatory programs and administrative enforcement mechanisms for the protection of the residents of Cuyahoga County; and

WHEREAS, the residents of Cuyahoga County are entitled to protection from unfair, deceptive, and unconscionable consumer sales acts and practices, and the County has a legitimate local interest in supplementing the consumer protections afforded by Chapter 1345 of the Ohio Revised Code and other applicable law; and

WHEREAS, the existing Chapter 1301 of the Cuyahoga County Code requires comprehensive revision to provide clear definitions, an enumeration of prohibited practices, orderly complaint and investigation procedures, proportional administrative remedies and penalties, and administrative appellate review by the Administrative Appeals Board established under Section 205.11 of this Code; and

WHEREAS, the scope and extent of the necessary revisions are such that the repeal of the existing Chapter 1301 in its entirety and its re-enactment in the form set forth herein will provide a clearer and more coherent framework than a series of piecemeal amendments; and

WHEREAS, the County intends that this Chapter supplement, and not conflict with, the general laws of the State of Ohio.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 1301 (Consumer Protection) of Title 13 (Commercial Regulation) of the Cuyahoga County Code is hereby repealed in its entirety and re-enacted to read as follows:

Chapter 1301: Consumer Protection

Section 1301.001: Legislative Findings and Purpose

A. The County Council finds that the residents of Cuyahoga County are harmed by unfair, deceptive, and unconscionable consumer sales practices, and that local enforcement of consumer protection standards supplements and supports the protections afforded by Chapter 1345 of the Ohio Revised Code and other applicable state laws.

B. Charter Authority. The County Council enacts this Chapter pursuant to the authority vested in Cuyahoga County as a charter county under Article X, Section 3 of the Ohio Constitution and the Cuyahoga County Charter, including the authority to establish local regulatory programs and administrative enforcement mechanisms for the protection of county residents. The consumer protection program established by this Chapter constitutes an exercise of the County's authority over local self-government and the administration of county regulatory affairs and is not solely an exercise of general police power. The administrative penalties, corrective orders, and enforcement mechanisms established by this Chapter are incident to and necessary for the effective administration of the County's independently enacted local regulatory program, including but not limited to general consumer protection (Chapter 1301), weights and measures (Chapter 1302), and such other Chapters added under Title 13.

C. Purpose. It is the purpose of this Chapter to establish and administer a local consumer protection program for Cuyahoga County residents that supplements, and is consistent with, the consumer protection policies established by applicable state and federal law. The standards of conduct established by this Chapter are independently enacted local standards adopted to address documented harms to Cuyahoga County consumers. The enforcement mechanisms established by this Chapter—including administrative proceedings, corrective compliance orders, and civil penalties—are local regulatory mechanisms designed to provide accessible and efficient resolution of consumer complaints at the County level. Nothing in this Chapter or the County Code shall be construed as competing with, preempting, or supplanting the enforcement authority of the Ohio Attorney General under ORC 1345.06 and 1345.07.

D. The County Council further finds that local enforcement serves the public interest by:

1. Providing accessible local forums for the resolution of consumer complaints;

2. Enabling prompt investigation and remediation of unfair and deceptive practices within the County;

3. Complementing state-level enforcement through collaboration with the Ohio Attorney General; and

4. Supplementing locally the consumer protection standards established by ORC 1345.02, 1345.03, and related provisions.

E. This Chapter shall be liberally construed to accomplish its remedial purposes and to promote collaboration with state consumer protection enforcement.

Section 1301.01: Definitions

As used in Chapter 1301:

A. "Administrative Appeals Board" or "Board" means the body established by Section 205.11.

B. "Administrative Enforcement Action" means any enforcement proceeding initiated by the Consumer Affairs Department.

C. "Advertised Price" means the price of an item as stated in any circular, sign, advertisement, internet posting, or any other representation made available to consumers at or before the point of sale.

D. "Appliances" means any device or instrument operated by electricity, gas or otherwise, and designed for personal, family or household purposes.

E. "Assurance of Voluntary Compliance" means a written agreement resolving or otherwise disposing of issues, raised by a Complaint, which is entered into by the parties and the Director.

F. "Charging Document" means written notice of alleged violations, factual basis, potential penalties, and respondent's rights.

G. "Civil Citation" means a written notice issued by the Director for violations of this Chapter or any Chapters added under Title 13, imposing a civil fine not exceeding five hundred dollars (\$500), which may be contested through the administrative enforcement process.

H. "Complaint" means any written or verbal statement that alleges a violation of this Chapter, or any other Chapter added under Title 13 or the Ohio Revised Code, including sections 1345.02 and 1345.03, the Ohio Administrative Code, and other applicable consumer protection laws as amended.

I. "Consumer" means a person who engages in a consumer transaction with a supplier.

J. "Consumer Goods" means goods purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken.

K. [Reserved.]

L. "Corrective Compliance" means monetary or non-monetary relief provided to consumers to remedy actual harm caused by a violation, including refunds, completion of services, repair or replacement of goods, or other appropriate relief.

M. "Consumer Transaction" means a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. Consumer Transaction does not include transactions between persons defined in ORC 4905.03 and 5725.01, and their customers, except for transactions involving a loan made pursuant to ORC 1321.35 through 1321.48 and transactions in connection with residential mortgages between loan officers, mortgage brokers, or nonbank mortgage lenders and their customers; transactions involving a home construction service contract as defined in ORC 4722.01; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.

N. "Days" means business days, excluding Saturdays, Sundays, days observed as holidays by the County, and days on which the County offices are closed, unless otherwise specified.

O. "Department" means the Cuyahoga County Department of Consumer Affairs.

P. "Director" means the Director of the Cuyahoga County Department of Consumer Affairs, or the Director's designee. During any vacancy in the office of Director, or when the Director is absent or otherwise unable to act, the powers and duties of the Director under this Title may be exercised by an Acting Director designated under the Charter or by operation of law.

Q. "Emergency Order" means an order issued by the Director without prior notice pursuant to Section 1301.05(C), directing a Supplier to immediately cease specified conduct, based on an immediate threat of substantial harm to consumers. Time periods governing Emergency Orders are measured in calendar days, excluding holidays and days the County is closed, unless a specific provision of Section 1301.05(C) prescribes otherwise (in which case the specific provision governs).

R. "Final Order" means a written order issued by the Director. A Final Order is appealable to the Administrative Appeals Board.

S. "Home Improvement" means the remodeling, altering, renovating, repairing, restoring, modernizing, moving, demolishing, or making of additions to any land or building, or that portion thereof, which is used or designed to be used as a residence or dwelling place, and includes but is not limited to work done on driveways, swimming pools, porches, garages, basements, landscaping, fences, fallout shelters, roofing, siding, insulation, flooring, patios, and painting.

T. "Home Solicitation Sale" means a sale of consumer goods or services in which the seller or a person acting for the seller engages in a personal solicitation of the sale at a residence of the buyer, including solicitations in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller, or in which the buyer's agreement or offer to purchase is made at a place other than the seller's place of business. It does not include the exclusions listed in ORC 1345.21(A)(1)-(7).

U. "Home Improvement Contract" means any agreement, whether oral or written, between a home improvement contractor and an owner for the performance of home improvement, including all labor, services, and materials to be furnished and performed thereunder.

V. "Home Improvement Contractor" means any person who undertakes, offers to undertake, or agrees to perform any home improvement for compensation, and includes any person who advertises, solicits, or canvasses for home improvement work.

W. "Knowledge" means actual awareness, but such actual awareness may be inferred where objective manifestations indicate that the individual involved acted with such awareness.

X. "Lien" means a charge or encumbrance upon property for the payment of a debt or the discharge of an obligation.

Y. "Mediation" means informal negotiations between the Supplier and the Director or the Director's designee, in which the Consumer may, but need not, participate.

Z. "Motor Vehicle" means any passenger car, noncommercial motor vehicle, or the self-propelled portion of any recreational vehicle, as defined in ORC 4501.01, that is sold or leased in this state. "Motor vehicle" does not include any mobile home, manufactured home, or recreational vehicle other than the self-propelled portion thereof.

AA. "Nonconformity" means a defect or condition that substantially impairs the use, value, or safety of a motor vehicle to the consumer and that is covered by an express warranty applicable to the motor vehicle.

BB. [Reserved.]

CC. "Respondent" means any Supplier against whom an enforcement action is initiated under this Chapter.

DD. "Scanner" means any electronic device that reads product codes and retrieves price information from a database for consumer transactions.

EE. "Services" means and includes, but is not limited to, work, labor, consumer transactions, privileges, and all other accommodations which are primarily for personal, family, or household purposes.

FF. "Supplier" means a seller, lessor, assignor, franchisor, business, or other person engaged in the business of effecting or soliciting consumer transactions, whether or not the person deals directly with the consumer. If the consumer transaction is in connection with a residential mortgage, "supplier" does not include assignee or purchaser of the loan for value, except as otherwise provided in ORC 1345.091. For purposes of this section, in a consumer transaction in connection with a residential mortgage, "seller" means a loan officer, mortgage broker, or nonbank mortgage lender.

GG. "Unconscionable consumer sales acts or practices" means practices in connection with a consumer transaction which unfairly take advantage of the lack of knowledge, ability, experience, or capacity, of a consumer, or result in a gross disparity between the value received by a consumer and the price paid to the consumer's detriment. Unconscionable consumer sales acts or practices include, but are not limited to, those practices defined by this Chapter, Chapter 1302 of this Code, the Ohio Revised Code, Chapter 1345 of the Ohio Revised Code including section 1345.03, the Ohio Administrative Code, and other applicable consumer protection laws, as amended.

HH. "Unfair or Deceptive Practices" means any unfair or deceptive consumer trade practice in the sale or any false, falsely disparaging, or misleading oral or written statement, visual description or other misrepresentation of any kind made in the conduct of any consumer transaction; the collection of consumer debts; the offering of sale, lease, rental or loan of consumer goods or services; the offering for sale of products by weight, count or measure. Unfair or deceptive practices include, but are not limited to, those practices defined by this Chapter, Chapter 1302 of this Code, the Ohio Revised Code, Chapter 1345 of the Ohio Revised Code including section 1345.02, the Ohio Administrative Code, and other applicable consumer protection laws, as amended.

II. "Vulnerable Consumer" means (1) a person with a "Disability" as defined by ORC 4112.01; or (2) a person whose ability to protect his or her own interests

in the consumer transaction is materially impaired by age, language proficiency, cognitive limitation, or other identifiable circumstance, where the Supplier knew or reasonably should have known of the impairment.

JJ. [Reserved.]

KK. "Willful" means knowing or with reckless disregard of law. A violation is willful where the respondent acted with actual awareness that the conduct was unlawful, or with conscious indifference to whether the conduct was unlawful.

