

UTAH

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)(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.
- (8)(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.
- (9) "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.
- (10)(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.
- (11) "Flame effects" means the combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.
- (12)(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 (12)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.

(ii) A meeting under Subsection (12)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.

(13) "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.

(14)(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.

(15) "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.

(16) "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.

(17) "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.

(18) "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.

(19) "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.

(20) "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.

53-7-220. Short title.

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

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 23-13-7, regarding use of fireworks and explosives by the Division of Wildlife Resources and federal game agents.

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.

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 of \$250.

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

Class C common state approved explosives may be:

(1) sold each year:

(a) beginning on June 26 and ending on July 26;

(b) beginning on December 26 and ending on January 1; and

(c) three days before and on the Chinese New Year; and

(2) discharged each year:

(a) beginning on June 26 and ending on July 26;

(b) on January 1 and December 31; and

(c) the day before and on the Chinese New Year.

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.

11-3-1. Short title.

This chapter is known as the "County and Municipal Fireworks Act."

11-3-3.1. Definitions.

The definitions in Section 53-7-202 apply to this chapter.

11-3-3.5. Licensing of retail sellers of fireworks-Permit required-Fee, insurance, or bond.

(1)(a) A municipality or county may require a retail seller to obtain a license and pay a reasonable fee before selling class C common state-approved explosives within the jurisdiction of that municipality or county.

(b) A municipality or county may not restrict the number of licenses to be issued under this section.

(2)(a) A municipality or county shall require:
(i) a permit to discharge all display fireworks, special effects, and flame effects performances; and
(ii) evidence that the display operator, special effects operator, or flame effects operator who will set up and discharge the display has received a license from the State Fire Marshal Division, Department of Public Safety.

(b) A municipality or county may require a fee, insurance, or a bond before issuing a permit under this Subsection (2).

11-3-4. Enforcement-Seizure of fireworks sold unlawfully-Revocation of license.

(1) Each county and municipal officer charged with the enforcement of state and municipal laws, including all fire enforcement officials and the State Fire Marshal Division of the Department of Public Safety, shall enforce this chapter and Sections 53-7-220 through 53-7-225, Utah Fireworks Act.

(2) Any official charged with enforcing this chapter and the Utah Fireworks Act may:

(a) seize display fireworks, fireworks, and unclassified fireworks that are offered for sale, sold, or in the possession of an individual in violation of this chapter or the Utah Fireworks Act; and

(b) recommend to the state fire marshal that each importer or wholesaler selling or offering to sell display fireworks, fireworks, or unclassified fireworks in violation of this chapter or the Utah Fireworks Act have his license revoked.

11-3-8. Conflicting local ordinances prohibited.

A county, city, or town may not adopt an ordinance or regulation in conflict with Sections 53-7-220 through 53-7-225.

11-3-11. Sale or use of unauthorized fireworks-Class B misdemeanor.

Any person who violates this chapter is guilty of a class B misdemeanor.

15A-5-303. Amendments and additions to NFPA related to manufacture, transportation, storage, and retail sales of fireworks.

(1) For purposes of this section and subject to Subsection (2), the Utah Fire Prevention Board shall adopt standards by rule for the retail sales of consumer fireworks, and in doing so, shall consider the applicable provisions of NFPA 1124, Chapter 7, Retail Sales of Consumer Fireworks.

(2) NFPA 1124 Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles:

(a) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer Fireworks, Subsection 7.2.8 is added as follows: "Display of Class C common state approved explosives inside of buildings protected throughout with an automatic fire sprinkler system shall not exceed 25% of the area of the retail sales floor or exceed 600 square feet, whichever is less."

(b) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer Fireworks, Subsection 7.2.9 is added as follows: "Rack storage of Class C common state approved explosives inside of buildings is prohibited."

(c) NFPA 1124, Chapter 7, Section 7.3.1, Exempt Amounts, Subsection 7.3.1.1, is deleted and rewritten as follows: "Display of Class C common state approved explosives inside of buildings not protected with an automatic fire sprinkler system shall not exceed 125 pounds of pyrotechnic composition."

(d) NFPA 1124, Chapter 7, Section 7.3.15.2, Height of Sales Displays, Subsection 7.3.15.2.2, is amended as follows: On line three delete "12 ft. (3.66m)" and replace it with "6 ft."