

Effective 5/8/2018

53-7-225. Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage.

- (1) Except as provided in Section [53-7-221](#), this section supersedes any other code provision regarding the sale or discharge of fireworks.
- (2) A person may sell class C common state approved explosives in the state as follows:
 - (a) beginning on June 24 and ending on July 25;
 - (b) beginning on December 29 and ending on December 31; and
 - (c) two days before and on the Chinese New Year's eve.
- (3) A person may not discharge class C common state approved explosives in the state except as follows:
 - (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:
 - (i) beginning on July 2 and ending on July 5; and
 - (ii) beginning on July 22 and ending on July 25;
 - (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or
(ii) if New Year's eve is on a Sunday and the county, municipality, or metro township determines to celebrate New Year's eve on the prior Saturday, then a person may discharge class C common state approved explosives on that prior Saturday within the county, municipality, or metro township; and
 - (c) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.
- (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person discharges a class C common state approved explosive:
 - (a) outside the legal discharge dates and times described in Subsection [\(3\)](#); or
 - (b) in an area in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#).
- (5) (a) Except as provided in Subsection [\(5\)\(b\)](#) or [\(c\)](#), a county, a municipality, a metro township, or the state forester may not prohibit a person from discharging class C common state approved explosives during the permitted periods described in Subsection [\(3\)](#).
 - (b) (i) As used in this Subsection [\(5\)\(b\)](#), "negligent discharge":
 - (A) means the improper use and discharge of a class C common state approved explosive; and
 - (B) does not include the date or location of discharge or the type of explosive used.
 - (ii) A municipality or metro township may prohibit:
 - (A) the discharge of class C common state approved explosives in certain areas with hazardous environmental conditions, in accordance with Subsection [15A-5-202.5\(1\)\(b\)](#); or

- (B) the negligent discharge of class C common state approved explosives.
- (iii) A county may prohibit the negligent discharge of class C common state approved explosives.
- (c) The state forester may prohibit the discharge of class C common state approved explosives as provided in Subsection [15A-5-202.5\(1\)\(b\)](#) or Section [65A-8-212](#).
- (6) If a municipal legislative body, the state forester, or a metro township legislative body provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection [15A-5-202.5\(1\)\(b\)](#), the county shall, before June 1 of that same year:
 - (a) create a county-wide map, based on each map the county has received, indicating each area within the county in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#);
 - (b) provide the map described in Subsection [\(6\)\(a\)](#) to:
 - (i) each retailer that sells fireworks within the county; and
 - (ii) the state fire marshal; and
 - (c) publish the map on the county's website.
- (7) A retailer that sells fireworks shall display:
 - (a) a sign that:
 - (i) is clearly visible to the general public in a prominent location near the point of sale;
 - (ii) indicates the legal discharge dates and times described in Subsection [\(3\)](#); and
 - (iii) indicates the criminal charge and fine associated with discharge:
 - (A) outside the legal dates and times described in Subsection [\(3\)](#); and
 - (B) within an area in which fireworks are prohibited under Subsection [15A-5-202.5\(1\)\(b\)](#); and
 - (b) the map that the county provides, in accordance with Subsection [\(6\)\(b\)](#).

Effective 8/31/2020

15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.

- (1) For IFC, Chapter 3, General Requirements:
 - (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six and replace it with: " Utah Administrative Code, R652-122-1300, Minimum Standards for County Wildland Fire Ordinance".
 - (b) IFC, Chapter 3, Section 310.8, Hazardous environmental conditions, is deleted and rewritten as follows: "1. When the fire code official determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may occur:
 - 1.1. If the existing or historical hazardous environmental conditions exist in a municipality, the legislative body of the municipality may prohibit the ignition or use of an ignition source in:

- 1.1.1. mountainous, brush-covered, forest-covered, or dry grass-covered areas;
 - 1.1.2. within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;
 - 1.1.3. the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or
 - 1.1.4. a limited area outside the hazardous areas described in this paragraph 1.1 to facilitate a readily identifiable closed area, in accordance with paragraph 2.
- 1.2. If the existing or historical hazardous environmental conditions exist in an unincorporated area, the state forester may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1.1 that are within the unincorporated area, after consulting with the county fire code official who has jurisdiction over that area.
 - 1.3. If the existing or historical hazardous environmental conditions exist in a metro township created under [Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015](#), the metro township legislative body may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1.1 that are within the township.
2. If a municipal legislative body, the state forester, or a metro township legislative body closes an area to the discharge of fireworks under paragraph 1, the legislative body or state forester shall:
 - 2.1. designate the closed area along readily identifiable features like major roadways, waterways, or geographic features;
 - 2.2. ensure that the boundary of the designated closed area is as close as is practical to the defined hazardous area, provided that the closed area may include areas outside of the hazardous area to facilitate a readily identifiable line; and
 - 2.3. identify the closed area through a written description or map that is readily available to the public.
 3. A municipal legislative body, the state forester, or a metro township legislative body may close a defined area to the discharge of fireworks due to a historical hazardous environmental condition under paragraph 1 if the legislative body or state forester:
 - 3.1. makes a finding that the historical hazardous environmental condition has existed in the defined area before July 1 of at least two of the preceding five years;
 - 3.2. produces a map indicating the boundaries, in accordance with paragraph 2, of the defined area described; and
 - 3.3. before May 1 of each year the defined area is closed, provides the map described in paragraph 3.2 to the county in which the defined area is located.
 4. A municipal legislative body, the state forester, or a metro township legislative body may not close an area to the discharge of fireworks due to a historical hazardous environmental condition unless the legislative body or state forester provides a map, in accordance with paragraph 3."