LL. "Days the County is closed" means days on which County administrative offices are closed to the public during normal business hours by official order or directive, including weather-related, emergency, or public-health closures and other days designated as County closures by the County Executive or by operation of Ohio law. The term does not include Saturdays or Sundays.

MM. In computing any period of time prescribed by this Title for the performance of an act, the day of the act or event from which the period begins to run shall not be included, and the last day of the period shall be included. Where the last day of a period measured in calendar days falls on a Saturday, a Sunday, a day observed as a holiday by the County, or a day on which County offices are closed, the period shall run until the end of the next day that is none of those days. This rule governs deadlines for action by a party, a Respondent, a Supplier, the Director, the Department, or the Board; it does not extend the duration or automatic expiration of any order.

Section 1301.02: Unfair and Deceptive Practices Prohibited

No supplier shall engage in any unfair or deceptive practice as defined in Section 1301.01(HH), including but not limited to, using in any manner the name, logo, and/or seal of any governmental entity, or purport to the consumer that it has the authority of any governmental entity, including Cuyahoga County, without authorization. Such an unfair or deceptive practice violates this Chapter whether it occurs before, during, or after the transaction.

Without limiting the scope of an unfair or deceptive practice, the following acts, practices, and omissions of a supplier are deceptive:

A. Representing that the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have;

B. Representing that the subject of a consumer transaction is of a particular standard, quality, grade, style, prescription, or model, if it is not;

C. Representing that the subject of a consumer transaction is new, or unused, if it is not;

D. Representing that the subject of a consumer transaction is available to the consumer for a reason that does not exist;

E. Representing that the subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not, except that the act of a supplier in furnishing similar merchandise of equal or greater value as a good faith substitute as determined by Chapter 1345 of the Ohio Revised Code does not violate this section;

F. Representing that the subject of a consumer transaction will be supplied in greater quantity than the supplier intends;

G. Representing that replacement or repair is needed, if it is not;

H. Representing that a specific price advantage exists, if it does not;

I. Representing that the supplier has a sponsorship, approval, or affiliation that the supplier does not have;

J. Representing that a consumer transaction involves or does not involve a warranty, a disclaimer of warranties or other rights, remedies, or obligations if the representation is false;

K. Representing that goods or services are "free" when the cost is passed through by inflated prices on related goods or services, or when conditions apply that are not clearly and conspicuously disclosed;

L. Failing to provide disclosures required by federal law, including but not limited to Regulation Z (Truth in Lending), the FTC Cooling-Off Rule (16 C.F.R. Part 429), or the FTC Used Car Rule (16 C.F.R. Part 455);

M. Creating a false sense of urgency through fabricated deadlines, countdown timers not tied to genuine offers, or false claims of limited availability;

N. Employing user interface designs that manipulate consumers into making unintended purchases, subscriptions, or disclosures, including but not limited to pre-checked boxes for optional purchases, rendering cancellations or opt-out more difficult than enrollment, including failing to provide a mechanism to cancel as simple as the one used to consent, hiding material terms in fine print while emphasizing promotional terms, and disguising advertisements as content of official communications.

Whoever violates any provisions of this Section may be subject to the remedies provided in Section 1301.07. Each violation shall constitute a separate offense.

At least annually, the Director shall review the practices enumerated in this Section in light of complaint data received under Section 1301.04, emerging

patterns of unfair or deceptive conduct, and developments in state and federal consumer protection law, and may recommend to the County Executive and County Council any amendments to this Section that the Director determines are appropriate to address newly emerging unfair or deceptive practices. The enumeration in this Section is illustrative; conduct constituting an unfair or deceptive practice under Section 1301.01(HH) violates this Chapter whether or not specifically described in this Section.

Section 1301.021: Prohibition on Unauthorized Use

A. Prohibited Conduct. No Supplier shall, in connection with any commercial activity, consumer transaction, advertisement, or solicitation:

1. Use the name "Cuyahoga County," or any variation likely to cause confusion, in a manner that falsely implies government sponsorship, approval, endorsement, or affiliation;
2. Display the official seal, logo, insignia, or any facsimile thereof, of Cuyahoga County without written authorization from the County Executive or designee;
3. Represent or imply that goods, services, or communications are official County publications or communications when they are not;
4. Use official County letterhead, forms, or document formats without authorization.

B. Exceptions. This section does not prohibit

1. Accurate, non-misleading use of the County name for geographic reference (e.g., "Serving Cuyahoga County");
2. News reporting, commentary, or educational purposes;
3. Use authorized in writing by the County Executive or designee.

C. Single Offense. Conduct prohibited by this Section that also constitutes an unfair or deceptive practice under Section 1301.02 shall be treated as a single offense, and a Supplier shall not be subject to cumulative or duplicative civil penalties under both Sections for the same act or course of conduct.

Section 1301.03: Unconscionable Consumer Sales Acts or Practices Prohibited

No supplier shall engage in any unconscionable consumer sales act or practice as defined in Section 1301.01(GG). Such an unconscionable sales act or practice violates this Chapter whether it occurs before, during, or after the transaction.

In determining whether an act or practice is unconscionable, the following circumstances shall be taken into consideration:

A. Whether the supplier has knowingly taken advantage of the inability of the consumer reasonably to protect the consumer's interests because of the consumer's physical or mental infirmities, illiteracy, lack of knowledge, or inability to understand the language of an agreement, including where the consumer is a Vulnerable Consumer as defined in Section 1301.01(II);

B. Whether the supplier knew, at the time the consumer transaction was entered into, that the price was substantially in excess of the price at which similar property or services were readily obtainable in similar consumer transactions by similar consumers;

C. Whether the supplier knew, at the time the consumer transaction was entered into, of the inability of the consumer to receive a substantial benefit from the subject of the consumer transaction;

D. Whether the supplier knew, at the time the consumer transaction was entered into, that there was no reasonable probability of payment of the obligation in full by the consumer;

E. Whether the supplier required the consumer to enter into a consumer transaction on terms the supplier knew were substantially one-sided in favor of the supplier;

F. Whether the supplier knowingly made a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment;

G. Whether the supplier has, without justification, refused to make a refund in the manner in which the item was purchased, unless the supplier had conspicuously posted in the establishment at the time of the sale a sign stating the supplier's refund policy.

Whoever violates any provisions of this Section may be subject to the remedies provided in Section 1301.07. Each violation shall be a separate offense.

Section 1301.04: Filing Consumer Complaints

A. Right to File. Any consumer who believes they have been subjected to unfair or deceptive practices or unconscionable consumer sales acts or practices may file a complaint in writing with the Cuyahoga County Department of Consumer Affairs. Where a consumer is unable to file in writing because of a disability or other circumstance that makes a written filing impractical, the Department may accept the complaint by another means and shall reduce it to writing.

B. Limitations Period. No action may be brought by the County under this Chapter to recover for a transaction more than two (2) years after the occurrence of a violation, or one (1) year after the consumer discovers or reasonably should have discovered the violation, whichever is later, but in no event more than four (4) years after the occurrence.

C. Effective Date. Investigations open as of the Effective Date may proceed under either prior procedures or the procedures established by this Ordinance, at the Director's election; provided that new investigative authorities (including Civil Investigative Demands and Emergency Orders) may be used only with respect to conduct continuing on or after the Effective Date.

D. Ninety-Day Grace. Where the consumer first complains to the Department within the four-year period but with less than ninety (90) calendar days remaining, the County may commence enforcement within ninety (90) calendar days from the date of the complaint notwithstanding the four-year cap.

E. Effect on Other Actions. Filing a complaint pursuant to this Chapter does not toll the statute of limitations in any other action before another entity or court.

F. Tolling on Appeal. The pendency of enforcement action under this Chapter, including any appeal to the Administrative Appeals Board, shall toll limitations for County civil enforcement until thirty (30) calendar days after the later of (i) expiration of the appeal period or (ii) issuance of a Final Appeals Order. This subsection extends the time within which the County may commence civil enforcement; it does not require the County to wait, and does not delay the effectiveness or enforcement of any order.

G. Contents. The complaint should state enough details of the incident to allow the Department to investigate the circumstances surrounding the incident, including the name, address, or contact information of the Supplier alleged to have committed the violation, a description of the problem or conduct complained of, and any other information the Department deems necessary.

Section 1301.045: Investigative Transactions

The Director, through Department personnel designated by the Director, whether or not certified as Inspectors under Section 1302.01(H), may conduct test purchases, inspections of publicly-offered goods or services, and similar transactions in the ordinary course of investigations under this Title, without prior notice to the Supplier and without compulsory process. Evidence obtained through such transactions is admissible in proceedings under this Title. Nothing in this section authorizes entry onto non-public premises without consent or other lawful authority.

Section 1301.05: Enforcement Procedures

A. In enforcing this Chapter, the Director, or any designee duly authorized by the Director, may take any of the following actions:

1. Investigate a violation or a complaint at the Director's discretion, with the opportunity to advise both the Supplier and/or Consumer on the proper course of action;
2. Attempt dispute resolution, including mediation and entrance into Assurances of Voluntary Compliance (AVC) with any supplier under investigation or against whom a Charging Document has been issued;
3. Refer matters to the County Prosecutor, Ohio Attorney General, FTC, CFPB, or other agencies;
4. Issue a Charging Document and pursue administrative enforcement, or enforce violations through civil court actions;
5. Issue a Civil Citation as provided in Section 1301.06;
6. Issue an Emergency Order under subsection (C);
7. Issue a Cease and Desist Order under subsection (H);
8. Close, or decline to pursue, a complaint or investigation without action.

B. Pre-Enforcement Notice. Except for Emergency Orders under subsection (C), before issuing any Final Order imposing liability, the Director shall serve a Charging Document including:

1. Statement of alleged violations and statutory provisions;
2. Summary of factual basis;
3. Applicable penalty range and the basis for the proposed penalty;
4. Notice that the respondent has twenty (20) business days to respond;
5. Notice that failure to respond constitutes waiver;
6. Notice of appeal rights.

Service under this Chapter shall be made by any of the following means: (i) personal delivery; (ii) certified mail, return receipt requested; (iii) ordinary first-class United States mail, evidenced by a certificate or other record of mailing retained by the Department; (iv) commercial carrier service with delivery tracking; or (v) electronic mail to an electronic mail address that the Supplier has designated for service, uses or has used to communicate with consumers or with the Department, or holds out to the public in connection with the Supplier's business.

