

Part 2 Fire Prevention and Fireworks Act

53-7-201 Short title.

This part is known as the "Fire Prevention and Fireworks Act."

Enacted by Chapter 234, 1993 General Session

53-7-202 Definitions.

As used in this part:

- (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:
 - (a) uses sound or light when deployed; and
 - (b) is designated to prevent crop damage or unwanted animals from entering a specified area.
- (2) "Class A explosive" means a division 1.1 or 1.2 explosive as defined by the United States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.
- (3) "Class B explosive" means a division 1.2 or 1.3G explosive as defined by the United States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.
- (4) "Class C explosive" means a division 1.4G explosive as defined by the United States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.
- (5) "Class C common state approved explosive" means a firework that:
 - (a) is purchased at retail for use by a consumer; and
 - (b) is not a Class C dangerous explosive.
- (6)
 - (a) "Class C dangerous explosive" means a class C explosive that is:
 - (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar explosive;
 - (ii)
 - (A) a skyrocket;
 - (B) a missile type rocket;
 - (C) a single shot, or reloadable aerial shell; or
 - (D) a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C), including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500 grams of pyrotechnic composition; or
 - (iii)
 - (A) a bottle rocket;
 - (B) a roman candle;
 - (C) a rocket mounted on a wire or stick; or
 - (D) a device containing a rocket described in this Subsection (6)(a)(iii).
 - (b) A "class C dangerous explosive" does not mean exempt explosives.
- (7) "Commercial cooking appliance fire suppression system":
 - (a) means an automatic or manual fire protection system designed for commercial cooking appliances, exhaust hoods, and ducts; and
 - (b) includes a commercial kitchen exhaust system attached to a fire suppression system that is designed to remove smoke, soot, toxic gases, and grease-laden vapor resulting from cooking operations.
- (8)

- (a) "Display fireworks" means large firework devices that consist of explosive materials that are intended for use in outdoor aerial fireworks displays to produce visible or audible effects by combustion, deflagration, or detonation.
 - (b) "Display fireworks" includes aerial shells, salutes, roman candles, flash shells, comets, mines, and other similar explosives.
- (9)
- (a) "Display operator" means a person licensed under Section 53-7-223 and who is responsible for site selection, setting up, permits, overseeing assistants and support personnel, and discharging display fireworks outdoors in situations where the audience maintains a specific distance separating it from the display fireworks being discharged.
 - (b) "Display operator" does not mean a fire department.
- (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare, snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches in length.
- (11) "Fire executive" means a fire chief, deputy fire chief, or other active member of a fire department or fire district who has been appointed by the elected officials of a municipality or county, by a fire district board, or by an established procedure within a volunteer fire service organization, to officially represent a fire department.
- (12) "Fire extinguisher" means a portable or stationary device that discharges water, foam, gas, or other material to extinguish a fire.
- (13) "Fire suppression system" means an automatic fire protection system that automatically detects fire and discharges a fire extinguishing agent onto or in the area of the fire.
- (14)
- (a) "Fireworks" means:
 - (i) class C explosives;
 - (ii) class C dangerous explosives; and
 - (iii) class C common state approved explosives.
 - (b) "Fireworks" does not mean:
 - (i) exempt explosives;
 - (ii) class A explosives; or
 - (iii) class B explosives.
- (15) "Flame effects" means the combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.
- (16)
- (a) "Flame effects operator" means a person licensed under Section 53-7-223 who, regarding flame effects, is responsible for:
 - (i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and support personnel, and preventing accidental discharge; and
 - (ii) completion of the sequence of control system functions that release the fuel for ignition to cause combustion and create the flame effects.
 - (b)
 - (i) "Flame effects operator" does not include a person who participates in a meeting, as limited under Subsection (16)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.
 - (ii) A meeting under Subsection (16)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.
- (17) "Importer" means a person who brings class B or class C explosives into Utah for the general purpose of:
- (a) resale or use within the state; or

