

Title 29
WEIGHTS AND MEASURES CODE

Chapter 2901 CITY SEALER

2901.01 Definitions.

When in this code the words "city sealer" are used, they shall mean the city sealer of weights and measures, or any of the deputies or assistants duly authorized to perform the duties of such officer.

1. "Weight(s) and(or) measure(s)" means 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.
2. "Weight" as used in connection with any commodity means net weight; except where the label declares that the produce is sold by drained weight, the term means net drained weight.
3. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this code.
4. "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.
5. "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, used in acceptable laboratory procedures, and used in the enforcement of weights and measures and regulations in the city of Columbus.
6. "Person" means both plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.
7. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of the sale.
8. "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.
9. "Short-weight packages" means any "standard pack" or "pre-pack" commodity whose net content(s) does not meet or exceed the labeled or advertised quantity at the retail outlet.
10. Vehicle On-Board Weighing System. A weighing system designed as an integral part of or attached to the frame, chassis, lifting mechanism, or bed of a vehicle, trailer, industrial tractor, or forklift truck.
11. Computing Scale. A device that indicates the money values of amounts of commodity weighed at predetermined unit prices throughout all or part of the weighing range of the scale.
12. Computing Scale LP. Same as a computing scale but with the capability of printing a label.
13. Counter Scale. A device that only gives a weight indication and has a maximum capacity of twenty (20) pounds or less.
14. Platform Scale. A device that only gives a weight indication and has a range of greater than twenty (20) pounds to a maximum of two thousand (2,000) pounds. Usually the scale can be easily transported by lifting, or it is mounted on wheels and can be rolled.

15. Dormant Scale. This device is the same as a platform, except the capacity is greater than two thousand (2,000) pounds. Usually this type is installed permanently, or is so large that it is not easily moved.
16. Hanging Spring Scale. A device that is suspended, has a spring mechanism, and is usually with a capacity of less than one hundred (100) pounds.
17. Track Scale. A device incorporated into a transport system, where a commodity (usually meat) is weighed in transit. This system is a monorail type and the commodity is suspended by a hook that moves along the rail.
18. Butcher Beam. A device used to weigh a commodity (usually meat) by means of suspending the article from a beam. Similar to a track scale, except the commodity is not in transit.
19. Hopper Scale. A device designed for weighing bulk commodities whose load - receiving element is a tank, box, or hopper mounted on a weighing element.
20. Jeweler Scale. A device adapted to weighing gems and precious metals.
21. Vehicle Scale. A device adapted to weighing highway, farm, or other large industrial vehicles, (except railroad freight cars) loaded or unloaded.
22. Livestock Scale. A device equipped with stock racks and gates and adapted to weighing livestock standing on the scale platform.
23. Taximeter. A device that automatically calculates at a predetermined rate or rates and indicates the charge for hire of a vehicle.
24. Liquid Measuring Device. A mechanism or machine or combination designed to measure and deliver liquid by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
25. Car Wash Timer. A timer used in conjunction with a coin operated device to measure the time during which car wash water, cleaning solutions, or waxing solutions are dispensed.
26. Vacuum Timer. A timer used in conjunction with a coin operated device to measure the time the vacuum operates.
27. Dryer Timer. A timer used in conjunction with a coin operated device to measure the time during which clothes are dried.
28. Parking Clock Timer. A timer used to measure parking time for vehicles.
29. CNG Device. A mechanism or machine designed to measure and deliver compressed natural gas by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
30. LNG Device. A mechanism or machine designed to measure and deliver ~~liquidified~~ liquefied natural gas by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
31. Electrical Vehicle Charging Device. A mechanism or machine designed to measure and deliver electrical charge by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.

32. **LPG Meter.** A mechanism or machine or combination designed to measure and deliver liquefied petroleum gas by definite volume. Means may or may not be provided to indicate automatically for one (1) of a series of unit prices, the total money value of the liquid measured, or to make deliveries corresponding to specific money values at a definite unit price.
33. **Parking Meter.** A timer used to measure parking time for vehicles.
35. **Price Verification Inspection.** Verifying labeled shelf prices in an establishment by way of automated or manual inspection to ensure scanned price matches labeled price.
36. **Package Inspection Lot.** A collection of identically labeled (random packages, in some cases, are exempt from identity and labeled quantity when determining the inspection lot) packages available for inspection at one (1) time.
37. "Director" shall mean the director of building and zoning services, or their designee.

