

**FIRE REGULATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Walt Brooks**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill addresses government authority over fire.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits under certain circumstances the Air Quality Board or Division of Air Quality from prohibiting burns;
- ▶ addresses rulemaking authority; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-2-114**, as last amended by Laws of Utah 2015, Chapter 154

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

Section 1. Section **19-2-114** is amended to read:

**19-2-114. Activities not in violation of chapter or rules.**



28 (1) As used in this section, "attainment area" means an area that meets the national  
29 primary and secondary ambient air quality standard for pollution.

30 (2) The following are not a violation of this chapter or of a rule made under [it] this  
31 chapter:

32 ~~[(1)]~~ (a) burning incident to horticultural or agricultural operations of:

33 ~~[(a)]~~ (i) prunings from trees, bushes, and plants; or

34 ~~[(b)]~~ (ii) dead or diseased trees, bushes, and plants, including stubble;

35 ~~[(2)]~~ (b) burning of weed growth along ditch banks incident to clearing these ditches  
36 for irrigation purposes;

37 ~~[(3)]~~ (c) controlled heating of orchards or other crops to lessen the chances of their  
38 being frozen so long as the emissions from this heating do not violate minimum standards set  
39 by the board; and

40 ~~[(4)]~~ (d) the controlled burning of not more than two structures per year by an  
41 organized and operating fire department for the purpose of training fire service personnel when  
42 the United States Weather Service clearing index for the area where the burn is to occur is  
43 above 500.

44 (3) (a) The board or division may not prohibit a burn during the time period beginning  
45 November 1 and ending March 31 if the burn:

46 (i) occurs in an attainment area;

47 (ii) occurs on private property within an incorporated portion of a county;

48 (iii) occurs when the United States Weather Service clearing index for the area in  
49 which the burn is to occur is above 250;

50 (iv) is the open burning of clippings, bushes, plants, prunings from trees, or dead or  
51 diseased trees, bushes, and plants, that are:

52 (A) incident to property and residential clean-up activities; and

53 (B) thoroughly dry;

54 (v) does not include trash, rubbish, tires, or oil in the material to be burned, used to  
55 start the burn, or used to keep a fire burning; and

56 (vi) does not create a nuisance as defined in Section [76-10-803](#).

57 (b) Notwithstanding Subsection (3)(a), the board by rule, made in accordance with  
58 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may establish the process for

59 issuing a burn permit under this chapter.

60 Section 2. **Effective date.**

61 This bill takes effect on May 1, 2024.