

ORDINANCE NO. 317

AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE HIGHLAND MUNICIPAL CODE TO ADD CHAPTER 9.20 PROHIBITING RETAIL SALE OR DISTRIBUTION OF NOVELTY LIGHTERS, AS DEFINED

THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

9.20.010	Purpose
9.20.020	Findings
9.20.030	Definitions
9.20.040	Prohibition
9.20.050	Violation: penalty
9.20.060	Severability

9.20.010 Purpose.

The purpose of this Chapter is to prohibit the sale or distribution of 'novelty lighters', as defined, within the City of Highland.

9.20.020 Findings.

- A. The city council finds that 'novelty lighters' as defined herein that resemble cartoon characters, animals or musical instruments are especially appealing to young children.
- B. The city council finds that burn injuries are extremely painful, disfiguring and life changing.
- C. Arrowhead Regional Medical Center, on average, treats three children per year involved with ignition of clothing related to playing with fire.
- D. Enticing children to play with or view lighters not as a tool, but as a toy, will set the stage to increase the number of children injured by fire.
- E. The city council finds that some, but not all, novelty lighters meet the standards of the 1994 Child Safety Protection Act.
- F. The city council finds that it is necessary to implement regulations and procedures that prohibit the retail sale and/or distribution of novelty lighters, as defined, is necessary and prudent to protect the public peace, safety and welfare.
- G. The city council finds that regulating the retail sale and/or distribution of novelty lighters, as defined, relates to the proper exercise of the city's police power to protect the health, safety and welfare of the public.

9.20.030 Definitions.

- A. "Novelty Lighter" means a lighter designed to be especially attractive to children 10-years of age and younger by resembling a cartoon character, animal or musical instrument, or due to a toy-like design or other features, such as buttons or devices that initiate visual effects, flashing lights, or musical sounds to encourage a child to use the lighter.
- B. A "Novelty Lighter" does not include any lighter manufactured prior to 1980; or any lighter that lacks sufficient fuel or other device necessary to produce combustion or a flame.

9.20.040 Prohibition.

No person shall sell at retail, permit to be sold, or otherwise distribute a novelty lighter in the City of Highland.

9.20.050 Violation: penalty

- A. No person shall violate any provisions or fail to comply with any of the requirements of this chapter. Unless a different penalty is prescribed for violation of a specific provision of this chapter, every act prohibited or declared unlawful and every failure to perform an act made mandatory by this chapter, is punishable as a misdemeanor. Where the city attorney determines that such action would be in the interest of justice, he/she may specify in the accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each and every

day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly.

- B. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall constitute a public nuisance and may be abated by the city by civil process by means of a restraining order, preliminary or permanent injunction, or such nuisance. The city shall further be reimbursed its attorneys' fees and costs of abatement, as provided by law.
- C. All remedies herein are stated to be cumulative and nonexclusive.

9.20.060 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held by a court of competent jurisdiction to be unconstitutional, illegal or unenforceable, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof.

Section 2. Effective Date.

This ordinance shall become effective thirty (30) days after its adoption in accordance with the provisions of California law.

Section 3. The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published and posted within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED, this 23rd day of October, 2007.

Ross B. Jones, Mayor

ATTEST:

Betty Hughes, City Clerk, CMC