



Legislation Text

File #: ORD-07:3164, **Version:** 4

AN ORDINANCE TO PROHIBIT THE SALES OF NOVELTY LIGHTERS WITHIN CITY LIMITS OF THE CITY OF JONESBORO:

WHEREAS, juvenile fire setting has been identified as a fast growing fire threat in the United States; and

WHEREAS, novelty lighters have features which are attractive to children, including visual effects, flashing lights, musical sounds and toy-like designs; and

WHEREAS, the Consumer Product Safety commission has recalled thousands of novelty lighters since 1996 due to danger posed to public safety; and

WHEREAS, functions of novelty lighters can be achieved without posing danger to public health and safety; and

WHEREAS, many public safety agencies support the prohibition of the sale and distribution of novelty lighters; the National Fire Protection Association, National Volunteer Fire Council, Western Fire Chief's Association and the National Association of State Fire Marshals have lent their support to this issue; and

WHEREAS, it is in the best interest of the citizens and residents of the City of Jonesboro to restrict the sale of novelty lighters within the city limits of Jonesboro.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, THAT:

SECTION 1: The sale of novelty lighters shall be prohibited within the city limits of the City of Jonesboro.

Novelty Lighters

A. Prohibitions, inapplicability. The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the City limits of Jonesboro is prohibited. This prohibition is inapplicable to: (1) novelty lighters which are only being actively transported through the city; or (2) novelty lighters located in a warehouse closed to the public for purposes of retail sales.

B. Definition. "Novelty lighter" means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten years of age or younger. This includes, but is not limited to; lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or play musical notes, or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

C. Exceptions. The term "novelty lighter" excludes any lighter which lacks fuel storage capabilities or a device necessary to produce combustion or a flame.

D. Enforcement. The provisions of this section shall be enforced by the Fire Marshal or and Police Officer.

E. Violation; Penalty. Any person or entity violating any provision of this Ordinance shall be guilty of violation, and upon conviction therefore, shall be subject to a fine or penalty of not less than \$25.00 nor more

than \$500.00.

Section 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

Section 4: It is hereby found and determined that the passage of this Ordinance is necessary in order to protect the public from a fire hazard, particularly young children, and is necessary is necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED this 7th day of February, 2008.