

City of National City, California
COUNCIL AGENDA STATEMENT

MEETING DATE

May 1, 2007

AGENDA ITEM NO.

19

ITEM TITLE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
**AMENDING CHAPTER 10.21 BY ADDING SECTIONS 10.21.010 - 10.21.050 TO THE
MUNICIPAL CODE PROHIBITING THE RETAIL SALE OR DISTRIBUTION OF NOVELTY
LIGHTERS**

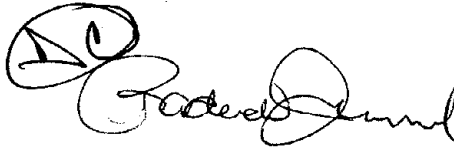
PREPARED BY Don Condon, Battalion Chief
(619) 336-4552

DEPARTMENT

Fire

EXPLANATION

Please see attached Staff Report.



Environmental Review N/A

Financial Statement

N/A

Approved By: _____

Finance Director

Account No. _____

STAFF RECOMMENDATION

Adopt Ordinance.

BOARD / COMMISSION RECOMMENDATION

N/A

ATTACHMENTS

(Listed Below)

Resolution No. _____

1. Staff Report
2. Proposed Ordinance



**CITY OF NATIONAL CITY
FIRE DEPARTMENT**
Phone: (619) 336-4550



STAFF REPORT

DATE: May 1, 2007
TO: City Council
FROM: Donald Condon, Battalion Chief / Fire Marshal
SUBJECT: Prohibition of Sale and Distribution of Novelty Lighters

RECOMMENDATION: Adopt Ordinance amending Chapter 10.21 to the Municipal Code prohibiting the sale and distribution of novelty lighters.

PRIOR ACTION: None.

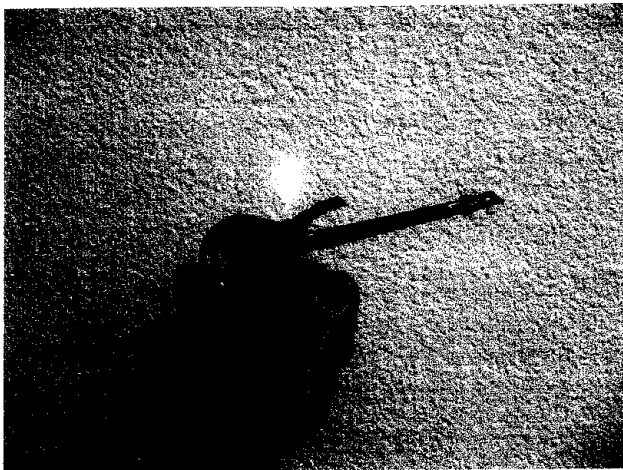
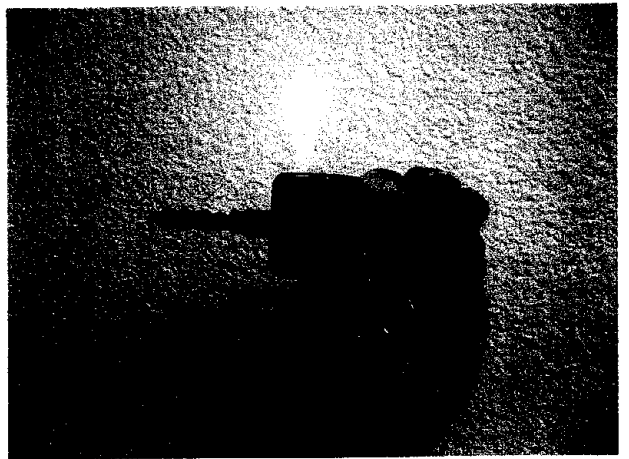
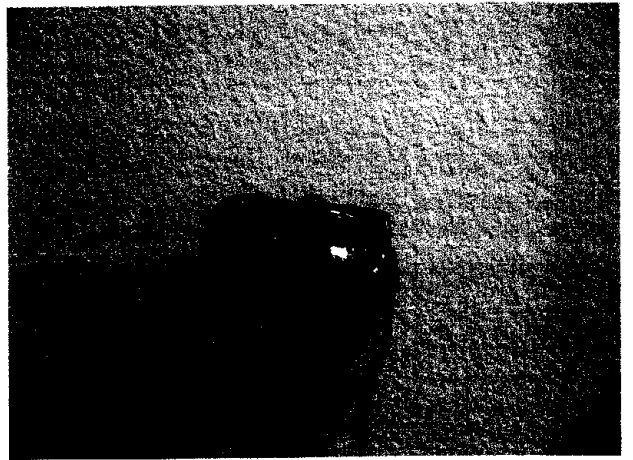
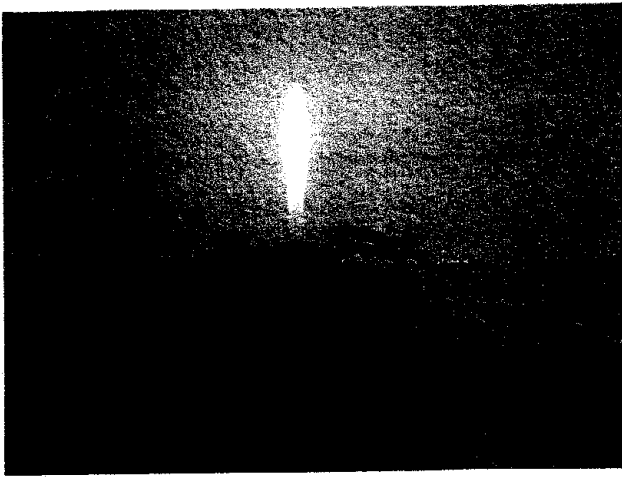
STATEMENT ON THE SUBJECT: The U.S. Consumer Product Safety Commission (CPSC) is an independent federal regulatory agency whose primary mission is to ensure that consumer products are safe to use and will not cause injuries or death.