- (b) exportation to other states.
- (18)
- (a) "Pyrotechnic" means any composition or device manufactured or used to produce a visible or audible effect by combustion, deflagration, or detonation.
 - (b) "Pyrotechnic" does not mean exempt explosives.
- (19) "Retail seller" means a person who sells class C common state approved explosives to the public during the period authorized under Section 53-7-225.
- (20) "Service" means the inspection, maintenance, repair, modification, testing, or cleaning of an automatic fire suppression system.
- (21) "Special effects" means a visual or audible effect caused by chemical mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical reaction that results in heat, gas, sound, or light and may also create an illusion.
- (22) "Special effects operator" means a person licensed under Section 53-7-223 who is responsible for setting up, permits, overseeing assistants and support personnel, analyzing potential hazards, setting clearances, and discharging pyrotechnic devices, either indoor or outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic devices than the audience separation distance generally required for display fireworks.
- (23) "Trick noisemaker" includes a:
- (a) tube or sphere containing pyrotechnic composition that produces a white or colored smoke as its primary effect when ignited; and
 - (b) device that produces a small report intended to surprise the user, including a:
 - (i) "booby trap," which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;
 - (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand that explodes producing a small report;
 - (iii) "trick match," which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;
 - (iv) "cigarette load," which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when ignited; and
 - (v) "auto burglar alarm," which is a tube that:
 - (A) contains pyrotechnic composition that produces a loud whistle and smoke when ignited;
 - (B) may contain a small quantity of explosive to produce a small explosive noise; and
 - (C) is ignited by a squib.
- (24) "Unclassified fireworks" means:
- (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been tested, approved, and classified by the United States Department of Transportation;
 - (b) an approved device that has been altered or redesigned since obtaining approval by the United States Department of Transportation; and
 - (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler before receiving approval by the United States Department of Transportation.
- (25) "Wholesaler" means:
- (a) a person who sells class C common state approved explosives to a retailer; or
 - (b) a person who sells class B explosives or class C dangerous explosives for display use.

Amended by Chapter 448, 2015 General Session

53-7-203 Utah Fire Prevention Board -- Creation -- Members -- Terms -- Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty to implement board rules.

- (1) There is created within the division the Utah Fire Prevention Board.
- (2) The board shall be nonpartisan and be composed of 11 members appointed by the governor as follows:
 - (a) a licensed architect;
 - (b) a licensed engineer;
 - (c) a member of the Utah State Firemen's Association;
 - (d) the state forester or the state forester's designee;
 - (e) a member of the Utah State Fire Chiefs Association;
 - (f) a member of the Utah Fire Marshal's Association;
 - (g) a building inspector;
 - (h) a citizen appointed at large;
 - (i) a fire executive appointed from a full-time fire department in a county of the first class;
 - (j) a fire executive appointed from a full-time fire department in a county of the second class; and
 - (k) a fire executive appointed from a fire department in a county of the third, fourth, fifth, or sixth class.
- (3)
 - (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (5) A member whose term has expired may continue to serve until a replacement is appointed pursuant to Subsection (3).
- (6) The board shall select from its members a chair and other officers as the board finds necessary.
- (7) A majority of the members of the board is a quorum.
- (8) The board shall hold regular semiannual meetings for the transaction of its business at a time and place to be fixed by the board and shall hold other meetings as necessary for proper transaction of business.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) The division shall implement rules made by the board under Section 53-7-503 and perform all other duties delegated by the board.

Amended by Chapter 186, 2016 General Session

53-7-204 Duties of Utah Fire Prevention Board -- Unified Code Analysis Council -- Local administrative duties.

- (1) The board shall:
 - (a) administer the state fire code as the standard in the state;

- (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - (i) establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any:
 - (A) publicly owned building, including all public and private schools, colleges, and university buildings;
 - (B) building or structure used or intended for use as an asylum, a mental hospital, a hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or day care center, or any building or structure used for a similar purpose; or
 - (C) place of assemblage where 50 or more persons may gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
 - (ii) establishing safety and other requirements for placement and discharge of display fireworks on the basis of:
 - (A) the state fire code; and
 - (B) relevant publications of the National Fire Protection Association;
 - (iii) establishing safety standards for retail storage, handling, and sale of class C common state approved explosives;
 - (iv) defining methods to establish proof of competence to place and discharge display fireworks, special effects fireworks, and flame effects;
 - (v) subject to Subsection (2), creating a uniform statewide policy regarding a state, county, special district, and local government entity's safe seizure, storage, and repurposing, destruction, or disposal of a firework, class A explosive, or class B explosive that:
 - (A) is illegal; or
 - (B) a person uses or handles in an illegal manner;
 - (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special services in emergencies;
 - (vii) implementing Section 15A-1-403;
 - (viii) establishing criteria for the certification of firefighters, pump operators, instructors, fire officers, fire investigators, and rescue personnel not certified or licensed under any other section of the Utah Code;
 - (ix) establishing criteria for training and safety equipment grants for fire departments enrolled in firefighter certification;
 - (x) establishing ongoing training standards for hazardous materials emergency response agencies;
 - (xi) establishing criteria for the fire safety inspection of a food truck; and
 - (xii) establishing criteria for the accreditation and reaccreditation of fire service training organizations;
- (c) recommend to the commissioner a state fire marshal;
- (d) develop policies under which the state fire marshal and the state fire marshal's authorized representatives will perform;
- (e) provide for the employment of field assistants and other salaried personnel as required;
- (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized representatives;
- (g) provide technical expertise, advice, and support to Utah Valley University in the establishment and operation of the fire and rescue training program described in Section 53B-29-202;
- (h) establish a statewide fire statistics program for the purpose of gathering fire data from all political subdivisions of the state;

- (i) coordinate the efforts of all people engaged in fire suppression in the state;
 - (j) work aggressively with the local political subdivisions to reduce fire losses;
 - (k) regulate the sale and servicing of portable fire extinguishers and automatic fire suppression systems in the interest of safeguarding lives and property;
 - (l) establish a certification program for persons who inspect and test automatic fire sprinkler systems;
 - (m) establish a certification program for persons who inspect and test fire alarm systems;
 - (n) establish a certification for persons who provide response services regarding hazardous materials emergencies;
 - (o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the Business and Labor Interim Committee; and
 - (p) jointly create the Unified Code Analysis Council with the Uniform Building Code Commission in accordance with Section 15A-1-203.
- (2)
- (a) In the rules that the board makes under Subsection (1)(b)(v), the board shall include a provision prohibiting a state, county, special district, or local government entity from disposing of an item described in Subsection (1)(b)(v) by means of open burning, except under circumstances described in the rule.
 - (b) When making a rule under Subsection (1)(b)(v), the board shall:
 - (i) review and include applicable references to:
 - (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and
 - (B) provisions of the International Fire Code; and
 - (ii) consider the appropriate role of the following in relation to the rule:
 - (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
 - (B) a firework wholesaler or distributor.
- (3) The board may incorporate in its rules by reference, in whole or in part:
- (a) the state fire code; or
 - (b) subject to the state fire code, a nationally recognized and readily available standard pertaining to the protection of life and property from fire, explosion, or panic.
- (4) The following functions shall be administered locally by a city, county, or fire protection district:
- (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and 19-2-114;
 - (b) creating a local board of appeals in accordance with the state fire code; and
 - (c) subject to the state fire code and the other provisions of this chapter, establishing, modifying, or deleting fire flow and water supply requirements.

Amended by Chapter 237, 2021 General Session

53-7-204.2 Fire Prevention Support Account -- Funding.

- (1) As used in this section:
- (a) "Account" means the Fire Prevention Support Account created in Subsection (2).
 - (b) "Property insurance premium" means premium paid as consideration for property insurance as defined in Section 31A-1-301.
- (2)
- (a) To provide a funding source for the general operation of the division, there is created in the General Fund a restricted account known as the Fire Prevention Support Account.
 - (b) The following revenue shall be deposited in the account to implement this section:
 - (i) the percentage specified in Subsection (3) of the annual tax for each year that is levied, assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon

- property insurance premiums and as applied to fire and allied lines insurance collected by insurance companies within the state;
- (ii) the percentage specified in Subsection (4) of all money assessed and collected upon life insurance premiums within the state;
 - (iii) appropriations made by the Legislature; and
 - (iv) money collected from civil penalties in accordance with Section 53-7-504.
- (3) The percentage of the tax specified in Subsection (2)(b)(i) to be deposited in the account each fiscal year is 25%.
- (4) The percentage of the money specified in Subsection (2)(b)(ii) to be deposited in the account each fiscal year is 5%.

Amended by Chapter 403, 2020 General Session

53-7-206 Equipment for new fire protection systems -- Standard equipment.

All equipment for fire protective purposes, purchased in connection with the installation of completely new fire protection systems by any authorities having charge of public property, shall be equipped with the standard hydrant stem and cap nuts and standard threads for fire hose and fire hydrant couplings and fittings designated as the national standard, as adopted by the board, which standard is designated as the standard for the equipment in the state.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-207 Selling or offering for sale nonstandard equipment unlawful -- Exception.

- (1) A person may not sell or offer for sale any fire hose, fire hydrant, fire engine, or other equipment with threaded parts unless the equipment is fitted and equipped with the threads designated as national standard and adopted by the board and designated by law as the standard of the equipment in the state.
- (2) Subsection (1) does not apply to:
 - (a) equipment sold or offered for sale to a local governing body for the purposes of maintaining, repairing, replacing, or extending existing fire protection equipment as provided in Section 11-4-2; and
 - (b) adapters and caps for fire protective purposes.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-208 Penalty and punishment.

Any person who violates Sections 53-7-206 and 53-7-207, requiring standard equipment, is guilty of a class B misdemeanor.

Amended by Chapter 274, 2013 General Session

53-7-209 Inspection of buildings by officials -- Review of residential inspections.

- (1) As used in this section, "International Fire Code" means the edition of the International Fire Code adopted by the Legislature with the amendments and additions in the State Fire Code.
- (2) A fire chief or officer may enter a building or premises not used as a private dwelling at any reasonable hour to inspect the building or premises and enforce the rules made under this part and the state fire code.

- (3) The owner, lessee, manager, or operator of a building or premises not used as a private dwelling shall permit inspections under this section.
- (4)
 - (a) Subject to Subsection (4)(b), a county, city, or town shall, by ordinance, provide for review of an inspection conducted by the county's, city's, or town's fire chief or officer for a single-family residence within 30 days of the notice of the fire code compliance inspection.
 - (b) Upon request by a person who owns or is building a single-family residence, a chief executive officer of the county, city, or town in which is located the single-family residence, or the chief executive officer's designee, shall, with reasonable diligence, review an inspection described in Subsection (4)(a) to determine whether the inspection constitutes a fair administration of the State Fire Code.
 - (c) A review described in this section:
 - (i) is separate and unrelated to an appeal under the International Fire Code;
 - (ii) may not be used to review a matter that may be brought by appeal under the International Fire Code;
 - (iii) may not result in the waiver or modification of a State Fire Code requirement or standard; and
 - (iv) does not prohibit a person from bringing an appeal under the International Fire Code.
 - (d) A person who seeks a review described in this Subsection (4) may not be prohibited by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal under the International Fire Code on the grounds that the person raised the issue or brought the claim in the review described in this section.

Amended by Chapter 260, 2011 General Session

53-7-210 Fire investigations by local officers -- Notification to division.

- (1) The chief fire officer of any city, town, or county fire department, or of any fire district or special service district organized for fire protection purposes, or his authorized representative shall investigate the cause, origin, and circumstances of each fire occurring in his jurisdiction when property has been destroyed or damaged.
- (2) The fire officer shall:
 - (a) begin the investigation immediately after the occurrence of the fire; and
 - (b) attempt to determine, among other things, whether the fire was the result of carelessness or of design.
- (3) If the fire officer making this investigation determines that the fire appears to be suspicious, or of unknown origin, the officer may notify the division to request assistance.

Amended by Chapter 25, 2001 General Session

53-7-211 Fire investigations by fire marshal.

- (1) If the division is of the opinion that further investigation of a fire is necessary, the state fire marshal, his deputy, or representative may:
 - (a) join the investigation in cooperation with the fire officers who have been conducting it;
 - (b) upon the request of the chief fire official of the political subdivision, assume control of the investigation and direct it; or
 - (c) conduct an independent investigation if necessary.

- (2) A fire officer who has conducted or is conducting the investigation shall cooperate in every possible way with the state fire marshal, his deputy, and representative to further the purpose of the investigation.
- (3) The county attorney or district attorney of the county in which the fire occurred shall, upon the request of the state fire marshal, his deputy, or representative, assist in the investigation.

Renumbered and Amended by Chapter 38, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

53-7-212 Powers of fire marshal in respect to investigation.