2901.02 Office of city sealer.

There shall be an office of weights and measures located for administrative purposes within the department of ~~public safety~~ building and zoning services ~~division of support services~~. The office is charged with, but not limited to, performing the following functions on behalf of the citizens of the city.

- (a) Assuring that weights and measures in commercial service within the city are suitable for their intended use, properly installed, and accurate, and are so maintained by their owner or user.
- (b) Preventing unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within this city.
- (c) Making available to all users of physical standards or weighing and measuring equipment the precision calibration and related meteorological certification capabilities of the weight and measures facilities of the office of weights and measures.
- (d) Promoting uniformity, to the extent practicable and desirable, between weights and measures requirements of the city of Columbus and the state of Ohio.
- (e) Encouraging desirable economic growth while protecting the consumer through the adoption by rule of weights and measures requirements as necessary to assure equity among buyers and sellers.

2901.03 Appointment and duties.

The sealer of weights and measures shall be appointed by the director of ~~public safety~~ building and zoning services; ~~and the~~ The sealer of weights and measures, or the sealer's assistants, shall enforce the provisions of this Weights and Measures Code.

To accomplish this, the sealer or the sealer's assistants may:

- (a) Conduct investigations to ensure compliance with this Code.
- (b) Delegate to appropriate personnel any of these necessary responsibilities for the proper administration of this office.
- (c) Test annually the standards of weight and measure used by any commercial business within the city and approve the same when found to be correct.
- (d) Inspect and test weights and measures kept, offered, or exposed for sale.
- (e) Inspect and test, to ascertain if they are correct, weights and measures commercially used:

- (1) In determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count, or,
 - (2) In computing the basic charge or for services rendered on the basis of weight, measure, or count.
- (f) Perform such other duties and functions as may be assigned to the sealer by this chapter or other ordinances of council.

2901.05 Reserved. ~~Purchasing commodities for testing; reimbursement.~~

2907.02 ~~(Reserved for future legislation.)~~ Reserved.

2907.04 ~~(Reserved for future legislation.)~~ Reserved.

Chapter 2911 ENFORCEMENT AND PENALTY

2911.01 Sealer to prosecute code violations.

It shall be the duty of the city sealer to enter a formal complaint or file an affidavit against any and all persons who shall violate or cause to be violated any of the provisions of ~~this code~~ this Weights and Measures Code.

2911.02 Reserved. ~~(Reserved for future legislation.)~~

2911.03 Injunction.

The sealer is authorized to file in the Franklin County Court of Common Pleas for a temporary or permanent injunction restraining any person from violating any provisions of this Weights and Measures Code.

2911.04 Reserved. ~~(Reserved for future legislation.)~~

2911.99 Penalty for Code violations.

- (a) If an inspection fee prescribed by Section 2903.01 is not received by the auditor's office within forty-five (45) days from the date it is due, a penalty of fifty (50) percent of any such fee shall be imposed in addition to the original fee.
- (b) If ~~an inspection~~ penalty fee prescribed by Section 2911.99(a) ~~2903.01(a)~~ is not received by the auditor's office within ninety (90) days from the date it is due, all approval seals may be pulled from the devices (at location) and be tagged non-sealed, thus placing them out of order until all outstanding fees have been paid.
- (c) No person shall:
 - (1) Use or have in possession for use in commerce any incorrect weight or measure.
 - (2) Remove any tag, seal, or mark from any weight or measure without specific written authorization from the proper authority.
 - (3) Hinder or obstruct any weights and measures official in the performance of his duties.

-
- (d) Any person who violates ~~the provisions of~~ any provision of this ~~section~~-Title or any provision of this ~~code~~ regulations promulgated pursuant thereto, for which specific penalty has not been prescribed, shall, on first conviction, be guilty of a minor misdemeanor and ~~shall be charged in accordance with Ohio Revised Code Section 2929.28 a fine not to exceed one hundred fifty dollars (\$150.00).~~ Upon each subsequent conviction, the individual shall be guilty of a misdemeanor of the fourth degree and ~~shall be charged in accordance with Ohio Revised Codes Sections 2929.24 and 2929.28 a fine not to exceed two hundred fifty dollars (\$250.00), or by imprisonment for up to thirty (30) days, or both.~~
- (e) In accordance with section 2301.23 of the Columbus City Codes, organizational criminal liability is intended to be imposed for a violation of this Title.