Service is complete upon personal delivery, upon mailing or deposit with the carrier, or upon electronic transmission, as applicable, except that service by ordinary mail or electronic mail is not effective if the mailing or transmission is returned or rejected as undeliverable. Where the Department learns that service was not accomplished by the method first used, the Department shall promptly attempt service by another method authorized by this subsection. The Department shall retain evidence of mailing or transmission and any delivery confirmation in the record. Service by any means reasonably calculated, under the circumstances, to provide actual notice satisfies this subsection. Unless otherwise specifically provided, any order, citation, notice, or other document required to be served under this Chapter or Chapter 1302 may be served in the manner provided by this subsection.

C. Emergency Orders.

1. The Director may issue an Emergency Order without prior notice only upon written determination, based on specific and articulable facts, that:

- a. The alleged violation poses an immediate threat of substantial harm to consumers;
- b. The harm is imminent and likely to occur absent immediate action;
- c. The order is limited to preventing the immediate harm.

2. The Emergency Order shall state the factual and legal basis (including a summary of the evidence underlying the Director's determination), the specific conduct prohibited and notice of expedited review rights.

3. Expedited Review:

- a. The respondent may request expedited review by filing with the Administrative Appeals Board within forty-eight (48) hours of service (weekends, holidays, and days the County is closed excluded);
- b. The Board shall conduct a review within forty-eight (48) hours of the request (weekends, holidays, and days the County is closed excluded);
- c. If the Board cannot convene a quorum of three (3) members within forty-eight (48) hours of the request (weekends, holidays, and days the County is closed excluded), the review shall be conducted by the Board, with no fewer than three (3) members participating, as soon thereafter as practicable; no individual member may conduct the review. The Emergency Order shall remain in effect pending the review; provided that if the review has not been conducted within five (5) business days of the request, the Emergency Order shall dissolve automatically, without prejudice to the issuance of a new Emergency Order upon changed circumstances or to any other enforcement action under this Chapter, and in no event shall the Order remain in effect

beyond the automatic expiration provided in paragraph (4) of this subsection, including any extension or continuation permitted thereunder. Members may participate in a review under this paragraph by telephonic or video means to the extent permitted by Ohio law, and a member so participating shall be counted toward the quorum required by Section 205.11(C)(6). Nothing in this subsection precludes the Director from issuing a Charging Document and pursuing regular proceedings.

d. At the expedited review, the Director bears the burden of proving justification for the Emergency Order by a preponderance of the evidence;

e. The Board shall issue a decision within twenty-four (24) hours of the review, or by the close of the next business day if twenty-four (24) hours would otherwise fall on a weekend, holiday, or day the County is closed.

4. An Emergency Order shall expire automatically after twenty-one (21) calendar days, excluding holidays and days the County is closed, unless:

a. Extended by order of the Board upon motion by the Department showing continued necessity; a motion filed before the expiration of the Order tolls the expiration until the Board rules on the motion;

b. Superseded by a Final Order; or

c. The Director, within the 21-day period, has both (i) issued a Charging Document under Section 1301.05(B) and (ii) elected to proceed under an expedited departmental track, in which case the Emergency Order shall remain in effect through issuance of a Final Order under Section 1301.08(C), provided that the Director's Final Order issues within sixty (60) calendar days, excluding holidays and days the County is closed, of the Charging Document. For purposes of this subsection, the "expedited departmental track" means the procedure of Section 1301.08 with the Director's Final Order issued within sixty (60) calendar days, excluding holidays and days the County is closed, of the Charging Document rather than the forty-five (45) business days specified in Section 1301.08(C); all other timelines and protections of Section 1301.08 apply. The sixty (60) calendar day period under this paragraph, and the effectiveness of the Emergency Order, shall each be extended day-for-day by any extension of the respondent's response period under Section 1301.08 and by any written good-cause extension under Section 1301.08(C), so that no extension permitted by this Code shall itself cause the Emergency Order to expire before issuance of the Final Order.

5. Relationship to Departmental Review. Expedited review of an Emergency Order under this subsection is limited to determining whether the Emergency Order should remain in effect. It does not constitute the full review process to which the respondent is entitled under Section 1301.08. Following expedited review, if a Charging Document has not previously been issued in the matter, the

Director shall promptly issue one. The matter shall thereafter proceed under the procedures of Section 1301.08.

D. Assurances of Voluntary Compliance.

1. Authority. The Director may negotiate and enter into Assurances of Voluntary Compliance (AVC) with any supplier under investigation or against whom a Charging Document has been issued.

2. Contents. An AVC may include any or all of the following terms:

- a. Agreement to cease the conduct alleged to violate this Title;
- b. Agreement to implement specific business practice reforms;
- c. Agreement to provide Corrective Compliance relief to affected consumers;
- d. Payment of civil penalties, which may be reduced from otherwise applicable amounts in consideration of Corrective Compliance provided;
- e. Payment of reasonable investigative costs incurred by the Department;
- f. Agreement to periodic compliance monitoring or reporting;
- g. Stipulated penalties for breach of the AVC.

3. Effect. An AVC is a binding contract enforceable in Common Pleas Court. Entry into an AVC does not constitute an admission of liability and shall not be admissible in any subsequent civil proceeding except to enforce the AVC or to establish its violation. Entry is voluntary and shall not be coerced by threat of escalated charges or penalties. The County may reopen a matter resolved by an AVC upon evidence of fraud or material nondisclosure in its procurement, or where reopening is necessary to protect the public interest. In any action to enforce an AVC, evidence of its violation shall be prima facie evidence of a violation of this Chapter. An AVC may be entered as a consent judgment with the approval of the Director of Law or the Director of Law's designee. Nothing in this subsection limits the powers of the Ohio Attorney General under ORC 1345.06 or other applicable law.

4. Violation of an AVC shall be treated as a violation of this Chapter and shall be subject to all the penalties provided therefor.

E. Civil Investigative Demands.

1. The Director, with the approval of the Director of Law or the Director of Law's designee (or, if that office is vacant, the official then authorized to exercise the functions of the Director of Law), may issue administrative subpoenas, denominated as Civil Investigative Demands (CIDs), pursuant to the authority vested in the County by Article X, Section 3 of the Ohio Constitution, the Cuyahoga County Charter, and the adjudicatory authority established by Section 205.11 of this Code, for production of relevant documents in connection with pending enforcement actions under this Chapter or matters within the jurisdiction of the Administrative Appeals Board, including investigations to determine whether conduct or a person falls within the County's regulatory authority under this Title.

2. Prerequisite for Issuance. No CID shall issue unless:

a. The Director has documented, in a written memorandum approved by the Director of Law or the Director of Law's designee, specific and articulable facts establishing reasonable grounds to suspect that a violation of any Chapter under Title 13 has occurred or is occurring, and that the materials sought are relevant and material to the investigation of such violation, whether or not a Charging Document is ever issued; or

b. A Charging Document has been issued against the Respondent and the CID seeks evidence related to the charged violations.

3. CIDs shall specify with particularity the materials sought and allow not less than fifteen (15) business days for compliance. A CID shall not be issued in the absence of any specific and articulable factual basis to believe that information within its scope is reasonably relevant to the investigation.

4. Compliance with a CID is at the sole expense of the recipient. The issuance of, or compliance with, a CID shall not impose any costs on the County.

5. Motion to Quash or Modify:

a. Within ten (10) business days of service, a person may file a motion to quash or modify with the Administrative Appeals Board, stating grounds (unreasonable scope, oppression, privilege, lack of relevance, or improper purpose);

b. Notwithstanding the grounds available under subsection (a), a motion to quash asserting that a CID infringes rights of speech, association, or petition (however labeled in the motion) shall be denied unless the moving party shows, by objective and articulable facts and not by broad allegations or subjective fears, both (i) a causal link between the compelled disclosure and prospective harm to protected expressive or associational activity, and (ii) specific adverse consequences likely to flow from the disclosure. Materials concerning lobbying, trade-association activity, or other public advocacy are

not categorically beyond the scope of a CID where they bear on the conduct under investigation or the respondent's knowledge of its legality;

c. A person other than the recipient of the CID has standing to move to quash or modify only to the extent the motion asserts the movant's own privilege, property interest, or constitutional right in the materials demanded;

d. Filing a motion to quash automatically stays the compliance deadline pending ruling;

e. The Board shall rule on the motion within five (5) business days;

f. The ruling may quash, modify, or uphold the CID. If the Board upholds or modifies the CID, compliance is due within fifteen (15) business days of the ruling unless the Board specifies otherwise. A timely petition for review under subsection (g) further stays compliance pending that ruling;

g. Either party may seek review of the ruling in Common Pleas Court within ten (10) calendar days.

6. If a Supplier fails to comply with a CID after denial of motion to quash or expiration of time to file, the Director may apply to Common Pleas Court for an order compelling compliance. Non-compliance with a CID itself shall not constitute a violation of this Chapter and shall not be subject to administrative civil penalties. The court may award reasonable attorney fees and costs to the prevailing party on any motion to enforce or quash a CID.

7. The Director shall grant a reasonable extension of the compliance period upon a showing that the CID was served during a federal or County-observed holiday period, or that the recipient's counsel or records custodians are unavailable for documented reasons beyond the recipient's control.

F. The Director may, in consultation with the County Prosecutor, bring civil actions in Common Pleas Court to enforce orders, assurances, or settlements (including Corrective Compliance Orders issued as part of a Final Order), to enjoin violations, or to enforce Final Orders. Civil penalty actions may be filed after exhaustion or waiver of administrative remedies.

G. No action seeking civil penalties under this code shall be brought by the County if an action seeking civil penalties has been brought, and is either pending or disposed of by a court of competent jurisdiction with prejudice, by the Ohio Attorney General under ORC 1345.07 for the same underlying conduct. This limitation shall not apply to (1) any action brought by the county that does not seek civil penalties or (2) any action brought by the county seeking to enforce a settlement agreement or court order resulting from a prior action or settlement approved by the County or the Ohio Attorney General.

H. Cease and Desist Orders. The Director may issue a Cease-and-Desist Order directing a Supplier to immediately cease conduct that the Director has reason to believe violates this Chapter. Such an order may be issued before, or without, the issuance of a Charging Document and does not itself impose a civil penalty. A Cease-and-Desist Order is effective immediately upon service. The order shall state the conduct to be ceased and its legal basis and shall notify the Supplier of the right to appeal to the Administrative Appeals Board under Section 205.11. Continued violation after service of the order may be treated as noncompliance subject to Section 1301.07(F). Issuance of a Cease-and-Desist Order is not a prerequisite to, and does not limit, any other enforcement action under this Chapter.

I. Confidentiality of Investigative Records.

1. To the extent provided by ORC 149.43 and other applicable law, records gathered or generated in connection with an investigation or enforcement action under this Title are confidential law-enforcement investigatory records while the matter remains pending, and the Department may decline to confirm or deny the existence of a Civil Investigative Demand during the pendency of an active investigation.

