

ORDINANCE NO. 2005-560

SPONSORS Mr. Dickinson and Mr. Teodosio

DATE November 21, 2005

An amended Ordinance amending Title Five of Part Seven, of the Codified Ordinances of the County of Summit, entitled "Consumer Protection," enacting Chapter 777, to protect consumers in consumer-related transactions concerning secondhand dealers, for County Council.

WHEREAS, the United States Consumer Product Safety Commission estimates sixty-nine percent of general thrift stores in the United States sell at least one hazardous product that presents a risk of injury or death; and

WHEREAS, the United States Consumer Product Safety Commission estimates that thrift stores across the country contain over forty thousand recalled or hazardous products; and

WHEREAS, the Council of the County of Summit seeks to protect the citizens of Summit County from purchasing hazardous or recalled items; and

WHEREAS, the Council of the County of Summit has previously adopted Ordinance No. 2004-618 establishing a Consumers Affairs Board and Office of Consumer Affairs for the County of Summit; and

WHEREAS, it is the intention of this Chapter to further protect the citizens of Summit County by enacting Chapter 777 to protect consumers participating in secondhand consumer-related transactions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The Codified Ordinances of the County of Summit is hereby amended by enacting a new Chapter 777 within Title Five of Part Seven which shall read as follows.

"CHAPTER 7747

DEFINITIONS

777.01 DEFINITION OF TERMS

As used in this Chapter, certain terms are defined as follows:

- (a) "Bulletin Board" means a board for posting notices, being no less than 2' by 3' in size, placed in a conspicuous location within a secondhand store.
- (b) ~~(a)~~ "Children's product" means any item of furniture manufactured for use by children under eight years of age, including, but not limited to, any crib, playpen, stroller or child carrier.

Section 1. (cont.)

- (c) ~~(b)~~ "Clothing" means any garment in general.
- (d) "Decorative item" means an item used to accent a room and shall include but is not limited to vases, artwork, and candle holders.
- (e) ~~(e)~~ "Household product" means any item used in the day-to-day operation of a home, including, but not limited to, kitchenware and cleaning products.
- (f) ~~(d)~~ "Kitchenware" means any appliance or container used to prepare or store food.
- (g) ~~(e)~~ "Secondhand" means that which has been used or which has been previously traded or sold by a retailer.
- (h) ~~(f)~~ "Secondhand dealer" means any person who engages in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring for value any secondhand property.

777.02 RECALLED AND HAZARDOUS PRODUCTS

- (a) Every business engaged in the ~~of~~ purchasing, selling, receiving, trading, consignment selling or otherwise transferring of any secondhand products, including, but not limited to, Children's products, household products, appliances and kitchenware, shall obtain and maintain on file in paper form on the business premises all recall notifications issued by the United States Consumer Product Safety Commission and retain said notifications for no less than a period of ~~nine~~ three (3) years.
- (b) In addition, anyone engaged in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring any children's product shall maintain a bulletin board displaying recall notifications from the proceeding ~~three months~~ thirty (30) days issued by the United States Consumer Product Safety Commission.
- (c) Businesses shall only be required to maintain and display notifications by the United States Consumer Product Safety Commission issued after this Chapter is enacted.
- (d) No secondhand dealer shall purchase, sell, ~~receive~~, trade, place on consignment or otherwise transfer any consumer product that has been recalled or deemed hazardous by the United States Consumer Product Safety Commission.

Section 1. (cont.)

- (e) No secondhand dealer shall purchase, sell, trade, or place on consignment any crib exhibiting the following:
- (1) Slats wider apart than 2 3/8 inches.
 - (2) Corner posts or cutouts.
- (f) ~~(e)~~ No secondhand dealer shall purchase, sell, receive, trade, or place on consignment or otherwise transfer any product that does not contain the manufacturer's original label, tag or other identification; provided that this requirement shall not apply if the secondhand dealer has documentation or photographic evidence which establishes the identity of the product manufacturer and excludes clothing or other textiles, handbags or suitcases, glassware, dishes or household decorative items, homemade, or household furnishing not specifically recalled or identified as hazardous. The Board of Consumer Affairs may promulgate rules and regulations identifying the types of documentation or photographic evidence that may be used to establish a manufacturer's identity under this subsection.

777.03 SEVERABILITY

The determination that any part of this Chapter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

777.04 CAUSE OF ACTION

Nothing in this Chapter shall be interpreted as restricting any private cause of action.

777.04 RELATION TO OTHER LAW

This Chapter shall apply in all townships, villages and municipal corporations within the County of Summit.

Section 1 (cont.)

777.99 PENALTIES

- (a) Whoever violates any provision of this Chapter shall be subject to the penalties provided in Section 761.99.
- (b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized in Section 761.04 of this code.”

SECTION 2

Provided this Ordinance receives the affirmative vote of six (6) members, it shall take effect ninety (90) days after its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 3

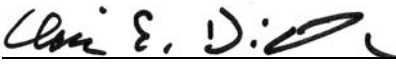
It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open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

INTRODUCED October 24, 2005

ADOPTED November 21, 2005




 CLERK OF COUNCIL



 PRESIDENT

APPROVED November 22, 2005


 _____ for
 EXECUTIVE

February 19, 2006

 ENACTED EFFECTIVE

VOICE VOTE: 11-0 YES: Callahan, Congrove, Crawford, Crossland, Dickinson, Gallagher, Heydorn, Kostandaras, Prentice, Smith and Teodosio