Chapter 2925 CONSUMER COMPLAINTS

2925.01 Commission on consumer protection established; composition, term and vacancy.

There is hereby established a commission of consumer protection, consisting of eleven (11) members, whose function it shall be to protect against unlawful and illegal activities practiced upon consumers. Council recommends that the appointments to the commission of consumer protection be made from professions and individuals, such as, but not limited to, the Director of Human Resources Services, the Director of Public Safety Building and Zoning Services, two (2) homemakers, residents of the city of Columbus; two (2) representatives of organized business, residents of the city of Columbus; a representative of organized labor, a resident of the city of Columbus; a representative from a local consumer organization, a resident of the city of Columbus; three (3) other members, residents of the city of Columbus; all members to be appointed by the mayor with council approval. Initially three (3) members shall be appointed for an initial term of one (1) year; four (4) members shall be appointed for an initial term of two years; and four (4) members shall be appointed for an initial term of three (3) years. All members of the commission are to serve without compensation for subsequent terms of three years and shall have such duties and powers as are set forth in this chapter and as may from time to time be prescribed by ordinance. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as the original appointments are made. The commission shall hold not less than four (4) meetings annually and such additional meetings as it may deem necessary. The commission shall also adopt procedures for the election of a chairperson, vice-chairperson and organization of its meetings.

2925.02 Investigation of complaints by sealer of weights and measures.

The city sealer of weights and measures is hereby authorized and directed to receive complaints of frauds, unlawful practices, unfair practices and dealings against consumers, and any violations of federal, state, and municipal rules, regulations and laws affecting consumers. The city sealer shall investigate said complaints and refer the findings to the Director of Public Safety Building and Zoning Services for whatever legal action the Director shall deem warranted. The sealer shall bring all such complaints together with the findings of the investigation and action taken thereon to the attention of the commission of consumer protection at its next regular meeting.

2925.03 Commission to encourage fair business practices, recommend legislation and undertake consumer education programs.

The commission of consumer protection shall hear and consider the results of the investigations made by the city sealer of weights and measures which are brought to its attention in accordance with the

provisions of this chapter. The commission of consumer protection shall undertake activities to encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services and shall also recommend to the Director of the Department of ~~Public Safety~~ Building and Zoning Services areas in which legislation is needed for the protection of consumers against frauds and unfair dealings. The commission shall also undertake consumer education programs, the provisions of and directions of said programs to be determined by the commission.

2937.01 Definitions.

- (a) Home Solicitation Sales. For the purposes of this chapter 'home solicitation sales' means a sale, lease or rental of goods or services by cash or credit in which the seller, the seller's representative or a person acting for the seller solicits and/or consummates a sale of said goods or services at the home or residence of the buyer. Home solicitation sales shall include those solicitations and sales made as a result of unsolicited contacts at the home as a result of appointments solicited by the seller by telephone or by the buyer by telephone in response to an advertisement made by the seller. Home solicitation sales shall not include sales made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services of a similar nature are offered or exhibited for sale by the seller.
- (b) Goods. For the purposes of this chapter 'goods' shall include all personal property and shall also include chattels, fixtures and goods which at the time of sale or subsequently are so affixed to realty as to become part thereof, whether or not separable therefrom.
- (c) Services. For the purposes of this chapter 'services' shall mean work, labor and services of any kind performed in conjunction with a sale, but not including services for which the prices charged are required by law to be established and regulated by the Government of the United States, State of Ohio or city of Columbus.
- (d) Seller includes a lessor or anyone offering goods for rent.
- (e) Buyer includes a lessee or anyone who gives a consideration for the privilege of using goods.
- (f) Sale includes a lease or rental.
- (g) Business day includes Monday through Friday.
- (h) Exclusion. Goods and services shall not include those goods and services sold by ~~salesmen~~ salespersons specifically and especially licensed for sales of such goods and services by governmental agencies.

2939.01 Definitions. Reserved