



Legislation Text

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Proposed Int. No. 884-A

By Council Members Palma, Weprin and Gonzalez

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of the retail sale and distribution of novelty lighters.

Be it enacted by the Council as follows:

Section 1. Chapter 4 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

Subchapter 3

Novelty Lighter Act

§20-611 Short title.

§20-612 Definitions.

§20-613 Prohibition on retail sale or distribution.

§20-614 Exceptions.

§20-615 Violations and penalties.

§20-616 Rules.

§20-617 Enforcement

§ 20-611 **Short title.** This local law shall be known and may be cited as the “Novelty Lighter Act of 2009.”

§ 20-612 **Definitions.** For purposes of this subchapter the following terms shall have the following meanings:

1. “Person” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association or other entity or business organization.

2. “Novelty lighter” means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes that is designed to appear to be a toy, or designed to resemble a cartoon character, gun, watch, musical instrument, vehicle, animal, food or beverage or feature flashing lights or make musical sounds for entertainment. “Novelty lighter” does not include: (i) a lighter manufactured prior to January 1, 1980; (ii) a lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; (iii) any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills; or (iv) standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, or artwork, or heat shrinking sleeves.

§ 20-613 **Prohibition on retail sale or distribution.** No person shall sell at retail, offer for retail sale or distribute for retail sale or promotion a novelty lighter in the city.

§ 20-614 **Exceptions.** The prohibition specified in section 20-613 does not apply to the transportation of novelty lighters through the city or the storage of novelty lighters in a warehouse or distribution center in the city that is closed to the public for purposes of retail sales.

§ 20-615 **Violations and penalties.** Any violation of any provision of this subchapter shall be punishable by a civil penalty of not more than one thousand dollars for a first violation and not more than twenty five hundred dollars for each subsequent violation.

§ 20-616 **Rules.** The commissioner may promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter.

§ 20-617 **Enforcement.** The department shall enforce the provisions of this chapter. A proceeding to recover any civil penalty authorized pursuant to section 20-615 of this chapter shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. The administrative tribunal shall have the power to render decisions and to impose the remedies and penalties provided for in section 20-615 of this chapter, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§2. This local law shall take effect ninety days after its enactment into law.

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