

AN ORDINANCE PROHIBITING THE SALE AND DISTRIBUTION OF NOVELTY LIGHTERS IN THE CITY OF JEFFERSONVILLE, INDIANA

WHEREAS, the Jeffersonville City Council is vested with the power, duty and obligation to enact ordinances and laws that are designed to provide for public safety, health and welfare of the citizens of Jeffersonville, Indiana;

WHEREAS, empirical evidence exists to support the conclusion that novelty lighters pose a threat to the safety, health and welfare of the citizens of Jeffersonville, Indiana;

WHEREAS, the purpose of this ordinance is to prohibit sales and distribution of novelty lighters within the City of Jeffersonville, Indiana in order to reduce their availability to the general public, and, more particularly to children. It is the belief of the City Council that banning the sales and distribution of such devices will reduce the high incidence of accidents among children resulting in the accidental ignition of fires and/or physical injuries to the child themself.

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

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

WHEREAS, youth fire setting has been identified as a leading cause of accidental fire in the home across the United States, and

1 **WHEREAS**, juvenile fire setting has been identified as the fastest growing fire
2 threat in the United States with more than 300 people killed. More than 30
3 percent of those killed have been children, In addition, almost \$1 billion in
4 property has been destroyed as a result of these incidents; and

5
6 **WHEREAS**, many public safety agencies support the prohibition of the sale and
7 distribution of novelty lighters; and

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9 **WHEREAS**, the function of a novelty lighter can be achieved without posing a
10 danger of public health; and

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12 ~~**WHEREAS**, the City Council acknowledges their role in the protection of the~~
13 ~~Citizens of Jeffersonville, especially our most vulnerable...the children;~~

14
15 **WHEREAS**, the Fire Department of the City of Jeffersonville supports this
16 Ordinance as a mechanism to assist in their efforts to protect the lives of the
17 citizens and residents of the City of Jeffersonville, Indiana; and

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19 **NOW, THEREFORE, BE IT ORDAINED THAT:** the City Council of the City of
20 Jeffersonville does ordain as follows:

21
22 **Section One:** **Novelty Lighter—Definition.** "Novelty lighter" means a
23 lighter which is especially attractive to children ten (10) years
24 or younger due to a toy-like design or other features, such as
25 buttons or devices that initiate visual effects, flashing lights,
26 or musical sounds that might encourage a child to use the
27 lighter. This includes but is not limited to, lighters that depict
28 or resemble cartoon characters, toys, guns, watches,
29 musical instruments, vehicles, toy animals, food or beverage
30 or that play musical notes or have flashing lights or other

1 entertaining features. A Novelty Lighter may operate on any
2 fuel, including butane or liquid fuel.

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5 **Section Two:**

Exclusion: The term novelty lighter excludes:

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7 (1) any lighter manufactured prior to 1980; and

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9 (2) any lighter that lacks fuel or a device necessary to
10 produce combustion or a flame.

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12 **Section Three:**

Inapplicability of Ordinance. This prohibition is inapplicable
13 to:

14 (1) novelty lighters which are being transported through the
15 city in interstate or intra-state commerce; or

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17 (2) novelty lighters stored in and/or located in a warehouse
18 which is closed to the public. Moreover, that the storage if
19 for purposes of shipping and/or otherwise selling those
20 prohibited items either retail and/or wholesale to another
21 jurisdiction other than within the civil city limits of
22 Jeffersonville, Indiana.

23
24 **Section Four:**

The provisions of this chapter shall be enforced by the
25 Jeffersonville City Fire Marshall, any police officer, any code
26 enforcement officer, and any other city official authorized to
27 enforce any provision of the City's Code of Ordinances.

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29 **Section Five:**

Any person or entity violating any provision of this ordinance
30 is guilty of an infraction and upon a finding therefore, shall

1 be subject to a fine or penalty of not less than \$500 nor more
2 than \$2,500 plus costs.




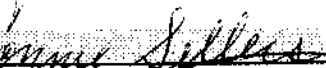



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4 **Section Six:**

Severability Clause: If any provision of this Ordinance or
5 application thereof to any person or circumstance is held
6 unlawful or otherwise invalid such invalidity does not affect
7 other provisions or applications of this Ordinance which can
8 be given effect without the invalid application or provision
9 and to this end each such invalid provision or application of
10 this Ordinance is severable it is hereby declared to be the
11 intent of the Jeffersonville City Council that this Ordinance
12 would have been issued had any such unlawful or otherwise
13 invalid provision or application not be included.

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16 This Ordinance shall be in full force and effect from and after the date of its
17 passage and approval and after its lawful and legal publication.

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19 **Voted For:**

Voted Against:

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1 Passed this 25th day of February, 2008.

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4 
5 Mayor Thomas Galligan

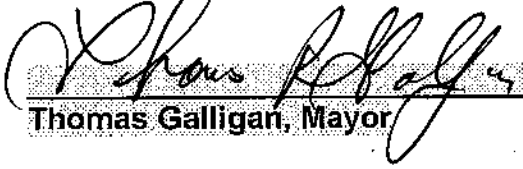
6
7 **Attest:**

8 
9 Peggy Wilder, Clerk-Treasurer

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11 Presented by me, Peggy Wilder, as the Clerk and Treasurer to the Mayor of said
12 City of Jeffersonville, Indiana on this 28th day of February, 2008.

13
14 
15 Peggy Wilder, Clerk-Treasurer

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18 This ordinance approved and signed by Thomas Galligan, Mayor of the City of
19 Jeffersonville, Indiana on this 28th day of February, 2008.

20 
21 Thomas Galligan, Mayor
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