2. A person responding to a Civil Investigative Demand or other Departmental request may designate produced materials that constitute trade secrets or confidential commercial or financial information. The Department shall treat materials so designated as exempt from disclosure to the extent provided by ORC 149.43(A)(1)(v) and ORC 1333.61 and shall segregate and mark such materials accordingly.

3. Nothing in this subsection creates an exemption from the Ohio Public Records Act beyond those exemptions provided by state or federal law.

Section 1301.06: Civil Citations

A. Authority. The Director, or designated enforcement officers, may issue Civil Citations for violations of this Chapter or any Chapter under Title 13 when:

1. The violation is a first offense by the supplier within a three-year period;

2. Estimated consumer harm from the violation is less than \$1,000;

3. The violation does not involve Willful conduct, fraud, the targeting of Vulnerable Consumers, or a violation of Section 1301.03;

4. No prior Civil Citation or Charging Document has been issued to the supplier for substantially similar conduct within the preceding twelve (12) months.

B. Contents. Each Civil Citation shall include:

1. Name and address of the supplier;
2. Approximate date, time, and location of the violation;
3. Specific statutory provision(s) violated;
4. Brief description of the conduct constituting the violation;
5. Civil fine amount, which shall not exceed five hundred dollars (\$500);
6. Instructions for payment within thirty (30) calendar days;
7. Notice of right to contest the citation within thirty (30) calendar days;
8. Consequences of failure to pay or contest.

C. Response Options. Within thirty (30) calendar days of service, the recipient may:

1. Pay the civil fine, which constitutes an admission of the violation but shall not be counted as a prior violation under Section 1301.07(H)(3); provided, however, that if a supplier accumulates three (3) or more paid Civil Citations within any twelve-month period, all such citations shall thereafter be counted as prior violations under Section 1301.07(H)(3);

2. Contest the citation, in which case the Director shall proceed under Section 1301.05(A), including by issuing a Charging Document or by such other action as the Director deems appropriate;

3. Request an informal conference with the Director or designee to contest or negotiate the citation.

D. Failure to Respond. If the recipient fails to pay, contest, or request an informal conference within thirty (30) calendar days, the citation shall become a Final Order, and the fine shall be due immediately. The Director may proceed to collection, including referral to the County Prosecutor for civil enforcement. The recipient may appeal the resulting Final Order to the Administrative Appeals Board within ten (10) calendar days of the date the citation became a Final Order; the Board's review shall be limited as provided in Section 1301.08(F), except that, upon a showing of excusable neglect filed with the notice of appeal, the Board may grant a hearing on the merits.

E. No Precedential Effect. Payment of a Civil Citation shall not constitute an admission for purposes of subsequent civil litigation or be used as evidence of liability in any court proceeding.

Section 1301.07: Remedies

A. Following review under Section 1301.08 (or upon waiver), if a violation is found by preponderance of the evidence, the Director may impose one or more of the following:

1. A Cease and Desist Order;
2. A Corrective Compliance Order not exceeding actual damages;
3. Recovery of documented, reasonable investigation costs;
4. A civil penalty per subsection (H); or
5. Such other corrective action as is appropriate.

B. Written Findings. Orders shall include written findings of fact, a plain statement of the legal basis for the decision, specific remedies, and notice that appeal rights must be exercised within ten (10) calendar days by filing with the Administrative Appeals Board. Compliance periods imposed in a Final Order (i) shall not run during the ten (10) calendar days within which the Respondent may appeal under Section 205.11, (ii) shall be tolled during the pendency of any timely appeal and any automatic stay thereunder, and (iii) shall resume on the day the Final Order becomes enforceable.

C. The Director, in consultation with the County Prosecutor, may bring civil actions for: (1) declaratory judgment; (2) injunctive relief under Civil Rule 65, with penalties up to \$5,000/day for injunction violations; (3) enforcement of Final Orders.

D. Receivers and Extraordinary Remedies.

1. The court may order restitution, contract reformation, or other appropriate relief.
2. Receiver appointment requires clear and convincing evidence of: (a) likelihood of success on merits; (b) substantial risk of asset dissipation; (c) inadequacy of less restrictive remedies; (d) balance of hardships favoring appointment.

3. Court may require bond; receiver expenses assessed only upon final liability determination.

E. For declared violations under ORC 1345.05(B)(2) or court determinations under ORC 1345.02, 1345.03, or 1345.031, the per-violation maximum penalty is twenty-five thousand dollars (\$25,000), consistent with ORC 1345.07(D), subject to the proportionality provisions of subsection (I) and the aggregate-penalty provisions of subsection (H)(4).

F. Noncompliance with Orders and Agreements. Violation of a Final Order, Cease and Desist Order, Emergency Order sustained by the Administrative Appeals Board, Corrective Compliance Order, Assurance of Voluntary Compliance, or settlement shall be treated as a violation of this Chapter. Where a respondent fails to comply with a Final Order, Cease and Desist Order, Corrective Compliance Order, or Assurance of Voluntary Compliance after the time specified therein for compliance has run (as tolled under Section 1301.07(B)), the Director may serve written notice of noncompliance identifying the specific conduct or omission and providing not fewer than seven (7) business days to cure. No further notice or cure period is required where the same or substantially similar noncompliance with the same order, assurance, or settlement recurs within twelve (12) months after a prior notice under this subsection; per-calendar-day penalties for the recurrence may accrue from the date of the recurrence.

If the respondent fails to demonstrate compliance within the cure period, each calendar day of continued noncompliance thereafter shall constitute a separate offense, subject to a per-calendar-day civil penalty not exceeding one thousand dollars (\$1,000). Aggregate per-day penalties for a single course of noncompliance shall not exceed twenty-five thousand dollars (\$25,000), absent a finding that the noncompliance is willful or involves ongoing harm to consumers. Per-day penalties under this subsection do not require issuance of a new Charging Document for each day of noncompliance. The Director shall issue a written notice of per-day penalty assessment specifying the dates of noncompliance and the assessed amount. The respondent may contest the assessment by submitting a written response under Section 1301.08(A) within twenty (20) business days of service of the notice, and the Director shall issue a supplemental Final Order under Section 1301.08(C) within forty-five (45) business days thereafter. The supplemental Final Order is appealable to the Administrative Appeals Board under Section 1301.08(E) and Section 205.11.

G. Corrective Compliance Orders. Remedial orders authorized by this subsection are regulatory corrective measures incident to the County's administrative enforcement authority over local consumer protection regulations. Such orders are designed to restore consumers to the position they occupied prior to the violation as a condition of the supplier's continued compliance with this Chapter and related provisions of the Code. The authority exercised under this subsection is distinct from judicial awards of restitution under ORC 2929.18 or compensatory or punitive damages available in private civil litigation. The

corrective relief authorized herein is an administrative remedy, requiring voluntary election by the affected consumer.

1. Corrective Compliance Orders. In any Final Order, the Director may order the respondent to provide corrective relief to identified, affected consumers when:

a. The affected consumers elect to pursue a Corrective Compliance Order;

b. The evidence establishes the amount of consumer harm with reasonable certainty; and

c. The affected consumers are identifiable from records in evidence

2. Enforceability. The corrective relief order shall be enforceable through civil action in Common Pleas Court pursuant to Section 1301.05(F), and non-compliance shall constitute an independent violation of this Chapter subject to penalties under Section 1301.07(H).

3. Limitation. Nothing in this section shall be construed to authorize the Department to award compensatory damages, punitive damages, or relief beyond actual consumer harm. Consumers seeking damages beyond corrective compliance relief may pursue private civil remedies.

4. Consumer Election. Any consumer who disputes the amount of corrective relief determined under this subsection, or who seeks damages in excess of the corrective relief ordered, may elect in writing to withdraw from the administrative corrective process and pursue private civil remedies under ORC 1345.09 or other applicable law. Such election shall not affect any other Department enforcement action against the supplier, or the rights of other affected consumers under the Corrective Compliance Order. A consumer who accepts corrective relief under this subsection shall not be precluded from pursuing private civil remedies for damages in excess of the corrective relief recovered.

H. Civil Penalties.

1. Penalty Schedule. Subject to the proportionality determination in subsection (I) and the aggregate limits in subsection (H)(4), the Director may impose a civil penalty for each violation as follows: (a) where total consumer harm is estimated to be less than \$2,500, up to \$2,500; (b) where total consumer harm is estimated to be \$2,500 to \$10,000, up to \$10,000; (c) where total consumer harm is estimated to exceed \$10,000, up to \$25,000.

2. Enhancement. Where the violation was Willful, affected one or more Vulnerable Consumers, or violated Section 1301.03, the maximum civil penalty for the violation shall be increased to twenty-five thousand dollars (\$25,000), notwithstanding any lower maximum under subsection (H)(1). This

enhancement enlarges the maximum penalty available and shall not be construed to cap or reduce any penalty otherwise authorized by this subsection (H).

3. Prior Violations. Only violations that resulted in a Civil Citation or a Final Order count as prior violations, subject to the carve-out for paid Civil Citations under Section 1301.06(C)(1); matters resolved by Assurance of Voluntary Compliance without admission do not count unless the same conduct recurs. Prior violations are measured from the date of the violation giving rise to the current Charging Document, looking back three (3) years to the date of issuance of the prior Civil Citation or Final Order; this same anchor applies to the period in Section 1302.07(G). Prior violations occurring before the Effective Date count regardless of the procedures under which they were adjudicated.

4. Aggregate Limit. The total civil penalties for a single transaction, including any supplemental penalties, shall not exceed fifty thousand dollars (\$50,000). For related violations arising from a course of conduct involving multiple transactions or business locations, the aggregate shall not exceed the greater of \$50,000 or three (3) times total consumer harm; provided that where the course of conduct was Willful and caused total consumer harm exceeding \$25,000, the aggregate shall not exceed the greater of \$250,000 or ten (10) times total consumer harm. When an aggregate limit applies, it controls over per-violation amounts, and the Director may allocate the aggregate across individual violations.

5. Total Consumer Harm; Multiple Locations. For all determinations under this subsection, “total consumer harm” means the aggregate harm to all affected consumers arising from the same or substantially similar conduct, whether at one or multiple business locations and regardless of the harm to any individual consumer. Where the evidence establishes a common corporate policy, practice, or directive, violations at multiple locations may be aggregated; each location remains a separate offense for penalty calculation.

I. Penalty Determination and Proportionality.

1. The Director shall set the penalty within the applicable range in subsection (H) based on the following factors, and shall make written findings supporting the amount imposed:

a. Aggravating: severity of harm; targeting Vulnerable Consumers; violation of Section 1301.03; willfulness; duration; economic benefit to supplier; prior violations counted under subsection (H)(3);

b. Mitigating: good faith compliance efforts; voluntary corrective compliance relief rendered before charges; cooperation; corrective measures implemented; ability to pay; bona fide error.

