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FIRE REGULATION AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Walt Brooks
Senate Sponsor: David P. Hinkins

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

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.

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

(2) The following are not a violation of this chapter or of a rule made under [†] this chapter:
[†] (a) burning incident to horticultural or agricultural operations of:

- 28 ~~[(a)]~~ (i) prunings from trees, bushes, and plants; or
29 ~~[(b)]~~ (ii) dead or diseased trees, bushes, and plants, including stubble;
30 ~~[(2)]~~ (b) burning of weed growth along ditch banks incident to clearing these ditches for
31 irrigation purposes;
32 ~~[(3)]~~ (c) controlled heating of orchards or other crops to lessen the chances of their being
33 frozen so long as the emissions from this heating do not violate minimum standards
34 set by the board; and
35 ~~[(4)]~~ (d) the controlled burning of not more than two structures per year by an organized
36 and operating fire department for the purpose of training fire service personnel when
37 the United States Weather Service clearing index for the area where the burn is to
38 occur is above 500.
- 39 (3) (a) The board or division may not prohibit a burn during the time period beginning
40 November 1 and ending March 31 if the burn:
- 41 (i) occurs in an attainment area;
42 (ii) occurs on private property within an incorporated portion of a county;
43 (iii) occurs when the United States Weather Service clearing index for the area in
44 which the burn is to occur is above 250;
45 (iv) is the open burning of clippings, bushes, plants, prunings from trees, or dead or
46 diseased trees, bushes, and plants, that are:
47 (A) incident to property and residential clean-up activities; and
48 (B) thoroughly dry;
49 (v) does not include trash, rubbish, tires, or oil in the material to be burned, used to
50 start the burn, or used to keep a fire burning; and
51 (vi) does not create a nuisance as defined in Section 76-10-803.
- 52 (b) Notwithstanding Subsection (3)(a), the board by rule, made in accordance with Title
53 63G, Chapter 3, Utah Administrative Rulemaking Act, may establish the process for
54 issuing a burn permit under this chapter.

55 Section 2. **Effective date.**

56 This bill takes effect on May 1, 2024.