

**ORDINANCE 2199**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE  
AMENDING TITLE 9 OF THE SUNNYSIDE MUNICIPAL CODE TO ADD NEW  
CHAPTER 9.21 PROHIBITING THE SALE OF NOVELTY LIGHTERS IN  
THE CITY OF SUNNYSIDE, WASHINGTON 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; 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; 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 interests of the citizens and residents of the City of Sunnyside, Washington that the sale of these items be prohibited.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**SECTION 1.** Title 9 of the Sunnyside Municipal Code is hereby amended to add new Chapter 9.21 which reads as set forth on Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** Except as amended herein, Title 9 of the Sunnyside Municipal Code shall remain unchanged.

**Not Official Copy**

**SECTION 3.** This Ordinance shall be effective sixty (60) days after passage, approval and publication as required by law.

PASSED this 13<sup>th</sup> day of October 2008.

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PABLO GARCIA, MAYOR

ATTEST:

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DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

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MARK A. KUNKLER, CITY ATTORNEY

Chapter 9.21

NOVELTY LIGHTERS – PROHIBITION

Sections:

9.21.010	Prohibitions
9.21.020	Definition
9.21.030	Exceptions
9.21.040	Enforcement
9.21.050	Violation – Penalty

**9.21.010 Prohibitions.** The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of Sunnyside 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.

**9.21.020 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 on any fuel, including butane or liquid fuel.

**9.21.030 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.

**9.21.040 Enforcement.** The provisions of this section shall be enforced by the fire chief or designated fire marshal, any police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the Sunnyside Municipal Code.

**9.21.050 Violation – Penalty.** Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction shall be subject to a fine or penalty of not less than \$25.00 nor more than \$500.00.



*U.S. Fire Administration*

# National Arson Awareness Week

Toylike Lighters: Playing with Fire / Media Kit

May 4-10, 2008



**FEMA**



**T**he theme for this year's Arson Awareness Week is "Toylike Lighters—Playing with Fire." The goal of this year's Arson Awareness Week is to focus public attention on the dangers of toylike or novelty lighters in the hands of children. Toylike or novelty lighters have been responsible for injuries, deaths, and accidents across the Nation.

Children are attracted to novelty lighters because they look like toys. Many of these lighters look like animals, miniature cars, mobile phones, cameras, fishing lures, stacks of coins, markers, and doll accessories. One lighter is nearly identical to the popular rubber ducky bath toy—it even quacks! There are also toylike and novelty lighters that look like tools such as tape measures, drills, hammers, and paint brushes. Ironically, there are even lighters that mimic a Dalmatian donning a fire helmet, a red fire truck, or fire extinguishers.

### **Children Killed and Injured**

Mistaking lighters for toys has proved to be deadly: On September 25, 2007, 15-month-old Peyton Edwards and 2-year-old Breydon Edwards of Russellville, Arkansas, died after setting fire to their apartment with a motorcycle-shaped lighter.

Shane St. Pierre was in grocery store in Livermore, Maine, last June with his mother buying sandwiches. Thinking it might be a flashlight, the 6-year-old picked up a miniature baseball bat and flicked the switch. A flame shot out, singeing his eyebrow and burning part of his face. His father, Norm St. Pierre, a fire chief in nearby West Paris, became an advocate for a ban on toylike and novelty lighters. Maine passed a ban on toylike lighters on March 14, 2008.

#### **FRONT COVER PHOTO & ABOVE:**

**These toylike lighters are an open invitation to children to play with fire. PHOTOS BY TIM O'DOWD**



### A lighter designed to look like a toy motorcycle.

PHOTO COURTESY OF OREGON STATE POLICE/  
OREGON OFFICE OF STATE FIRE MARSHAL

Children are not the only ones fooled by novelty lighters. Beaverton, Michigan, resident Laura Fowler purchased a novelty lighter for her 4-year-old child after mistaking it for a toy. In 2006, a South Carolina woman shot herself in the hand while attempting to light a cigarette with what she thought was a pistol-shaped novelty lighter.

A fire marshal in Wisconsin was making a purchase at a local home improvement store when his 12-year-old daughter picked up what she believed was a tape measure. When she clicked the button on the tape measure, a flame came out. Fortunately, the child was not hurt, and the store owner voluntarily stopped selling the lighters.