2. The Director shall state in the written findings the weight given to each factor.

J. Except for Emergency Orders, remedies imposing liability require the procedural protections of Sections 1301.05(B) and 1301.08(A).

Section 1301.08: Departmental Review and Final Orders

A. Right to Respond. A respondent may submit a written response within twenty (20) business days of service of the Charging Document(s). The response may include factual statements, documentary evidence, legal argument, and any information the respondent believes relevant to the charges, the applicable penalty, or mitigating factors. Failure to timely respond constitutes waiver of the right to contest the allegations contained therein at the departmental level but does not extinguish the right to appeal under subsection (E).

B. Disclosure on Request. The Director is not required to provide investigative materials to a respondent as a condition of issuing or enforcing a Charging Document. Upon a respondent's written request, the Director may provide copies of the non-privileged evidence on which the Director relies in support of the Charging Document, and may withhold or redact: (i) information identifying a consumer complainant or witness; (ii) materials the disclosure of which would compromise an ongoing investigation; (iii) attorney work product and privileged materials; and (iv) trade secrets or confidential commercial or financial information of a third party. A request under this subsection does not extend the response deadline under subsection (A), except that the Director or, on appeal, the Board may grant additional time on motion for good cause.

C. Director's Determination. The Director shall review the Charging Document, the respondent's written response (if any), and the investigative record, and shall issue a written Final Order within forty-five (45) business days of the respondent's response or expiration of the response period, unless extended by agreement or for good cause. The Director shall issue a Final Order finding a violation only upon a determination, based on substantial, reliable, and probative evidence in the record and by a preponderance of the evidence, that the alleged violation occurred. Where the matter arose from an Emergency Order under Section 1301.05(C), the Director shall, upon timely election under Section 1301.05(C)(4)(c), issue the Final Order within sixty (60) calendar days, excluding holidays and days the County is closed, of the Charging Document, as that period may be extended under Section 1301.05(C)(4)(c). If the Director fails to issue a Final Order within the time specified by this subsection without a timely written extension for good cause served on the respondent, the Charging Document shall be deemed dismissed without prejudice. The respondent may file with the Administrative Appeals Board for an order memorializing the dismissal. Dismissal under this subsection shall not bar a new Charging Document on the same conduct if filed within the limitations period under Section 1301.04. Dismissal under this subsection does not vacate, dissolve, or otherwise affect a separately issued Cease

and Desist Order under Section 1301.05(H) or a stop-use, stop-sale, or condemned order issued under Chapter 1302; each such order remains in effect according to its terms and subject to the review provided for it by this Code.

D. Final Order Requirements. The Final Order shall include:

1. Findings of fact based on the record before the Director;
2. Identification of the specific statutory provisions violated;
3. The disposition, including any penalties, corrective compliance orders, or other remedies imposed;
4. Notice that the respondent may appeal the Final Order to the Administrative Appeals Board within ten (10) calendar days of service, and that, upon written request, the respondent is entitled to a full evidentiary hearing before the Board.

E. Appeal. Within ten (10) calendar days of service of a Final Order, the respondent may appeal to the Administrative Appeals Board pursuant to Section 205.11. At the Board, the respondent shall be entitled to present evidence, call and cross-examine witnesses, and be represented by counsel, in accordance with the Board's Rules of Procedure.

F. Default. Failure to respond within the time provided by subsection (A) permits the Director to issue a Final Order based on the record. A defaulted respondent retains the right to appeal to the Administrative Appeals Board, but the Board may limit the scope of its review to whether the record supports the Final Order.

G. Settlement. The parties may settle at any time. Settlements shall be in writing and made a part of the public record.

Section 1301.09: Jurisdiction

The Department shall have jurisdiction over all consumer transactions which take place within Cuyahoga County, regardless of the location of the supplier or residence of any of the persons directly or indirectly affected by such transactions. For purposes of online, electronic, virtual and/or telephone consumer transactions, the physical presence of the consumer or the supplier within Cuyahoga County at the time of the transaction shall establish jurisdiction.

Section 1301.10: Scope of Administrative Enforcement; Relationship to Civil Court Jurisdiction

A. Administrative Remedies. The administrative enforcement provisions of this Title authorize the Director to:

1. Issue cease-and-desist orders requiring suppliers to stop violative conduct;
2. Impose civil penalties payable to the County;
3. Order prospective compliance measures and business practice reforms;
4. Order Consumer Corrective Compliance as provided in Section 1301.07(G);
5. Enter into Assurances of Voluntary Compliance.

B. Matters Reserved to Courts. The following matters are beyond the scope of administrative enforcement and are reserved to courts of competent jurisdiction:

1. Compensatory damages beyond actual consumer harm;
2. Punitive or exemplary damages;
3. Claims sounding in common-law fraud requiring jury determination;
4. Criminal penalties;
5. Contempt proceedings;
6. Enforcement of Corrective Compliance Orders as prescribed in Section 1301.05(F).

C. Referral Authority. When the Director determines that a matter involves potential criminal conduct, damages beyond administrative authority, or claims requiring judicial resolution, the Director shall refer the matter to the County Prosecutor, Ohio Attorney General, or other appropriate authority.

D. Consumer Election. Nothing in this Title shall preclude a consumer from pursuing private civil remedies in lieu of or in addition to filing a complaint with the Department. Administrative enforcement and private civil actions may proceed concurrently.

E. Regulatory, Not Adjudicatory of Private Rights. The administrative enforcement procedures of this Title are regulatory in nature, designed to protect the public interest through prospective compliance and deterrence. They do not constitute adjudication of private contract or tort claims between consumers and suppliers.

Section 1301.11: Other Rights and Remedies

A. Nothing herein shall prevent any person from exercising any right or seeking any private remedy or redress to which one might otherwise be entitled, or from filing any complaint with any other agency or court.

B. Bona Fide Errors.

1. In any case arising under this Chapter, if a supplier shows by a preponderance of the evidence that a violation resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, no civil penalties shall be imposed against the supplier under Section 1301.07 of this Code, and monetary recovery shall not exceed the amount of actual damages resulting from the violation.

2. If a supplier shows by a preponderance of the evidence that a violation was an act or practice required or specifically permitted by Federal Trade Commission regulations, orders, or the federal courts' interpretations of subsection 45(a)(1) of the "Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C. 41, as amended, and that the act or practice was not otherwise declared to be unfair, deceptive, or unconscionable by a rule adopted pursuant to division (B)(2) of ORC 1345.05 before the consumer transaction on which the action is based, the County Executive and Director are limited to injunctive relief as the only remedy against the supplier for that violation.

3. A receiver may be appointed by the court in an action under this Chapter if it is shown that the assets of the supplier are in danger of being lost, removed, injured, or dissipated. A receiver may, under the direction of the court, do all of the following:

a. Sue for, collect, receive, and take into his possession all the goods, chattels, rights, credits, moneys, effects, lands, tenements, books, records, documents, papers, choses in action, bills, notes, and other property and assets of every kind and description acquired by any act or practice prohibited by this chapter, including property with which such property has been commingled if it cannot be identified in kind because of commingling;

b. Sell, convey, and assign all property taken into his or her possession, and hold and dispose of the proceeds;

c. Perform any other acts respecting the property that the court authorizes.

4. Any person who has suffered damages as a result of the use of any act or practice prohibited by this Title and who submits proof to the satisfaction of the court that he or she has in fact been damaged, may participate with general creditors in the distribution of the assets to the extent that he or she has sustained out-of-pocket losses.

5. If a court determines after a hearing in any action brought pursuant to this Chapter that a supplier in the course of performing activity under any license or

permit issued by the state or a political subdivision or agency of the state, engaged in any practice that violates this Chapter, the Director may, within sixty (60) calendar days after the time for appealing has expired, send a certified copy of the court's final judgment and supporting opinion to the issuing authority. Upon receipt of the court's judgment and opinion, the issuing authority may investigate to determine whether to institute proceedings to revoke or suspend the supplier's license or permit.

Section 1301.12: Applicability

Nothing in this Chapter shall be construed to exempt compliance with state and federal laws related to consumer protection. Violation of these laws may be prosecuted as applicable. The remedies in this Chapter are in addition to remedies otherwise available for the same conduct under state or local law. Transitional provisions governing matters pending as of the Effective Date, including the election of procedures for such matters, appear in Section 205.11(G).

Section 1301.13: Severability

The provisions of this Chapter are severable. If any provision of this Chapter, or its application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. The County Council declares that it would have enacted each remaining provision irrespective of the invalidity of any other.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this 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.

SECTION 3. This Ordinance shall take effect and be in force from and after the later of (a) the earliest period allowed by law, or (b) the effective date of the ordinance enacting Section 205.11 (Administrative Appeals Board) of the Cuyahoga County Code, so that the administrative appellate review provided for in this Chapter is available upon the effective date of this Ordinance.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 23, 2026

Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 20____

County Council of Cuyahoga County, Ohio

Ordinance No. O2026-0008

Sponsored by: County Executive Ronayne/Department of Consumer Affairs	An Ordinance amending Chapter 1302 (Weights and Measures) of Title 13 (Commercial Regulation) of the Cuyahoga County Code to conform the County's weights-and-measures program to current state law and national standards and to establish price-verification, item-pricing, penalty, and consumer-remedy provisions.
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WHEREAS, Article X, Section 3 of the Ohio Constitution and the Cuyahoga County Charter vest in the County the powers of local self-government and authorize the County to establish local regulatory programs for the protection of the residents of Cuyahoga County in their commercial transactions; and

WHEREAS, accurate weights, measures, and pricing are essential to fair dealing in commerce and to the protection of consumers and honest merchants within Cuyahoga County; and

WHEREAS, Chapter 1327 of the Ohio Revised Code and the Handbooks of the National Institute of Standards and Technology, including Handbooks 44, 130, and 133, establish the technical standards for commercial weighing and measuring devices, packaging, and price verification that the County's weights-and-measures program administers and enforces; and

WHEREAS, the existing Chapter 1302 of the Cuyahoga County Code requires amendment to conform its definitions and procedures to current state law and national standards, to incorporate price-verification and package-checking requirements, to establish proportional penalties and reinspection procedures, and to provide for administrative appellate review by the Administrative Appeals Board established under Section 205.11 of this Code; and

WHEREAS, the County intends that this Chapter supplement, and not conflict with, the general laws of the State of Ohio.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 1302 (Weights and Measures) of Title 13 (Commercial Regulation) of the Cuyahoga County Code is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by strikethrough.