Under the 1994 Child Safety Protection Act, the CPSC has the authority to mandate safety standards and recall products that are considered dangerous. For example, to reduce deaths and injuries associated with children under age five who obtain and play with cigarette lighters, a mandatory safety standard was established requiring disposable and novelty lighters to be "child-resistant", meaning 85% of the children in a controlled test group must not be able to operate the lighters. As a result, thousands of dangerous lighters have been recalled to date.

Unfortunately, there has been a significant proliferation of novelty lighters that attract and fascinate children. Some of these lighters meet CPSC standards, but many do not. These lighters mimic everyday toys found in the home, encouraging children to play with these dangerous fire tools. Many of these lighters have flashing lights and make sounds, which makes the lighters more attractive to children. There have been several documented instances where these lighters have caused devastating burn injuries to the children playing with them, including death. Additionally, there have been numerous homes destroyed from children playing with these lighters.

Every child deserves a chance to grow up in a safe community. There are no good reasons that lighters should be manufactured to resemble toys. While the child-resistant cigarette lighter standard has been highly effective, children cannot discriminate a toy from a fire tool that looks like a toy. The San Diego Burn Institute, the San Diego County Fire Chiefs Association, and many other safety organizations strongly oppose the sale and distribution of these lighters. The attached Ordinance will control the sale of novelty lighters and potentially save lives and property.

FISCAL IMPACT: None.





ORDINANCE NO. 2007 –

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY
AMENDING THE NATIONAL CITY
MUNICIPAL CODE BY ADDING CHAPTER 10.21
THERETO, PROHIBITING THE RETAIL SALE OR
DISTRIBUTION OF NOVELTY LIGHTERS

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

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

WHEREAS, juvenile firesetting has been identified as the fastest growing fire threat in the United States with more than 300 people killed, 30 percent being children, and almost \$1 billion in property destroyed; and

WHEREAS, many public safety agencies support the prohibition of the sale and distribution of novelty lighters, including the Burn Institute and the San Diego County Fire Chiefs Association; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of National City as follows:

Section 1. That Chapter 10.21 is hereby added to the National City Municipal Code to read as follows:

Chapter 10.21

RETAIL SALE OR DISTRIBUTION OF NOVELTY LIGHTERS

Sections:

10.21.010	Novelty lighters–Prohibitions; inapplicability.
10.21.020	Definition.
10.21.030	Exceptions.
10.21.040	Enforcement
10.21.050	Violation–Penalty.

10.21.010 Novelty lighters –Prohibitions; inapplicability. Beginning on June 1, 2007, the retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of National City 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.

10.21.020 Definition. “Novelty lighter” means a lighter which is especially attractive to children ten years or younger due to a toy-like design or other features, such as buttons or devices that initiate visual effects, flashing lights, or musical sounds that might encourage a child to use the lighter.

10.21.030 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.

10.21.040 Enforcement. The provisions of this chapter shall be enforced by the fire marshal, any police officer, any code conformance officer, and any other City official authorized to enforce any provision of the Municipal Code.

10.21.050 Violation–Penalty. Any person violating any provision of this chapter is guilty of an infraction and, upon conviction therefor, shall be punished as prescribed in Section 1.20.010.

Section 2. If any word, sentence, paragraph, or portion of this ordinance is deemed invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council hereby declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not be held to invalid or unenforceable shall remain in full force and effect, and shall be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

PASSED and ADOPTED this _____ day of _____ 2007.

Ron Morrison, Mayor

ATTEST:

Michael Dalla, City Clerk

APPROVED AS TO FORM:

George H. Eiser, III
City Attorney