In North Carolina, a 6-year-old boy sustained second-degree burns after playing with a lighter that looked like a toy cell phone. In Maryland, playground equipment was set on fire by three 5-year-old girls using a gun-shaped lighter. In Oregon, one child died and another was permanently brain damaged after a 6-year-old, playing with a lighter that looked like a toy dolphin, started a fire. In another incident, a mother was severely burned after her child, playing with a lighter that resembled a Christmas tree, ignited the mother's bed.

## Toylike and Novelty Lighter Legislation

Some local and State governments are taking action by banning the sale of toylike and novelty lighters, and limiting their distribution. Maine was the first State to pass a ban on toylike and novelty lighters, passing the legislation on March 14, 2008. Tennessee also passed a ban, in April 2008. Other States considering bans are Alabama, Connecticut, Iowa, Michigan, Ohio, Oregon, and Vermont. In addition to State bans and restrictions on the sale of toylike and novelty lighters, numerous local jurisdictions have passed ordinances. These include more than 19 jurisdictions in Arkansas, another 6 in California, and Yakima County in Washington State.

## European Union Takes Action on Novelty Lighters

On May 11, 2006, the European Consumer Protection Commission adopted a decision requiring Member States to ensure that, from March 11, 2007, cigarette lighters are child-resistant when placed on the EU market. The decision also prohibits placing lighters on the market that resemble objects that are particularly attractive to children, so-called novelty lighters. According to the European Standard, a lighter shall not be novelty-like, because the inherent risk is significantly higher. The novelty lighters are attractive for children and, taking into account children's normal behavior, risk of burning injury is present during their use. "It's now time for the U.S. Consumer Product Safety Commission (CPSC) to follow suit," said the National Association of Fire Marshals in a recently passed resolution. As Oregon State Fire Marshal Nancy Orr wrote to the CPSC, "There are no good reasons that lighters should be manufactured to resemble toys."

Source: Health and Consumer Protection Directorate  
General of the European Union

## Eleven-year-old “Lighter-Fighter” in Alabama

Eleven-year-old Gwin Elementary School 5th Grader David Brooks from Hoover, Alabama, has gained notoriety for what was originally a simple service project. “It’s been a lot of work and a lot of fun,” Brooks said. He refers to his quest to educate the public on the dangers of toylike lighters; an effort Brooks has been working on for months now. He is known as the “lighter-fighter.” Brooks recently sent out dozens of letters to fire chiefs across Alabama, urging support of his project. “They look like toys so kids play with them and get burned,” Brooks said in a recent *Hot Issues*, a publication from the Oregon Office of State Fire Marshal. Brooks has partnered with the Hoover Fire Department, the Alabama Risk Watch Program, and the Alabama Fire and Life Safety Educators’ Association to spread the word about these lighters. He’s also spoken to numerous community groups including the Hoover City Council, the Central Alabama Fire Marshal’s Association, and the Alabama State Fire Chiefs’ Conference.

## U.S. Fire Administration Adds Novelty Lighter Code to NFIRS

Effective January 1, 2008, the U.S. Fire Administration’s (USFA’s) National Fire Incident Reporting System (NFIRS) will collect information specifically about novelty and toylike lighters. Novelty and toylike lighters will be captured in the “Fire Module” under a new code for “Equipment Involved in Ignition,” Code 877. The descriptor for Code 877 is Novelty Lighter. The “Heat Source” generally will be “Lighter: cigarette or cigar lighter,” Code 65.

NFIRS data indicate that lighters play a role nearly equal to matches in residential child-play fires, and some studies show that lighters tend to be the preferred ignition source. When children set fires in the home, the most common area of fire origin is the bedroom, and the material ignited is often bedding, mattresses, or clothing.

Intentionally set fires are the major cause of dollar losses from fires and a leading cause of fire deaths in the United States. According to 2005 data, the National Fire Protection Association (NFPA) estimates some 323,900 fires were intentionally set. In 2002, the NFPA estimated 13,900 child-playing structure fires were reported in the U.S., with associated losses of 210 civilian deaths, 1,250 civilian injuries, and \$339 million in direct damage. Most child-playing home fires are started with lighters or matches. The median age of children who start reported fires by playing is 5 years old, compared to a median age of 4 years old for fatal victims, and a median age in the late teens for nonfatal injuries.

