

Article 4: Public Hazards and Public Nuisances

Division 9: Prohibition of Retail Sale, Retail Gift or Distribution of Novelty Lighters

(“Prohibition of Retail Sale, Retail Gift or Distribution of Novelty Lighters” Added 4-23-2008 by O-19741 N.S.)

§54.0901 Declaration of Purpose

The Council of the City of San Diego finds and declares that:

- (a) Novelty lighters have features which are attractive to children, including visual effects, flashing lights, musical sounds, or toy-like designs.
- (b) As a result of this attraction of novelty lighters to children, children have inadvertently started fires causing injury, death and destruction of property.
- (c) Despite the Consumer Product Safety Commission’s recall of thousands of novelty lighters since 1996 due to their danger to public safety and despite the promulgation of lighter safety standards, fires caused by children playing with novelty lighters continue to occur and at an increased rate.
- (d) 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.
- (e) Many public safety agencies support the prohibition of the sale and distribution of novelty lighters, including the San Diego Burn Institute, Burn Centers, the USFA and the San Diego County Fire Chiefs Association.
- (f) Various local governments across the nation have adopted ordinances prohibiting the retail sale, retail gift, and retail distribution of novelty lighters in their jurisdictions.

- (g) The continued retail sale, retail gift, and retail distribution of novelty lighters represents a serious threat to public safety within the City of San Diego.
- (h) The functions of novelty lighters can be achieved by alternative means without posing the danger to public health and safety that novelty lighters present.

(Added 4-23-2008 by O-19741 N.S; effective 5-23-2008.)

§54.0902 Definition

For purposes of this Division, *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 under ten years of age. 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, that play musical notes, that have flashing lights, that offer other entertaining features, or have the physical appearance of other specific objects in form or function. A *novelty lighter* may operate on any fuel, including butane or liquid fuel.

(Added 4-23-2008 by O-19741 N.S; effective 5-23-2008.)

§54.0903 Prohibition

The retail sale, offer of retail sale, retail gift, or distribution in connection with a retail sale of any *novelty lighter* within the territorial jurisdiction of the City of San Diego by any person is unlawful.

(Added 4-23-2008 by O-19741 N.S; effective 5-23-2008.)

§54.0904 Exceptions

The term *novelty lighter* excludes:

- (a) any lighter manufactured prior to 1980; and
- (b) any lighter which is sold without fuel or a device necessary to produce combustion or a flame.

(Added 4-23-2008 by O-19741 N.S; effective 5-23-2008.)

§54.0905 Enforcement Authority

The provisions of this chapter shall be enforced by the fire marshal, any police officer, any code compliance officer, and *enforcement official* or *Director* as defined in Municipal Code section 11.0210, and any other City official authorized to enforce any provision of the Municipal Code.

(Added 4-23-2008 by O-19741 N.S; effective 5-23-2008.)

§54.0906 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The City may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202, and/or any administrative remedy provided in Chapter 1 of this Code.

(Added 4-23-2008 by O-19741 N.S; effective 5-23-2008.)