In investigating any fire the state fire marshal and his deputy may:

- (1) subpoena witnesses;
- (2) compel their attendance and testimony; and
- (3) require the production of books, papers, documents, records, and other tangible items that constitute or may contain evidence relevant to the investigation in the judgment of the state fire marshal or his deputy.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-213 Criminal charges resulting from investigation -- Procedure.

If the state fire marshal, his deputy, or representative, or any other officer participating in the investigation of any fire believes that there is evidence sufficient to charge a person with arson, burning with intent to defraud or prejudice the insurer, or a similar crime, he shall furnish the county attorney or district attorney of the county in which the crime occurred with his evidence and request the county attorney or district attorney to commence the proper procedures to charge the person with the appropriate crime.

Renumbered and Amended by Chapter 38, 1993 General Session
Renumbered and Amended by Chapter 234, 1993 General Session

53-7-214 Insurance company reports of fires.

- (1) The state fire marshal, his deputy, and investigator may, in writing, require any insurance company transacting business in this state to release to the state fire marshal all relevant information or evidence found important by the state fire marshal, his deputy, and investigator that the company may have in its possession, relating to any fire loss in this state in which the company has an insuring interest. Relevant information includes:
 - (a) insurance policy information related to a fire loss under investigation and any application for the policy;
 - (b) available policy premium payment records;
 - (c) history of previous claims made by the insured; and
 - (d) material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence related to the investigation.
- (2)
 - (a) Every insurance company transacting business in the state must file with the division a report of any fire of suspicious origin.
 - (b) The report shall show:
 - (i) the name of the insured;
 - (ii) the location of the property burned;

- (iii) the probable cause of the fire;
 - (iv) the occupancy of the property burned;
 - (v) the construction of the building or structure burned;
 - (vi) the market value of the property involved;
 - (vii) the actual loss;
 - (viii) the insurance carried;
 - (ix) the insurance paid;
 - (x) the apportionment of loss where more than one company was on the risk; and
 - (xi) if a motor vehicle or building is involved in any fire loss, a description of the motor vehicle or building.
- (c) In case of a fire of suspicious or incendiary origin, a preliminary report shall be made immediately through some officer or representative of the insurance company, showing:
- (i) the name of the insured;
 - (ii) the date of the fire;
 - (iii) the location;
 - (iv) occupancy; and
 - (v) other facts and circumstances tending to establish the cause or origin of the fire.
- (3) All persons making an adjustment occasioned by a loss due to a fire of suspicious or incendiary origin in this state shall, upon written request, send to the division a copy of the final adjustment immediately after the adjustment is made, signed by the person making the adjustment.
- (4) Any insurance company or person acting in its behalf or any person making adjustments occasioned by a loss due to fire who releases information, whether oral or written, pursuant to Subsection (1), (2), or (3) is immune from any liability for the release of this information arising out of a civil action or penalty resulting from a criminal prosecution.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-215 Portable fire extinguishers -- Persons not subject to part.

- (1) The filling or charging of portable fire extinguishers prior to initial sale by the manufacturer is not subject to this part.
- (2) Any firm that maintains its own fully equipped and specially staffed fire prevention, fire protection, and fire extinguisher servicing facilities is not subject to the licensing provisions of this part if it services only its own portable fire extinguishers.
- (3) Individuals shall maintain a current certificate of registration.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-216 Portable fire extinguishers and fire suppression systems -- Certification and licensure required to service.

- (1) Each firm engaged in the business of servicing portable fire extinguishers or automatic fire suppression systems that automatically detect fire and discharge an approved fire extinguishing agent onto or in the area of the fire shall be licensed by the state fire marshal.
- (2) Each person who services portable fire extinguishers or fire suppression systems that discharge an approved fire extinguishing agent onto or in the area of the fire shall be certified by the state fire marshal.
- (3) The board shall by rule prescribe an application form and standards for licensure or certification qualification and for renewal and revocation.
- (4) Applicants for licensure or certification shall:

- (a) submit a written application on the form prescribed by the board;
 - (b) provide evidence of competency as required by the board; and
 - (c) submit the fee established under Subsection (5).
- (5) The board may establish a fee under Section 63J-1-504 to be paid upon application for licensure or certification.
- (6) This section does not apply to standpipe systems, deluge systems, or automatic fire sprinkler systems.