Chapter 1302: Weights and Measures

Section 1302.01: Definitions

~~As used in Chapter 1302:~~

A. ~~“Correct” shall mean conformance to all applicable requirements of this Chapter.~~

B. ~~“Department” shall mean the Cuyahoga County Department of Consumer Affairs.~~

C. ~~“Director” shall mean the Director of the Department of Consumer Affairs.~~

D. ~~“Package” shall mean any commodity enclosed in a container or wrapped in any manner in advance of wholesale or retail sale. An individual item or lot of any commodity on which there is marked a selling price based on an established price per unit of weight or of measure shall be considered a package or packages.~~

E. ~~“Person” shall mean any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust partnership, association, cooperative, or other legal entity.~~

F. ~~“Primary standards” means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.~~

G. ~~“Secondary standards” means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.~~

H. ~~“Sale from Bulk” shall mean the sale of commodities when the quantity is determined at the time of the sale.~~

I. ~~“Seal” shall mean any official tag, seal, wire, or mark of the Cuyahoga County Department of Consumer Affairs, Weights and Measures Division, indicating a device has been inspected.~~

J. ~~“Sealer” shall mean the Cuyahoga County Fiscal Officer. When in this Chapter the words “Sealer” are used, they shall mean the Fiscal Officer, or any of his or her delegates duly authorized to perform the duties of such officer.~~

~~K. "Short-weight Packages" shall mean any "standard pack" or "pre-pack commodity" whose net contents is not equal to or exceed the labeled or advertised quantity at the retail outlet.~~

~~L. "Weight" means as used in connection with any commodity or service net weights. "Net weight" means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.~~

~~M. "Weight(s) and/or Measure(s)" shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices~~

As used in Chapter 1302:

A. "Point-of-sale system" shall mean any system that uses a Universal Product Code scanner, price look-up code, or any other system that relies upon the retrieval of electronically stored pricing information to complete a consumer transaction.

B. "Certificate of Conformance" shall mean a certificate issued under the National Type Evaluation Program (NTEP) as published in NCWM Publication 14, certifying that a device type has been evaluated and found to comply with the applicable requirements of NIST Handbook 44.

C. "Commercial weighing and measuring device" shall mean any device described in the National Institute of Standards and Technology Handbook 44, or its supplements and revisions, used in any commercial transaction, including but not limited to retail scales, fuel dispensers, vehicle scales, vehicle tank meters, LPG meters, and electric vehicle supply equipment (EVSE) dispensers that sell electricity by the kilowatt-hour.

D. "Correct" shall mean that a device, in addition to being accurate, conforms to all applicable specification requirements of this Chapter. A device that fails to meet any applicable requirement for being correct is "incorrect."

E. "Department" shall mean the Cuyahoga County Department of Consumer Affairs.

F. "Director" shall mean the Director of the Department of Consumer Affairs.

G. "Package" shall mean any commodity enclosed in a container or wrapped in any manner in advance of wholesale or retail sale. An individual item or lot of any

commodity on which there is marked a selling price based on an established price per unit of weight or of measure shall be considered a package or packages.

H. "Inspector" means any person as designated by Cuyahoga County who is certified with the State or in the process of certification with the State to perform weights and measures duties in the field.

I. "Inspection Report" means a written report including the results of the weights and measures test. If violations are found during the course of testing, the report may include a notice of violation issued pursuant to Section 1302.04(A)(2) identifying the violation and the corrective action required.

J. "Reference standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

K. "Regulated transaction" shall mean any transaction in which a commodity or service is sold, offered, or advertised for sale by weight, measure, volume, length, count, or any other quantitative representation, regardless of whether the buyer is a consumer, business, or other entity, and regardless of whether the transaction occurs at a fixed retail location, through electronic commerce, delivery, curbside pickup, or any other sales channel.

L. "Sale from Bulk" shall mean the sale of commodities when the quantity is determined at the time of the sale.

M. "Seal" shall mean any official tag, seal, wire, or mark of the Cuyahoga County Department of Consumer Affairs, Weights and Measures Division, indicating a device has been inspected or tested.

N. "Sealer" shall mean the Cuyahoga County Fiscal Officer or designee, who shall be an Inspector.

O. "Working standards" means the physical standards that are traceable to the reference standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.

P. "Serviceperson" shall mean any individual who is registered with the State and who, for compensation, installs, services, repairs, reconditions, or places into service a commercially used weighing and measuring device.

Q. "Short-weight Packages" shall mean any "standard pack" or "pre-pack commodity" whose net contents are not equal to or exceed the labeled or advertised quantity at the retail outlet.

R. "Weight," as used in connection with any commodity, means net weight. "Net weight" means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are

not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

S. "Weight(s) and/or Measure(s)" shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

T. Incorporation of Chapter 1301 Definitions. All terms used in this Chapter that are defined in Section 1301.01 shall have the meanings set forth therein. Such terms include, without limitation, Charging Document, Civil Citation, Final Order, Respondent, Corrective Compliance, Assurance of Voluntary Compliance, and Administrative Appeals Board. Where a term defined in Section 1301.01 conflicts with a definition in this Chapter, the definition in this Chapter shall control.

U. "Condemned order," "off-sale order," "stop-use order," and "stop-sale order" each refer to an order issued under Section 1302.04(A)(2) or Section 1302.07(E) prohibiting the use, sale, or offer for sale of a weighing or measuring device, package, or commodity. The terms are used interchangeably.

Section 1302.02: Filing Consumer Complaints

The obligations and prohibitions in this Chapter shall supplement and be consistent with any and all ~~State,~~ state of Ohio laws, rules, regulations, and procedures governing weights and measures. Any person who ~~feels~~ believes they have been subjected to unfair or deceptive practices or unconscionable consumer sales acts or practices directly related to any violation of this Chapter, the Ohio Revised Code, or the Ohio Administrative Code related to weights and measures laws may ~~file a complaint in writing with~~ contact the Cuyahoga County Department of Consumer Affairs. Affairs to file a complaint in writing or verbally. The complaint should be filed ~~at any time within two (2) years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later.~~ Filing a complaint pursuant to this Chapter does not toll the statute of limitations for any other action before another entity or court. The complaint should state enough details of the incident to allow the Department to investigate the circumstances surrounding the incident, and at a minimum, the complaint should state the name and address of the person alleged to have committed the violation, the details of the violation, and any other information the Department deems necessary. the violation.

Section 1302.03: Standards for Weights and Measures

A. The systems of weights and measures

The definitions of basic units of weight and measure, the tables of weights and measures, and weights and measures equivalents as published by the National

Institute of Standards and Technology are recognized and adopted by the Department and shall govern weighing and measuring equipment and transactions in the county.

B. Technical requirements for weighing and measuring devices

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and supplements thereto or revisions thereof, shall apply to weighing and measuring devices in the county, except insofar as modified or rejected by applicable provisions of the Ohio Revised Code or Ohio Administrative Code.

C. Information required on packages. ~~Except~~

As set out in ORC 1327.57, and except as otherwise provided in this Chapter or by regulation promulgated pursuant hereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

1. The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container;
2. The net quantity of the contents in terms of weight, measure, or count;
3. The name and place of business of the manufacturer, packer, or distributor, in the case of any package kept, offered, or exposed for sale or sold in any place other than on the premises where packed.

D. Declarations of unit price on random weight packages

In addition to the declarations required in ~~Section 1302.05(I)~~ subsection (C) of this ~~Chapter, Section~~, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

E. Advertising packages for sale

Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulations to appear on the package. Where a dual declaration is required, the declaration that sets forth the quantity in terms

of the smaller unit of weight or measure ~~need~~ must appear in the advertisement. F. Prohibitions. No person shall: 1. Use or have in possession for use in commerce any incorrect weight or measure. 2. Remove any seal from any weight or measure device without specific written authorization from the proper authority. 3. Hinder or obstruct any Weights and Measures' official in the performance of his or her duties. 4. Sell, offer or expose, use or keep to be used, any weight or measure for weighing or measuring any article bought, sold, offered or exposed for sale, which is liable to indicate false or inaccurate weight or measure, or which does not conform to the standard established by law. 5. Sell, offer or expose any weight or measure for weighing or measuring of products for sale without said weight and measure having been tested, marked and sealed by weights and measures official. 6. Misrepresent the price of any commodity or service, sold, offered, exposed or advertised for sale by weight, measure or count, or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

Section 1302.04: Duty of Testing and Sealing

~~A. When necessary for the enforcement of this Chapter, the Sealer is hereby:~~

~~1. Authorized to enter any commercial premises during normal business hours, except in the event such premises are not open to the public.~~

~~2. Empowered to issue violations and condemned orders with respect to any weights and measures commercially used, and issue violations and off sale orders with respect to any packaged commodities or bulk commodities, kept, offered or exposed for sale.~~

~~3. Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale or sold in violation of the provisions of this Chapter.~~

~~4. With respect to the enforcement of this Chapter, the Sealer is hereby vested with the authority and is to investigate any commercial vendors within the county found to possess weighing and/or measuring devices which are in violation of this Chapter.~~

A. When necessary for the enforcement of this Chapter, the Sealer is hereby:

1. Authorized to enter, during normal business hours, any commercial premises;

2. Empowered to issue notices of violation and stop-sale orders with respect to any weights and measures commercially used or any packaged

commodities or bulk commodities kept, offered, or exposed for sale. A notice of violation under this subsection shall identify the device or commodity, the nature of the violation, the corrective action required, and the time period within which the violation must be corrected;

3. Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity found to be used, retained, offered or exposed for sale, or sold in violation of the provisions of this Chapter;

4. Vested with the authority to investigate any commercial vendors within the county found to possess weighing and/or measuring devices which are in violation of this Chapter.

B. Inspection and Reinspection.

1. The Sealer may conduct unannounced inspections and testing of commercial weighing and measuring devices and point-of-sale systems within the county, and may conduct other weights and measures testing, including but not limited to price verification under NIST Handbook 130 and package checking under NIST Handbook 133, at such intervals as the Director determines necessary to protect consumers and ensure compliance with this Chapter.

2. When a device or point-of-sale system fails an initial inspection, the owner or operator shall cause the device or system to be corrected within the prescribed timeframe and shall notify the Department when it is ready for reinspection. The Department may also reinspect any establishment that fails a price-verification inspection conducted under NIST Handbook 130.

3. The Department may, following the first reinspection, charge a reinspection fee, as provided in Section 1302.07(H), for a device or system that failed its initial inspection and was not corrected within the prescribed timeframe.

Section 1302.05: Equipment

A. Suitability of equipment

Commercial equipment shall be suitable for the service in which it is used with respect to elements of its design, including but not limited to its weighing capacity (for weighing devices), its computing capability (for computing devices), its rate of flow (for liquid measuring devices), the character, number, size, and location of its indicating or recording elements, and the value of its smallest unit and unit prices.

