

CHAPTER 713
Blind Workers' Products

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CROSS REFERENCES

Schools for the blind - see Ohio R.C. Ch. 3325

Needy blind - see Ohio R.C. Ch. 5101.53

Blind pedestrian - see TRAF. 371.02

713.01 DECLARATION OF OBJECT.

Any misrepresentation that goods offered for sale are the product of blind workers is hereby declared to be a special matter of public concern. (Ord. 226-60. Passed 10-24-60.)

713.02 DEFINITIONS.

(a) "Blind" means a person having a central visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200, but with limitation in the field of vision, such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees, or a person with a progressive eye disease whose visual acuity or field limitation may be expected to become further impaired to the point of the standards set forth above. In all cases, diagnosis of blindness or progressive eye disease must be made by a qualified physician skilled in diseases of the eye.

(b) "Goods or articles made by blind workers" means goods or articles in the manufacture of which not less than seventy-five (75) percent of the total hours of direct labor is performed by blind workers.

(c) "Manufacturing" means the preparation, processing and packaging of goods or articles.

(d) "Direct labor" means all work required for the manufacturing of goods or articles, but not including administration, sales, supervision, inspection and shipment or delivery. (Ord. 226-60. Passed 10-24-60.)

713.03 LICENSE REQUIRED; EXCEPTIONS.

(a) No person may manufacture, sell, market or otherwise dispose of any goods or articles to the public which, by way of any imprint, stamp, label, firm name or other printed matter, indicate that the goods or articles were made by blind workers or which, by word of mouth or otherwise, have been represented to be made by blind workers without first obtaining a license in writing from the Safety-Service Director upon a form prescribed by the Director.

(b) None of the provisions of this Section are meant to apply to any person marketing goods or articles made by blind workers on the premises of an established retail grocery, department or variety store permanently located within the City.

(Ord. 226-60. Passed 10-24-60.)

713.04 FEE AND TERM; AFFIDAVIT INFORMATION.

(a) Issuance of a license shall be upon application being submitted to the Safety-Service Director accompanied by an affidavit and payment. The fee set forth in 1321.06 of the Codified Ordinances. Licenses shall expire thirty (30) days from the date of issue and shall be renewable under the same terms and conditions required for the original issuance.

(b) Every person, firm or corporation or its Rocky River distributor wishing to secure a license shall submit the affidavit of such person, or if a firm or corporation, the affidavit of its president, setting forth the following:

- (1) Name, local address and phone number of the applicant.
- (2) Name, local address and phone number of its president or local representative.
- (3) Method of selling to be employed. The names of individual agents or representatives and delivery person which the applicant believes will represent such applicant.
- (4) Whether products to be sold are blind products.
- (5) Assertion that such products meet all the standards set forth herein.

(Ord. 226-60. Passed 10-24-60.)

713.05 ISSUANCE; REGULATIONS.

(a) The Safety-Service Director shall, upon receipt of the application and affidavit, issue the license provided for herein when he is satisfied that the goods or articles to be manufactured, sold or marketed will meet the standards set forth herein. It shall be the responsibility of the applicant to properly complete the individual license forms secured from the Director to reflect the required information for individual agents or representatives and to keep the Director informed at all times of the current holder, if any, of such license.

(b) The Director of Safety-Service shall issue any regulations which may be necessary for the implementation of the various provisions herein.

(Ord. 226-60. Passed 10-24-60.)

713.06 LABELLING AND MISREPRESENTATION.

(a) In manufacturing goods or articles where blind workers are employed, the product may only be labeled "Made by Blind Workers" if seventy-five (75) percent of the direct labor is blind labor.

(b) No goods or articles which are intended by label, symbol, trade name, name of the manufacturer or seller or other printed matter, word of mouth or otherwise to indicate that they were made by a blind worker shall be displayed or offered by any person for sale in the City unless at least the above specified percentages of the total hours of direct labor of producing such goods or articles purported to be made by the blind worker shall have been performed by the blind worker.

(c) Any person licensed hereunder may imprint, stamp, label or use a symbol upon such articles of merchandise or affix thereto labels, stamps or symbols containing the words "Made by a Blind Person", "Made by Blind Worker" or "Blind Workers", provided not less than the above specified percentages of the total hours of direct labor of production have been performed by a blind worker or by blind worker, to which label shall be added the name and location of the individual or organization manufacturing such goods or articles.

(d) No person may use or employ such imprint, stamp, symbol, label or firm name or by word of mouth or through another, whether or not such imprint, symbol, stamp or label is used, indicate or tend to indicate or represent that the articles were manufactured by a blind worker or by blind workers when in fact such articles were not so made, manufactured or fabricated.

(Ord. 226-60. Passed 10-24-60.)

713.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ord. 7-82. Passed 2-8-82.)