

**House File 2220 - Introduced**

HOUSE FILE 2220

BY MASCHER

**A BILL FOR**

1 An Act modifying provisions relating to the sale of certain  
2 fireworks, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100.19, subsection 4, paragraph c, Code  
2 2018, is amended to read as follows:

3 c. Permit a retailer or community group issued a license  
4 pursuant to [this section](#) to sell consumer fireworks, as  
5 described in APA 87-1, chapter 3, ~~at the following locations~~  
6 ~~as specified:~~

7 ~~(1) At a permanent building that meets the requirements of~~  
8 ~~paragraph "a", between June 1 and July 8 and between December 10~~  
9 ~~and January 3 each year, all dates inclusive.~~

10 ~~(2) At a temporary structure that meets the requirements of~~  
11 ~~paragraph "a" between June 13 and July 8 each year, both dates~~  
12 ~~inclusive between June 27 and July 4 and between December 24~~  
13 ~~and December 31, all dates inclusive.~~

14 Sec. 2. Section 331.301, subsection 17, Code 2018, is  
15 amended to read as follows:

16 17. The board of supervisors may by ordinance or resolution  
17 prohibit or limit the use or sale of consumer fireworks or  
18 display fireworks, as described in [section 727.2](#), if the board  
19 determines that the use of such devices would constitute a  
20 threat to public safety or private property, or if the board  
21 determines that the use of such devices would constitute a  
22 nuisance to neighboring landowners. The board of supervisors  
23 may adopt and enforce a zoning regulation or other ordinance to  
24 prohibit or limit the sale of such fireworks within any county  
25 zoning area or district regulated in accordance with chapter  
26 335.

27 Sec. 3. Section 364.2, subsection 6, Code 2018, is amended  
28 to read as follows:

29 6. A city council may by ordinance or resolution prohibit or  
30 limit the use or sale of consumer fireworks, display fireworks,  
31 or novelties, as described in [section 727.2](#). The city council  
32 may adopt and enforce a zoning regulation or other ordinance to  
33 prohibit or limit the sale of such fireworks within any city  
34 zoning area or district regulated in accordance with chapter  
35 414.

1     Sec. 4. Section 727.2, subsection 3, paragraph c,  
2 subparagraph (1), Code 2018, is amended to read as follows:

3     (1) A person who uses, ~~or~~ explodes, or sells consumer  
4 fireworks or novelties while the use or sale of such devices  
5 is prohibited or limited by an ordinance adopted by the county  
6 or city in which the fireworks are used commits a simple  
7 misdemeanor, punishable by a fine of not less than two hundred  
8 fifty dollars.

9

EXPLANATION

10             The inclusion of this explanation does not constitute agreement with  
11             the explanation's substance by the members of the general assembly.

12     This bill modifies provisions relating to the sale of  
13 certain fireworks.

14     Current law establishes specific dates during the year that  
15 a retailer or community group may sell consumer fireworks,  
16 depending on whether the sale is at a permanent building or  
17 temporary structure. The bill limits the sale of consumer  
18 fireworks, regardless of whether the sale is at a permanent  
19 building or temporary structure, to between June 27 and July 4  
20 and between December 24 and December 31, all dates inclusive.  
21 A person who sells consumer fireworks outside of these dates  
22 is guilty of a simple misdemeanor. A simple misdemeanor is  
23 punishable by confinement for no more than 30 days or a fine of  
24 at least \$65 but not more than \$625 or by both.

25     Current law allows a county or city to prohibit or limit  
26 the use of certain fireworks by ordinance or resolution. The  
27 bill provides that a county or city may also prohibit or limit  
28 the sale of such fireworks, and may adopt and enforce a zoning  
29 regulation or other ordinance to prohibit or limit the sale of  
30 such fireworks within any zoning area or district regulated in  
31 accordance with Code chapter 335 or 414. A person who violates  
32 an ordinance or resolution adopted pursuant to the bill commits  
33 a simple misdemeanor, punishable by a fine of at least \$250.