B. Accessibility for testing purposes

A device shall be so located, or such facilities for normal access thereto shall be provided, to permit inspecting and testing the device; inspecting and applying security seals to the device; and readily bringing the testing equipment of the Weights and Measures official to the device by customary means and in the amount and size deemed necessary by such official for the proper conduct of the test. Otherwise, it shall be the responsibility of the device owner or operator to supply such special facilities, including such labor as may be needed to inspect, test, and seal the device, and to transport the testing equipment to and from the device, as required by the Weights and Measures official.

C. Method of operation

Equipment shall be operated only in ~~the~~ a manner that is obviously indicated by its construction or that is indicated by instructions on the equipment.

D. Installation

A device shall be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A device installed in a fixed location shall be installed so that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.

E. Position of equipment

A device or system equipped with a primary indicating element and used in direct sales, except for prescription scales, shall be positioned so that its indications may be accurately read and the weighing or measuring operation may be observed from some reasonable "customer" and "operator" position. The permissible distance between the equipment and a reasonable customer and operator position shall be determined ~~in each case upon the~~ on a case-by-case basis of the individual circumstances, particularly the size and character of the indicating element.

F. Maintenance of equipment

All equipment in service and all mechanisms and devices attached thereto or used in connection therewith shall be continuously maintained in proper operating condition throughout the period of such service. Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device user shall not be considered "maintained in a proper operating condition."

G. Requirements for the method of sale of commodities

The ~~Uniformed~~ Uniform Regulation for the Method of Sale of Commodities as ~~adopted by the National Conference on Weights and Measures and~~ published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to the method of sale of commodities in the ~~county, except insofar as modified or rejected by applicable provisions of the Ohio Revised Code or Ohio Administrative Code.~~ county.

H. Requirements for packaging and labeling

The Uniform Packaging and Labeling Regulation as ~~adopted by the National Conference on Weights and Measures and~~ published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to packaging and labeling in the county, except insofar as modified or rejected by regulation.

I. Requirements for price verification

The Examination Procedures for Price Verification as ~~adopted by the National Conference on Weights and Measures and~~ published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to price verification in the county, except insofar as modified or rejected by regulation.

J. Requirements for package checking

The procedures for checking the net contents of packaged goods as published in the National Institute of Standards and Technology Handbook 133, "Checking the Net Contents of Packaged Goods," and supplements thereto or revisions thereof, shall apply to the checking of packaged commodities in the county.

K. Itinerant vendor

All itinerant vendors using a weighing or measuring device in the county shall have that device inspected and tested by the Weights and Measures officials at the point of sale. ~~K. Obstructing county weights and measures inspector prohibited. No person shall obstruct or hinder County Weights and Measures inspectors in the performance of any of the duties imposed upon him or her by the provisions of this Chapter.~~

Section 1302.06: ~~Deceptive Practices Prohibited~~ Acts

~~No person shall do any of the following:~~

~~A. Sell, offer, or expose for sale less than the quantity he represents;~~

~~B. Take any more than the quantity he represents when, as a buyer, he furnishes the weight or measure by means of which the quantity is determined;~~

~~C. Represent the quantity he sells or offers or exposes for sale in any manner tending to mislead or in any way to deceive~~

No Supplier shall:

A. Use or have in possession for use in commerce any incorrect weight or measure.

B. Sell, offer, or expose for sale less than the quantity represented.

C. Take any more than the quantity represented when, as a buyer, furnishing the weight or measure by means of which the quantity is determined.

D. Represent the quantity sold, offered, or exposed for sale in any manner calculated or tending to mislead or in any way to deceive.

E. Misrepresent the price of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count, or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

F. Remove any seal from any weight or measure device without specific written authorization from the Department.

G. Hinder or obstruct any weights and measures official in the performance of his or her duties.

H. Sell, offer, or expose for sale, or use or keep to be used, any weight or measure for weighing or measuring any article bought, sold, offered, or exposed for sale, which is liable to indicate false or inaccurate weight or measure, or which does not conform to the standard established by law.

I. Sell, offer, or expose any weight or measure for weighing or measuring of products for sale without said weight and measure having been tested, marked, and sealed by a weights and measures official.

J. Use in commerce any commercial weighing or measuring device that does not hold a National Type Evaluation Program (NTEP) Certificate of Conformance as defined in Section 1302.01(B).

K. Violate any provision of this Chapter or any regulation promulgated pursuant hereto.

Section 1302.07: Remedies

~~A. Upon finding a violation of this Chapter, the Director shall expeditiously cause the same to be corrected or where there is evidence of intent to defraud commence a civil action in the name of the county to recover a civil penalty in the amounts prescribed. In lieu of instituting or continuing a cause of action for recovery of such civil penalty may be released, settled or compromised by the Director.~~

~~B. Seek injunctive relief as a means of enforcing this Chapter. Said injunctive relief may include, but is not limited to, an Assurance of Voluntary Compliance prohibiting the alleged violator from engaging in an unfair or deceptive practice; stipulation for payment of penalty and/or investigative costs. Any settlement shall be in writing and made a matter of public record.~~

~~C. Violation of an assurance entered pursuant to this section shall be treated as a violation of this Chapter and shall be subject to all the penalties provided therefor.~~

~~D. In enforcing this Chapter, the Director shall be subject to the jurisdiction, investigation, and enforcement provisions and procedures in Chapter 1301 of the Cuyahoga County Code, as long as it does not conflict with any other weights and measures laws enacted by other political subdivisions within the County.~~

~~E. A violation of any provision of this Chapter shall be punishable by a payment of a civil penalty in the sum of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00). Subsequent violations shall be punishable by a payment of a civil penalty of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).~~

A. Upon finding a violation of this Chapter, the Director shall expeditiously cause the same to be corrected or, where the violation is not timely corrected or there is evidence of intent to defraud, commence a civil action in the name of the county to recover a civil penalty in the amounts prescribed. In lieu of instituting or continuing a cause of action for recovery of such civil penalty, the penalty may be released, settled, or negotiated by the Director.

B. The Director may seek injunctive relief, enter into an Assurance of Voluntary Compliance, or both, as a means of enforcing this Chapter. An Assurance of Voluntary Compliance entered under this subsection shall prohibit the alleged violator from engaging in the conduct alleged to violate this Chapter and may include stipulation for payment of penalty or investigative costs. Any settlement shall be in writing and made a matter of public record.

C. Violation of an Assurance of Voluntary Compliance entered under Section 1301.05(D) in connection with a violation of this Chapter shall be treated as a violation of this Chapter and shall be subject to all the penalties provided therefor.

D. Incorporation of Chapter 1301 Procedures. In enforcing this Chapter, the Director shall be subject to the investigation and enforcement provisions and procedures set out in Chapter 1301 of the Cuyahoga County Code, including but not limited to the authority to issue Charging Documents and Civil Citations, and the administrative enforcement procedures of Section 1301.08. The remedies available under Chapter 1301, including injunctive relief, cease-and-desist orders, and Assurances of Voluntary Compliance, shall remain available to the Director for enforcement of this Chapter. A notice of violation issued by the Sealer or an Inspector under Section 1302.04(A)(2) shall constitute grounds for the Director to issue a Charging Document under Section 1301.05(B); the Director may also elect to proceed by Civil Citation under Section 1301.06 where the eligibility criteria of that section are satisfied. The limitations period in Section 1301.04 applies to County actions under this Chapter as if the term "this Chapter" in Section 1301.04 referred to this Chapter.

E. Stop-Use and Stop-Sale Orders

1. Authority. The Sealer or Director may issue an immediate stop-use or stop-sale order when a device or commodity: (a) fails to meet accuracy standards by more than the applicable tolerance; (b) has been tampered with or has a broken seal; or (c) poses an immediate risk of consumer harm.

2. Duration. A stop-use or stop-sale order remains in effect until: (a) the device is repaired, recalibrated, and passes reinspection; or (b) the order is lifted by the Director or by order of the Administrative Appeals Board or court.

3. Expedited Review. A respondent may request expedited review of a stop-use or stop-sale order by filing with the Administrative Appeals Board within five (5) business days. The Board shall conduct a review within five (5) business days and issue a decision within two (2) business days thereafter.

4. Violation of Order. Operation of a device or sale of a commodity in violation of a stop-use or stop-sale order shall constitute a separate violation subject to the maximum civil penalties under subsection (F) regardless of whether it is a first violation.

5. Exclusive Review; No Stay. A stop-use, stop-sale, or condemned order is reviewable exclusively as provided in paragraph (3) of this subsection and is not subject to the automatic stay under Section 205.11(E)(2). The inclusion of the substance of such an order in a subsequent Final Order does not stay, suspend, or terminate the order pending any appeal of that Final Order.

F. Civil Penalties. A violation of any provision of this Chapter shall be punishable by a payment of a civil penalty as prescribed in the penalty provisions of Section 1301.07(H).

1. Where a violation involves an uncorrected condition—including but not limited to the continued use or operation of a commercial weighing or measuring device or point-of-sale system that has failed inspection, that is subject to a stop-use, stop-sale, or condemned order under Sections 1302.04(A)(2) or 1302.07(E), or that has been found to maintain inaccurate pricing—and the respondent has been served with written notice identifying the violation and specifying a correction period of not fewer than fourteen (14) calendar days, each inspection the violation remains uncorrected after expiration of the correction period shall constitute a separate offense; provided, however, that no correction period is required for violations of a stop-use, stop-sale, or condemned order, which are immediately enforceable.

2. Per-inspection penalties shall not exceed the lesser of (i) the maximum penalty applicable to the violation under Section 1301.07(H), or (ii) the remaining aggregate available under this subsection. Each per-inspection assessment under this subsection shall be incorporated into the existing Final Order in the matter as a supplemental Final Order under Section 1301.08(C), with a fresh appeal trigger under Section 1301.08(E) running from service of the supplemental order. Where no Final Order has yet issued, the Director shall issue a Charging Document under Section 1301.05(B) and proceed under Section 1301.08. Aggregate per-inspection penalties for a single continuing violation shall not exceed twenty thousand dollars (\$20,000); provided, however, that upon a finding that the conduct was Willful, the aggregate shall not exceed the greater of one hundred thousand dollars (\$100,000) or five (5) times the total consumer harm.

G. Opportunity to Cure. For first-time violations involving device calibration or accuracy that do not involve intentional tampering, fraud, or consumer harm exceeding five hundred dollars (\$500), the respondent shall have fourteen (14) calendar days from service of the Inspection Report to correct the violation and provide proof of correction to the Department. If the violation is timely corrected and the respondent has no prior violations within three (3) years, no civil penalty shall be imposed, but the Director may assess reasonable reinspection costs. The opportunity to cure does not apply to: (a) violations involving intentional tampering, fraud, or deception; (b) violations causing actual consumer harm exceeding five hundred dollars (\$500); (c) second or subsequent violations of the same or similar nature within three (3) years; or (d) violations involving operation of a device after a stop-use order.

