

**ORDINANCE NO. 7968**

**AN ORDINANCE AMENDING SECTION 46-82 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD A SECTION FOR RESTRICTIONS ON NOVELTY LIGHTERS AND TO AMEND THE SECTION ON FIREWORKS; 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 (see Exhibits "A" and "B" attached hereto – Exhibit "A" depicting examples of toy designs and Exhibits "A" and "B" showing actual novelty lighters purchased in the City of North Little Rock); 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 (see Exhibit "C" attached hereto); 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 interest of the citizens and residents of the City that Section 46-82 of the North Little Rock Municipal Code be amended to add a section for the restriction of novelty lighters, and to amend the current section on fireworks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 46-82 of the North Little Rock Municipal Code shall be amended to read as follows:

*(Editor's Note: Deletions noted by strikethrough; additions by underline.)*

**Sec. 46-82. Same Arkansas Fire Prevention Code – Amendments.**

The Fire Prevention Code adopted to this article shall be as follows:

*Section 603.11.1* in Volume II shall be amended to read:

Buildings 50 feet or more in height or containing more than two stories shall be provided with a class III standpipe system.

Section 603.11.2 in Volume II shall be amended to read:

Group R – hotels, dormitories and motels two stories or more in height shall be provided with a class III standpipe system.

Section ~~2002.2~~ 3301.1 in Volume ~~II~~ I shall be amended to read:

**Fireworks.** Except as hereinafter provided, it shall be unlawful for any person to possess, store, manufacture, offer for sale, sell at retail, set off, ignite or otherwise explode any firecrackers or other fireworks by whatever name called within the city limits; provided that the use of fireworks for public display shall be allowed upon the approval of the fire marshal after all the provisions of NfiPa 1123 are met and all necessary permits have been issued. Every such use or display shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.

No parent or guardian of a minor shall furnish money or a thing of value to a minor for the purchase of fireworks or encourage, act in conjunction with or in any manner instigate or aid a minor in the commission of transporting or manufacturing fireworks within the corporate limits of the city. The violation of this section shall be an offense regardless of whether or not the minor shall be charged or found guilty of the offense. The commission of the offense by the minor on the property under the control or owned by the parent or guardian shall be prima facie proved that the parent or guardian aided the minor.

**Exceptions:**

1. Storage and handling of fireworks as permitted in Section 3304.
2. Manufacture, assembly and testing of fireworks as permitted in Section 3305.
3. The use of fireworks for display as permitted in Section 3308.

The fine or penalty for violating this provision, upon conviction in municipal court, shall not be less than \$25.00 nor more than \$500.00.

Section 3301.1.6, shall be *added* to Chapter 33 to read:

**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 North Little Rock 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 purpose of retail sales.

- (b) 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 by 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 a device necessary to produce combustion or a flame.
- (d) Enforcement. The provisions of this section shall be enforced by the fire marshal, and police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the North Little Rock 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 subjected to a fine or penalty of not less than \$25.00 nor more than \$500.00.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be servable 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 4: It is hereby found and determined that the passage of this Ordinance is necessary in order to insure the proper and orderly growth of this land and 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.

PASSED:  
8/13/07

APPROVED:  
Mayor Patrick H. Hays

SPONSOR:  
Mayor Patrick H. Hays

ATTEST:  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b