## Links of Interest

### Oregon Office of the State Fire Marshal

[http://www.oregon.gov/OSP/SFM/Novelty\\_Toylike\\_Lighters.shtml](http://www.oregon.gov/OSP/SFM/Novelty_Toylike_Lighters.shtml)

### Arkansas No Novelty Lighter Coalition

<http://www.nonoveltylighters.com>

### The Idea Bank

<http://www.theideabank.com/psa/NoveltyLighters.html>



This lighter looks deceptively like a marker.

PHOTO COURTESY OF OREGON STATE POLICE/  
OREGON OFFICE OF STATE FIRE MARSHAL



An array of novelty lighters that could be attractive to children.  
PHOTOS COURTESY OF OREGON STATE POLICE/OREGON OFFICE OF STATE FIRE MARSHAL

# 2008 Arson Awareness Week Sample Proclamation Request Letter

[Print on organizational letterhead]

[Date]

The Honorable [first and last name]

Governor of [insert State]

State Capitol

City, State, Zip

Dear Governor [insert last name]:

On behalf of the U.S. Fire Administration (USFA), I am contacting you for your support in proclaiming May 4-10, 2008, as “Arson Awareness Week.”

The theme for this year’s Arson Awareness Week is “Toylike Lighters: Playing with Fire.”

Toylike or novelty lighters have been responsible for injuries, deaths, and accidents across the Nation. Children are attracted to novelty lighters because they look like toys, with visual effects, flashing lights, musical sounds, and toylike designs.

In 2002, the National Fire Protection Association (NFPA) estimated 13,900 child-playing structure fires were reported in the U.S., with associated losses of 210 civilian deaths, 1,250 civilian injuries, and \$339 million in direct damage.

Some local and State governments are taking action by banning the sale of toylike and novelty lighters, and limiting their distribution.

Please join with the many States that have already proclaimed this week as “Arson Awareness Week.”

If you have any further questions regarding this endeavor, please contact me at (xxx) xxx-xxxx or Timothy Patrick O’Dowd, USFA Liaison, at [Tim.ODowd@dhs.gov](mailto:Tim.ODowd@dhs.gov)

Respectfully Yours,

[Your name, title and address]

# 2008 Arson Awareness Week Sample Resolution

## National Arson Awareness Week 2008 Toylike Lighters: Playing with Fire

WHEREAS, Toylike or novelty lighters are dangerous, even deadly, in the hands of children; and

WHEREAS, Toylike or novelty lighters have been responsible for injuries, deaths, and accidents across the Nation. Children are attracted to novelty lighters because they look like toys, with visual effects, flashing lights, musical sounds, and toylike designs; and

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

WHEREAS, In 2002, the National Fire Protection Association estimated 13,900 child-playing structure fires were reported in the U.S., with associated losses of 210 civilian deaths, 1,250 civilian injuries, and \$339 million in direct damage; and

WHEREAS, Public awareness is one of the specific responsibilities of the U.S. Fire Administration,

NOW, THEREFORE, I, [Governor's or Mayor's name], [Governor or Mayor] of [City or State], on behalf of its citizens do hereby proclaim May 4-10, 2008, to be Arson Awareness Week.

BE IT FURTHER RESOLVED that the [Governor or Mayor] and [insert Cabinet or Council, etc.] pay special tribute to all fire and law enforcement investigative agencies for their dedicated and tireless service.

IN TESTIMONY WHEREOF, the [insert Governor or Mayor] and [insert Cabinet or Council, etc.] of the [insert City or State] have hereunto subscribed their names and have caused the Official Seal of the [insert City and County or State] to be hereunto affixed in the

[City or State] of \_\_\_\_\_ on this \_\_\_\_\_ day of  
\_\_\_\_\_ 2008.

\_\_\_\_\_[Signature]



This lighter is designed to look like a toy frog.

PHOTO COURTESY OF OREGON STATE POLICE/  
OREGON OFFICE OF STATE FIRE MARSHAL

**U.S. Fire Administration**  
16825 South Seton Avenue  
Emmitsburg, Maryland 21727  
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**April 2008**