H. Reinspection Fees. In addition to any civil penalty, the Director may assess a reinspection fee against any Supplier whose commercial weighing or measuring device or point-of-sale system fails an inspection conducted pursuant to this Chapter. The reinspection fee shall not exceed thirty-five dollars (\$35) per reinspection.

I. Relationship to Other Enforcement Authorities.

1. State Weights and Measures Penalties. The civil penalties provided in this section are in addition to, and independent of, any penalties that may be assessed by the State of Ohio under ORC 1327.62 or ORC 1327.99. Nothing in this section shall be construed to limit the authority of the Director of Agriculture to assess penalties or pursue enforcement under state law, nor shall the assessment of a state penalty preclude the County from assessing a civil penalty under this section for the same or related conduct. A Supplier shall not, however, be required to pay both a state civil penalty under ORC 1327.62 and a county civil penalty under this section for the identical violation arising from the same inspection; where both the State and the County assess civil penalties for the identical violation, the County shall credit against its penalty any amount actually paid by the Supplier to the State for that violation.

2. Attorney General Consumer Protection Actions. The limitation on County civil penalty actions set forth in Section 1301.05(G) of this Code shall apply only to actions brought under Chapter 1301 and shall not bar, limit, or affect the assessment of civil penalties or reinspection fees under this Chapter. An action by the Ohio Attorney General under ORC 1345.07 shall not preclude the County from assessing or collecting any penalty or fee authorized by this Chapter.

3. Municipal Enforcement. Nothing in this section shall be construed to limit the authority of any municipal corporation within the county that has appointed a weights and measures official in accordance with ORC 1327.52 to enforce weights and measures laws within that municipality's jurisdiction.

J. [Reserved.]

K. Appeal. Any Final Order issued pursuant to this Chapter shall be subject to appeal to the Administrative Appeals Board pursuant to Section 205.11 of this Code, in accordance with the procedures set forth in Section 1301.08(E). The time for filing an appeal and the standard of review shall be as provided in Section 205.11.

L. Application of Corrective Compliance Orders. Where a violation of this Chapter has caused consumer harm but the affected consumers are not identifiable from records in evidence, the Director may, in lieu of a Corrective Compliance Order under Section 1301.07(G), direct that the Supplier pay an equivalent amount for the benefit of consumers harmed by similar violations.

Section 1302.08: Price Refunds; Price Information

A. A ~~person~~ Supplier who uses an electronic scanner to record the price of a commodity or thing and who sells the commodity or thing at a price higher than the posted or advertised price of that commodity or thing shall at least ~~shall~~ refund to a person who

purchases the commodity or thing the difference between the posted or advertised price of the commodity or thing and the price charged at the time of sale.

B. A ~~person~~ Supplier who sells a commodity or thing and who uses an electronic scanner to record the price of that commodity or thing shall display, in a conspicuous manner, a sign stating the ~~requirement~~ requirements of this section.

C. In addition to the signage required by subsection (B), any Supplier operating a point-of-sale system shall conspicuously display, at or near each customer exit, the Department's consumer complaint telephone number and website address, as designated by the Director.

D. Whoever violates any provisions of this Section may be subject to penalties provided in Section ~~1302.07~~. 1301.07(H).

E. Public Posting of Violations. Where a Final Order issued under Section 1301.08 finds that a point-of-sale system has failed a price-verification inspection conducted pursuant to Section 1302.05(I), the Final Order may require the Supplier to post a public notice of the violation, in a form prescribed by the Director, at each customer entrance of the location where the violation occurred. The notice shall remain posted for not fewer than thirty (30) calendar days. The posting requirement is subject to the automatic stay under Section 205.11(E)(2) during pendency of any timely appeal.

Section 1302.09: Sales of Petroleum Products

A. Definition

For the purpose of this Chapter, “petroleum products” includes all liquid products having a predominant content of derivatives of petroleum and customarily used in motor vehicles.

B. Posting of petroleum product prices

Street signage is not required. However, when street signage is used, the sign shall match the product price at which the product is displayed. The signs must be visible to the motorist before entering the station to purchase fuel. The conditions applicable to the sale of the fuel at the advertised price must also be on the advertising sign (i.e., full service or self-service and cash price or credit price). The total size of the figures indicating a fractional or decimal number which is part of the price shall be at least forty percent (40%) the size of the largest figure in the whole number accompanying said fractional or decimal number.

C. Retail dispenser labeling

All retail dispensing devices must identify conspicuously the type and price of product, the particular grade of the product, and the applicable automotive fuel rating.

D. Prohibited advertising practices

No ~~person~~ Supplier shall advertise in and about the premises where the petroleum product is sold, whether by display, sign, or otherwise, the sale of petroleum products to be sold or delivered by means of a device of the computing type at a price less than or more than that for which said computing device has been set.

E. Penalties

Whoever violates any provisions of this Section may be subject to penalties provided in Section 1302.07.

Section 1302.10: Scanner Accuracy Requirements

A. Accuracy Standard. Every retail establishment using scanners or electronic price lookup systems shall maintain a failure rate not greater than two percent (2%), consistent with the price-verification procedures of NIST Handbook 130.

B. Calculation. The failure rate shall be calculated as the number of items scanned at an incorrect price divided by the total number of items scanned, multiplied by one hundred.

C. Correct Price. An item scans at the "correct price" if the scanned price equals:

1. The price displayed on the item;
2. The shelf price displayed in reasonable proximity to the item; or
3. The advertised price, if the item is currently advertised.

D. Lowest Price Controls. If multiple prices are displayed for an item (e.g., item tag, shelf tag, advertised price), the consumer shall be entitled to purchase the item at the lowest displayed or advertised price.

Section 1302.11: Item Pricing Requirements

A. Shelf Pricing. For items with prices displayed on a shelf tag or sign in reasonable proximity to the item, the displayed price must be accurate and match the price at the point of sale.

B. Sale Items. When items are offered at a reduced price, the reduced price shall be clearly displayed at the point of display. If the original price is also displayed, it shall not be false or inflated.

Section 1302.12: Consumer Remedies — Pricing Errors

A. Overcharge Refund. If a consumer is charged more than the correct price for any item, the retail establishment shall, upon notification, refund the overcharge.

B. Notice of Policy. Retail establishments shall post notice of the consumer remedy under this section at or near checkout locations.

Section 1302.13: Jurisdiction and Applicability

A. Territorial Jurisdiction.

1. This Chapter shall apply throughout the unincorporated area of the county and in all municipal corporations and townships within the county, except as provided in subsection (A)(2).

2. This Chapter shall not apply within any municipal corporation that has appointed a weights and measures official in accordance with ORC 1327.52, unless such municipality has consented to county enforcement by written agreement with the County. Where such an agreement exists, the terms of the agreement shall govern the scope of county enforcement within that municipality.

3. For purposes of this Chapter, a regulated transaction shall be deemed to occur within the county if: (a) the commodity is weighed, measured, or dispensed at a location within the county; (b) the commodity is delivered to or picked up by the buyer at a location within the county; or (c) the seller maintains the weighing or measuring device or point-of-sale system used in the transaction at a location within the county.

B. Applicability to All Regulated Transactions.

This Chapter shall apply to all regulated transactions, as defined in Section 1302.01(K), occurring within the county's jurisdiction as established by subsection (A), regardless of the sales channel through which the transaction is initiated or completed, including but not limited to transactions conducted in person, by telephone, through electronic commerce, or through third-party delivery platforms.

C. Net-Content and Labeling Requirements for Remote Transactions.

Any Supplier who sells, offers, or exposes for sale any commodity by weight, measure, volume, count, or other quantitative representation through an online platform, mobile application, or other electronic means for delivery or pickup within the county shall be subject to all labeling, net-content, and accuracy requirements of this Chapter as if the sale occurred at a fixed retail location.

D. Designation of Additional Device Categories.

County Council may, by ordinance and upon the recommendation of the Director, designate additional categories of weighing, measuring, or dispensing devices as subject to the inspection and testing requirements of this Chapter, as technological developments warrant, consistent with the Ohio Revised Code and applicable federal law.

Section 1302.14: Coordination Between Consumer Protection and Weights and Measures Enforcement

A. Distinct Functions. The Department of Consumer Affairs enforces Chapter 1301 to address unfair, deceptive, and unconscionable consumer practices. The Fiscal Officer, as Sealer of Weights and Measures under ORC 319.55, enforces Chapter 1302 through powers delegated to the Director to ensure accuracy of commercial weighing and measuring devices.

B. Referral from Weights and Measures. When an inspection conducted under Weights and Measures authority reveals pricing discrepancies that have resulted in consumer overcharges, the Inspector or Sealer conducting the inspection shall:

1. Issue appropriate orders under Weights and Measures authority to correct the device or database error;

2. Refer the matter to Consumer Affairs if:

a. The overcharges affect or are likely to have affected multiple consumers;

b. The pricing discrepancy exceeds ten percent (10%) of the tested items;

c. The establishment has a prior history of pricing violations; or

d. Consumer Corrective Compliance relief may be warranted.

C. Consumer Protection Follow-Up. Upon receiving a referral under subsection (B), the Director may:

1. Investigate for potential violations of this Chapter or other Chapters within this Title;

2. Pursue Consumer Corrective Compliance relief through an AVC or enforcement order;

3. Issue Civil Citations or Charging Documents as appropriate.

D. No Duplicate Penalties. A supplier shall not be subject to civil penalties under both Chapter 1301 and this Chapter for the same specific conduct. However:

1. Weights and Measures corrective orders and Consumer Protection corrective compliance orders address different harms and both may apply;

2. A pattern of violations may support Consumer Protection enforcement even after individual incidents have been addressed through Weights and Measures orders.

D. Procedural Integration. Where this Chapter invokes the enforcement procedures of Chapter 1301 pursuant to Section 1302.07(D), the provisions of Sections 1301.05 through 1301.08 shall apply to the enforcement of Chapter 1302 violations.

Section 1302.15: Severability

The provisions of this Chapter are severable. If any provision of this Chapter, or its application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. The County Council declares that it would have enacted each remaining provision irrespective of the invalidity of any other.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this 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.

SECTION 3. This Ordinance shall take effect and be in force from and after the later of (a) the earliest period allowed by law, or (b) the effective date of the ordinance enacting Section 205.11 (Administrative Appeals Board) of the Cuyahoga County Code, so that the administrative appellate review provided for in this Chapter is available upon the effective date of this Ordinance.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 23, 2026

Committee(s) Assigned: Education, Environment & Sustainability

Journal _____
_____, 20____