

AN ORDINANCE AMENDING THE CLARKSVILLE MUNICIPAL CODE BY ADDING
NEW SECTION 7.20.03; PROVIDING FOR RESTRICTIONS ON NOVELTY LIGHTERS;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

The City Council for the City of Clarksville, 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 Clarksville 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 Clarksville Fire Department; and

WHEREAS, the Clarksville 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 Clarksville 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 Clarksville, Arkansas:

Section 1. The Clarksville Municipal Code is hereby amended by adding a section to be numbered 7.20.03 which said section reads as follows:

“Sec. 7.20.03. Novelty Lighters.

- a. Prohibitions; Inapplicability. The retail sale, offer of retail sale, gift of or distribution of any novelty lighter within the territorial jurisdiction of the City of Clarksville 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 any police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the Clarksville Municipal Code.
- e. Violation; Penalty. Any person or entity violating any provision of this section is guilty of an infraction and upon a conviction thereof, shall be subject to a fine or penalty of not less than \$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.

Emergency Clause. The Clarksville City Council has determined that an emergency exists and that the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare, the provisions hereof shall be in full force and effect from and after its passage.

Adopted this _____ day of _____, 2007.

The City of Clarksville, Arkansas

By: _____
Billy Helms, Mayor

Attest:

Barbara Blackard
City Clerk/Treasurer