

ORDINANCE 2007-62

AN ORDINANCE relating to health and safety; adding Chapter 10.12 to the Yakima Municipal Code to prohibit 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 fire setting 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 local and national public safety agencies support the prohibition of the sale and distribution of novelty lighters, the National Fire Protection Agency, Western Fire Chiefs Association, National Association of State Fire Marshals, Yakima County Safe Kids, Citizens for Safe Yakima Valley Communities, Yakima School District #7, and Yakima Valley Fire and Injury Prevention Association have all lent their support to this issue; and

WHEREAS, the function of a lighter can be achieved without the novelty attraction to children; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The following new chapter entitled "Retail Sale or Distribution of Novelty Lighters" is hereby added as Chapter 10.12 the City of Yakima Municipal Code to read as follows:

Chapter 10.12

RETAIL SALE OR DISTRIBUTION OF NOVELTY LIGHTERS

Sections:

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| 10.12.010 | Novelty Lighters - Prohibitions; inapplicability. |
| 10.12.020 | Novelty Lighter - Defined. |
| 10.12.030 | Exceptions. |
| 10.12.040 | Enforcement. |
| 10.12.050 | Violation - Penalty. |

10.12.010 Novelty lighters - Prohibitions; inapplicability.

The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of Yakima 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 distribution center closed to the public for purposes of retail sales.

10.12.020 Novelty Lighter - Definition. “Novelty lighter”

means a lighter which is especially attractive to children ten years or younger due to a toy-like design. 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.

10.12.030 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.

10.12.040 Enforcement. The provisions of this Chapter 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 this Code.

10.12.050 Violation - Penalty. Any person violating any

provision of this Chapter is guilty of an infraction and subject to a fine of \$250.00.

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, SIGNED AND APPROVED this 11th day of December, 2007.

/s/ David Edler
David Edler, Mayor

ATTEST:

/s/ Deborah Moore
City Clerk

Publication Date: 12-14-07
Effective Date: 1-13-08