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Doc#2008- 349

Date 01/04/2008

01:20:36 PM

Filed & Recorded in

Official Records of

Faulkner County

RHONDA LONG

FAULKNER COUNTY CIRCUIT CLERK

by _____

D. C.

0-07-158
ORDINANCE NO. 0-07-158 \$25.00

**AN ORDINANCE PROVIDING FOR RESTRICTIONS ON NOVELTY LIGHTERS; AND
FOR OTHER PURPOSES**

WHEREAS, The City Council for the City of Conway, Arkansas, meeting in regular session, finds that:

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, exemplars of which have been shown to the Conway City Council; and

WHEREAS, the 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, the National Association of State Fire Marshals, and the Conway Fire Department have lent their support to this issue; and

WHEREAS, the Conway City Council finds that the dangers posed by these novelty lighters is a grave threat to the health, safety and welfare of the citizens of the City of Conway and further finds that an emergency exists necessitating the immediate adoption of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CONWAY, ARKANSAS:**

Section 1. The Code of the General Ordinances of the City of Conway, Arkansas, is hereby amended by adding a section to be numbered 11.12.09, which said section reads as follows:

"11.12.09 Novelty Lighters.

- A. **Prohibitions; Inapplicability.** The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of Conway is prohibited. The 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.

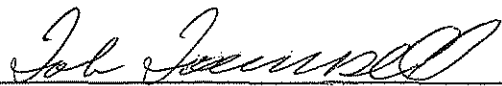
- B. Definition. "Novelty lighter" means a lighter that has entertaining audio or visual effect, or that depicts, through the use of logos, decals, art work, or by other means, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten (10) 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.
- C. Exceptions. The term "novelty lighter" excludes: (1) any lighter manufactured prior to 1980; and (2) any lighter which lacks fuel; or (3) any lighter which lacks a device necessary to produce combustion or a flame.
- D. 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 to enforce any provision of the City of Conway Municipal Code.
- E. 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 that \$25.00 nor more than \$500.00.

Section 2. The provisions of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provisions shall be enforceable according to their terms.

Section 3. All ordinances, resolutions or other acts of the City in conflict with the terms hereof are repealed to the extent of any such conflict.


PASSED this 11th day of December, 2007.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer