

House File 2314 - Reprinted

HOUSE FILE 2314
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 2148)

(As Amended and Passed by the House March 12, 2018)

A BILL FOR

1 An Act permitting counties and cities to charge certain
2 fireworks violations as county infractions or municipal
3 infractions, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.307, subsection 3, Code 2018, is
2 amended to read as follows:

3 3. a. A county shall not provide that a violation of an
4 ordinance is a county infraction if the violation is a felony,
5 an aggravated misdemeanor, or a serious misdemeanor under state
6 law or if the violation is a simple misdemeanor under chapters
7 687 through 747, except as provided in paragraph "b".

8 b. Notwithstanding section 727.2, subsection 2, paragraph
9 "b", subparagraph (1), and subsection 3, paragraph "c",
10 subparagraph (1), a county that by ordinance or resolution
11 prohibits or limits the use of consumer fireworks or display
12 fireworks pursuant to section 331.301, subsection 17, may
13 provide that a violation of such ordinance or resolution is a
14 county infraction.

15 Sec. 2. Section 364.22, subsection 3, Code 2018, is amended
16 to read as follows:

17 3. a. A city shall not provide that a violation of an
18 ordinance is a municipal infraction if the violation is a
19 felony, an aggravated misdemeanor, or a serious misdemeanor
20 under state law or if the violation is a simple misdemeanor
21 under chapters 687 through 747, except as provided in paragraph
22 "b".

23 b. Notwithstanding section 727.2, subsection 2, paragraph
24 "b", subparagraph (1), and subsection 3, paragraph "c",
25 subparagraph (1), a city that by ordinance or resolution
26 prohibits or limits the use of consumer fireworks, display
27 fireworks, or novelties pursuant to section 364.2, subsection
28 6, may provide that a violation of such ordinance or resolution
29 is a municipal infraction.

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

32 (1) A person who uses or explodes display fireworks
33 while the use of such devices is prohibited or limited by an
34 ordinance or resolution adopted by the county or city in which
35 the firework is used commits a simple misdemeanor, punishable

1 by a fine of not less than two hundred fifty dollars, unless
2 a county or city classifies a violation of an ordinance or
3 resolution prohibiting or limiting the use of display fireworks
4 as a county infraction pursuant to section 331.307, subsection
5 3, paragraph "b", or a municipal infraction pursuant to section
6 364.22, subsection 3, paragraph "b", whereby such person
7 commits a county infraction in accordance with section 331.307
8 or a municipal infraction in accordance with section 364.22.

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

11 (1) A person who uses or explodes consumer fireworks or
12 novelties while the use of such devices is prohibited or
13 limited by an ordinance adopted by the county or city in
14 which the fireworks are used commits a simple misdemeanor,
15 punishable by a fine of not less than two hundred fifty
16 dollars, unless a county or city classifies a violation of
17 an ordinance or resolution prohibiting or limiting the use
18 of consumer fireworks or novelties as a county infraction
19 pursuant to section 331.307, subsection 3, paragraph "b", or a
20 municipal infraction pursuant to section 364.22, subsection 3,
21 paragraph "b", whereby such person commits a county infraction
22 in accordance with section 331.307 or a municipal infraction in
23 accordance with section 364.22.