

FIREWORKS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies the State Fire Code and Public Safety Code regarding the sale and discharge of fireworks regarding the conditions and process for a municipality or county to prohibit the discharge of fireworks.

Highlighted Provisions:

This bill:

▶ provides that the legislative body of a municipality may prohibit the discharge of fireworks in specified areas if the local fire code official determines that hazardous environmental conditions exist;

▶ provides that a county or municipality may not prohibit the lawful discharge of class C common state approved explosives, except as provided; and

▶ clarifies that Utah Code Section 53-7-225 supercedes any other code provision regarding the sale and discharge of fireworks.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15A-5-202, as last amended by Laws of Utah 2012, Chapter 148



28 53-7-225, as last amended by Laws of Utah 2012, Chapter 26



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 15A-5-202 is amended to read:

32 **15A-5-202. Amendments and additions to IFC related to administration, permits,**
33 **definitions, general, and emergency planning.**

34 (1) For IFC, Scope and Administration:

35 (a) IFC, Chapter 1, Section 105.6.16, Flammable and combustible liquids, is amended
36 to add the following section: "12. The owner of an underground tank that is out of service for
37 longer than one year shall receive a Temporary Closure Notice from the Department of
38 Environmental Quality and a copy shall be given to the AHJ."

39 (b) IFC, Chapter 1, Section 109.2, Notice of violation, is amended as follows: On line
40 three, after the words "is in violation of this code," insert in the section the phrase "or other
41 pertinent laws or ordinances."[-]

42 (2) For IFC, Definitions:

43 (a) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
44 Educational Group E, Day care, is amended as follows: On line three delete the word "five"
45 and replace it with the word "four."[-]

46 (b) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
47 Institutional Group I, Group I-1, is amended as follows: On line 10 add "Type I" in front of the
48 words "Assisted living facilities."[-]

49 (c) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
50 Institutional Group I, Group I-2, is amended as follows:

51 (i) On line three delete the word "for" and insert the following into the sentence "on a
52 24-hour basis of more than three."[-]

53 (ii) On line 10, after the words "Nursing homes,"[-] add the following: "both
54 intermediate nursing care and skilled nursing care facilities, ambulatory surgical centers with
55 five or more operating rooms where care is less than 24 hours, and Type II assisted living
56 facilities. Type II assisted living facilities with five or fewer persons shall be classified as a
57 Group R-4. Type II assisted living facilities with at least six and not more than 16 residents
58 shall be classified as a Group I-1 facility."[-]

59 (d) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
60 Institutional Group I, Group I-4, Day care facilities, Child care facility, is amended as follows:

61 (i) On line three delete the word "five" and replace it with the word "four."[-]

62 (ii) On line two of the exception delete the word "five" and replace it with the word
63 "four."[-]

64 (e) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
65 Residential Group R, R-2, is amended to add the following: "Exception: Boarding houses
66 accommodating 10 persons or less shall be classified as Residential Group R-3."

67 (3) For IFC, General Requirements:

68 (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six
69 and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for
70 Wildland Fire Ordinance."[-]

71 (b) IFC, Chapter 3, Section 310.8, Hazardous Environmental Conditions, is deleted and
72 rewritten as follows: "When the fire code official determines that hazardous environmental
73 conditions necessitate controlled use of any ignition source, including fireworks, lighters,
74 matches, and smoking materials ~~§~~ → [;] :

74a (i) ~~§~~ ← ~~the [ignition or use of the source in mountainous,~~
75 ~~brush-covered, or forest-covered areas is prohibited]~~ legislative body of a municipality within
76 which the hazardous environmental conditions exist may prohibit only the ignition or use of the
77 ignition source in ~~§~~ → **mountainous, brush-covered, or forest-covered areas or the wildland**
77a **urban interface area, which means ~~§~~ ← ~~§~~ the line, area, or zone where structures or other human**
77b **development meet or**
78 **intermingle with undeveloped wildland or ~~§~~ → **[vegetative fuel, except in approved areas as allowed****
79 **by the AHJ.]"** land being used for an agricultural purpose ~~§~~ → ; and

79a (ii) **where the hazardous environmental conditions exist in unincorporated areas that**
79b **meet the description in Subsection (3)(b)(i), the state forester may prohibit the ignition or use**
79c **of the ignition source in all or part of these areas, after consulting with the county fire code**
79d **official having jurisdiction over that area ~~§~~ ."** ← ~~§~~

80 (c) IFC, Chapter 3, Section 311.1.1, Abandoned premises, is amended as follows: On
81 line 10 delete the words "International Property Maintenance Code and the."[-]

82 (d) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete
83 the word "shall" and replace it with the word "may."[-]

84 (e) IFC, Chapter 3, Section 315.2.1, Ceiling clearance, is amended to add the
85 following: "Exception: Where storage is not directly below the sprinkler heads, storage is
86 allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler
87 heads in occupancies meeting classification as light or ordinary hazard."

88 Section 2. Section **53-7-225** is amended to read:

89 **53-7-225. Times for sale and discharge of fireworks.**

90 (1) This section supercedes any other code provision regarding the sale or discharge of
 91 fireworks.

92 ~~[(1)]~~ (2) A person may sell class C common state approved explosives in the state as
 93 follows:

- 94 (a) beginning on June 23 and ending on July 27;
- 95 (b) beginning on December 29 and ending on December 31; and
- 96 (c) two days before and on the Chinese New Year's eve.

97 ~~[(2) A person may discharge]~~

98 (3) Except as provided in Subsection ~~H~~→ [15A-5-202(3)(b)] (5) ←~~H~~ , a county or
 98a municipality may

99 not prohibit any person from discharging class C common state approved explosives in the
 100 state as follows:

101 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the
 102 hours are 11 a.m. to midnight:

- 103 (i) beginning on July 1 and ending on July 7; and
- 104 (ii) beginning on July 21 and ending on July 27;

105 (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

106 or

107 (ii) if New Year's eve is on a Sunday and the local governmental jurisdiction
 108 determines to celebrate New Year's eve on the prior Saturday, then it is lawful to discharge
 109 Class C common state approved explosives on that prior Saturday; and

110 (c) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the
 111 following day.

112 ~~[(3)]~~ (4) A person who violates the time restrictions stated in Subsection ~~[(2)]~~ (3)(a),
 113 (b), or (c) is guilty of an infraction.

113a ~~H~~→ **(5) A county or municipality may prohibit any person from discharging class C**
 113b **common state approved explosives:**

113c **(a) as provided in Subsection ~~S~~→ [15A-5-202(3)(b)] 15A-5-202.5(1)(c) ←~~S~~ ; or**

113d **(b) in accordance with a municipal ordinance prohibiting the negligent discharge of**
 113e **class C common state approved explosives. ←~~H~~**

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Legislative Review Note

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Office of Legislative Research and General Counsel