

ORDINANCE NO. 349

AN ORDINANCE PROHIBITING THE SALE OF NOVELTY LIGHTERS IN THE CITY OF BARLING, ARKANSAS DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, youth 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 U. S. Consumer Product Safety Commission has recalled thousands of novelty lighters since 1996 due to the danger posed to public safety; and

WHEREAS, functions of novelty lighters can be achieved without posing a 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 Agency, National Volunteer Fire Council, Western Fire Chiefs Association and the National Association of State Fire Marshals have lent their support to this issue; and

WHEREAS, it is in the best interests of the citizens and residents of the City of BARLING, Arkansas that the sale of these items be prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS:

SECTION 1: Prohibitions, inapplicability. The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of Barling 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.

SECTION 2: 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 that play musical notes or have

flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

SECTION 3: Exceptions. The term "novelty lighter" excludes: (1) any lighter manufactured prior to 1980; and (2) any lighter which lacks fuel or a device necessary to produce combustion or a flame.

SECTION 4: Enforcement. The provisions of this section shall be enforced by the fire marshal, any police officer, any code enforcement officer, and any other City official authorized by the City Administrator to enforce any provision of the Barling City Ordinances.

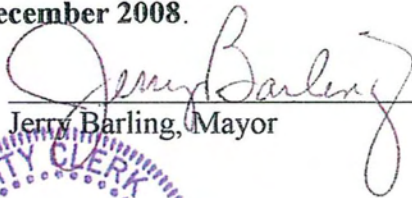
SECTION 5: Violation; Penalty. Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefore, shall be subject to a fine or penalty of not less than \$25.00 or more than \$500.00.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: 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.

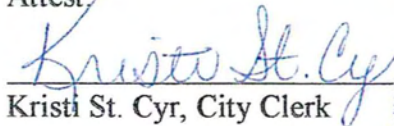
SECTION 8: It is hereby found and determined that the passage of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

ADOPTED on this the 9th day of **December 2008**.



Jerry Barling, Mayor

Attest:



Kristi St. Cyr, City Clerk