Amended by Chapter 247, 2013 General Session

53-7-217 Portable fire extinguishers -- Permit required to perform hydrostatic testing.

Each firm performing hydrostatic testing of portable fire extinguishers shall:

- (1) perform the tests in accordance with the specifications of the United States Department of Transportation for compressed gas cylinders; and
- (2) obtain a permit from the division by applying in writing on forms provided by the division.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-218 Portable fire extinguishers -- Sale or lease without approval prohibited.

A portable fire extinguisher may not be sold or leased in the state unless it is approved, labeled, or listed by a nationally recognized testing laboratory approved by the division as qualified to test portable fire extinguishers.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-219 Portable fire extinguishers -- Hearings authorized.

The state fire marshal may conduct hearings or proceedings concerning the renewal, revocation, or refusal to issue permits.

Renumbered and Amended by Chapter 234, 1993 General Session

53-7-220 Short title.

Sections 53-7-220 through 53-7-225 are known as the "Utah Fireworks Act."

Enacted by Chapter 234, 1993 General Session

53-7-221 Exceptions from Utah Fireworks Act.

- (1) Sections 53-7-220 through 53-7-225 do not apply to class A, class B, and class C explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit for destinations outside of Utah.
- (2) Sections 53-7-220 through 53-7-225 do not supersede Section 23A-2-208, regarding use of fireworks and explosives by the Division of Wildlife Resources and federal game agents.
- (3) Section 53-7-225 does not supersede Section 65A-8-212 regarding the authority of the state forester to close hazardous areas.

Amended by Chapter 34, 2023 General Session

53-7-222 Restrictions on the sale or use of fireworks.

- (1)
 - (a) Except as provided in Subsection (1)(b), class C dangerous explosives may not be possessed, discharged, sold, or offered for retail sale.
 - (b)
 - (i) The following persons may purchase, possess, or discharge class C dangerous explosives:
 - (A) display operators and special effects operators who receive a license from the division in accordance with Section 53-7-223 and approval from their local licensing authority in accordance with Section 11-3-3.5; and
 - (B) operators approved by the Division of Wildlife Resources or Department of Agriculture and Food to discharge agricultural and wildlife fireworks.
 - (ii) Importers and wholesalers licensed under Section 53-7-224 may possess, sell, and offer to sell class C dangerous explosives.
- (2) Unclassified fireworks may not be sold, or offered for sale.

Amended by Chapter 13, 2011 General Session

Amended by Chapter 13, 2011 General Session, (Coordination Clause)

53-7-223 State license for display operators, special effects operators, and flame effects operators -- Permit -- Fee -- Division duties -- Revocation.

- (1)
 - (a) A person may not purchase or possess display fireworks, special effects fireworks, or flame effects, or discharge any of them in public unless the person has obtained the appropriate license from the division, except under Subsection (1)(b).
 - (b)
 - (i) Subsection (1)(a) does not apply to any person who participates in a meeting, as limited under Subsection (1)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.
 - (ii) A meeting under Subsection (1)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.
- (2) The division shall:
 - (a) issue an annual license to any display operator, special effects operator, or flame effects operator who:
 - (i) applies for the permit;
 - (ii) pays the fee set in accordance with Section 63J-1-504;
 - (iii) demonstrates proof of competence; and
 - (iv) certifies that the operator will comply with board rules governing placement and discharge of fireworks or flame effects;
 - (b) provide the licensee with a copy of the rules governing placement and discharge of fireworks or flame effects made under Section 53-7-204; and
 - (c) together with county and municipal officers enforce Sections 53-7-220 through 53-7-225.
- (3) The division may:
 - (a) revoke a license issued under this section for cause;
 - (b) seize display and special effects fireworks, fireworks, and unclassified fireworks that are offered for sale, sold, or in the possession of an individual in violation of Sections 53-7-220 through 53-7-225;
 - (c) prevent or stop the use of flame effects that is unlawful or that is endangering persons or property; and
 - (d) create application and certification forms.

Amended by Chapter 417, 2018 General Session

53-7-224 Licensing importers and wholesalers -- Fee.

The division shall:

- (1) annually license each importer and wholesaler of pyrotechnic devices; and
- (2) charge an annual license fee set in accordance with Section 63J-1-504.

