

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.
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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, 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:
Committee(s) Assigned:

Journal _____
_____, 20__