Amended by Chapter 417, 2018 General Session

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;
 - (c) between the hours of 11 a.m. and 11 p.m. on January 1; and
 - (d) 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).

Amended by Chapter 341, 2023 General Session

53-7-225.1 Civil liability.

- (1)
 - (a) An individual who negligently, recklessly, or intentionally causes or spreads a fire through discharge of a class C explosive is liable for the cost of suppressing that fire and any damages the fire causes.
 - (b) If the individual described in Subsection (1)(a) is a minor, the parent or legal guardian having legal custody of the minor is liable for the costs and damages for which the minor is liable under this section.
 - (c) A court may waive part or all of the parent or guardian's liability for damages under Subsection (1)(b) if the court finds:
 - (i) good cause; and
 - (ii) that the parent or legal guardian:
 - (A) made a reasonable effort to supervise and direct the minor; or
 - (B) in the event the parent or guardian knew in advance of the negligent, reckless, or intentional conduct described in Subsection (1)(a), made a reasonable effort to restrain the minor.
- (2)
 - (a) The conduct described in Subsection (1) includes any negligent, reckless, or intentional conduct, regardless of whether:
 - (i) the person discharges a class C common state approved explosive:

- (A) within the permitted time periods described in Subsection 53-7-225(3); or
- (B) in an area where discharge was not prohibited under Subsection 53-7-225(5)(b) or (c); or
- (ii) the fire begins on:
 - (A) private land;
 - (B) land owned by the state or a political subdivision of the state;
 - (C) federal land; or
 - (D) tribal land.
- (b) Discharging a class C explosive in an area in which fireworks are prohibited due to hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b), constitutes the negligent, reckless, or intentional conduct described in Subsection (1).
- (3) A person who incurs costs to suppress a fire described in Subsection (1) may bring an action under this section to recover those costs against an individual described in Subsection (1).
- (4) A person who suffers damage from a fire described in Subsection (1) may:
 - (a) bring an action under this section for those damages against an individual described in Subsection (1); and
 - (b) pursue all other legal remedies in addition to seeking damages under Subsection (4)(a).

Enacted by Chapter 189, 2018 General Session

53-7-225.5 Inspection and testing of automatic fire sprinkler systems -- Certification required.

- (1) Each person engaged in the inspection and testing of automatic fire sprinkler systems shall be certified by the state fire marshal.
- (2) The board shall by rule prescribe an application form and standards for certification qualification and for renewal and revocation.
- (3) Applicants for certification as an automatic fire sprinkler system inspector and tester shall:
 - (a) submit a written application on the form prescribed by the board;
 - (b) provide evidence of competency as required by the board; and
 - (c) submit the fee established under Subsection (4).
- (4) The board may establish an application fee under Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

53-7-225.6 Inspection and testing of fire alarm systems -- Certification and exceptions.

- (1)
 - (a) Each person, other than fire and building inspectors and electricians licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, engaged in the inspection and testing of fire alarm systems shall be certified by the state fire marshal.
 - (b) The board shall by administrative rule prescribe:
 - (i) an application form; and
 - (ii) standards for certification qualification and for renewal and revocation.
- (2) Applicants for certification as a fire alarm system inspector and tester shall:
 - (a) submit a written application on the form prescribed by the board;
 - (b) provide evidence of competency as required by the board; and
 - (c) submit the fee established under Subsection (3).
- (3) The board may establish an application fee under Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

53-7-226 Violations -- Misdemeanor.

A person is guilty of a class B misdemeanor if he:

- (1) violates this part;
- (2) violates any order made under this part;
- (3) produces, reproduces, or uses the official seal of registration of the division in any manner or for any purpose inconsistent with the designated purpose of the seal;
- (4) removes, uses, or damages service tags or other labels or markings in a manner inconsistent with the designated use of the service tag;
- (5) engages in the sale, storage, or handling of class C fireworks without a permit where a local government requires a permit;
- (6) sells at retail, transports, possesses, or discharges class C dangerous explosives as defined in Section 53-7-202;
- (7) performs or intends to perform services or induces the public to enter into any obligation relating to the performance of those services that are untrue, misleading, or reasonably known to be untrue or misleading; or
- (8) builds in violation of the division's plan review or written instructions conducted on building specifications, building plans, or amendments of those specifications or plans as required under this part.

Amended by Chapter 322, 2007 General Session