

Applicable Utah State Code Relevant To Wildland Fire

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41-6a-1401. Standing or parking vehicles -- Restrictions and exceptions. (Fire Hydrant) (Effective 5/10/2016)

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:
- (a) stop, stand, or park a vehicle:
 - (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) on a sidewalk;
 - (iii) within an intersection;
 - (iv) on a crosswalk;
 - (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (vii) on any bridge or other elevated structure, on a highway, or within a highway tunnel;
 - (viii) on any railroad tracks;
 - (ix) on any controlled-access highway;
 - (x) in the area between roadways of a divided highway, including crossovers; or
 - (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
 - (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i) in front of a public or private driveway;
 - (ii) within 15 feet of a fire hydrant;
 - (iii) within 20 feet of a crosswalk;
 - (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 - (vi) at any place where a traffic-control device prohibits standing; or
 - (vii) at the capitol hill complex as defined in Section [63C-9-102](#) in a parking space identified as reserved for specific users, without:
 - (A) approval by the executive director of the State Capitol Preservation Board created in Section [63C-9-201](#); and
 - (B) a properly displayed placard or other identifying marker approved by the executive director of the State Capitol Preservation Board to indicate this approval; or
 - (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (i) within 50 feet of the nearest rail of a railroad crossing; or
 - (ii) at any place where traffic-control devices prohibit parking.
- (2) A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.
- (3) This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices. (Effective 7/1/2021)

- (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or unusual noise.

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- (b) A motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation.
 - (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.
 - (2) (a) Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not emit visible contaminants during operation.
 - (b) (i) As used in this Subsection [\(2\)\(b\)](#), "heavy tow" means a tow that exceeds the vehicle's maximum tow weight.
 - (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible contaminants during operation:
 - (A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or
 - (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.
 - (iii) A diesel engine manufactured before January 1, 2008, may not emit visible contaminants of a shade or density that obscures a contrasting background by more than 20%, for more than five consecutive seconds:
 - (A) except while the engine is being warmed to the recommended operating temperature or under a heavy tow; or
 - (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight rating in excess of 26,000 pounds.
 - (c) A person who violates the provisions of Subsection [\(2\)\(a\)](#) is guilty of an infraction and shall be fined:
 - (i) not less than \$50 for a violation; or
 - (ii) not less than \$100 for a second or subsequent violation within three years of a previous violation of this section.
 - (d) A person who violates the provisions of Subsection [\(2\)\(b\)](#) is guilty of an infraction and shall be fined:
 - (i) not less than \$100 for a violation; or
 - (ii) not less than \$500 for a second or subsequent violation within three years of a previous violation of this section.
 - (e) (i) As used in this section:
 - (A) "Local health department" means the same as that term is defined in Section [26A-1-102](#).
 - (B) "Nonattainment area" means a part of the state where air quality is determined to exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).
 - (ii) Within a nonattainment area, for a second or subsequent violation of Subsection [\(2\)\(a\)](#) or [\(2\)\(b\)](#), the court shall report the violations to the local health department at a regular interval.
 - (iii) If the local health department receives a notification as described in Subsection [\(2\)\(e\)\(ii\)](#), and the local health department determines that the registered vehicle is unable to meet state or local air emission standards, the local health department shall send notification to the Motor Vehicle Division.
- (3) (a) If a motor vehicle is equipped by a manufacturer with air pollution control devices, the devices shall be maintained in good working order and in constant operation.
 - (b) For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle class.
 - (c) A person who renders inoperable an air pollution control device on a motor vehicle is guilty of an infraction.
- (4) Subsection [\(3\)](#) does not apply to a motor vehicle altered and modified to use clean fuel, as defined under Section [59-13-102](#), when the emissions from the modified or altered motor vehicle are at levels that comply with existing state or federal standards for the emission of pollutants from a motor vehicle of the same class.
- (5) A violation of Subsection [\(1\)](#), [\(2\)](#), or [\(3\)](#) is an infraction.

41-6a-1634. Safety chains on towed vehicles required -- Exceptions. (Effective 5/12/2015)

- (1) A towed vehicle shall be coupled by means of a safety chain, cable or equivalent device, in addition to the regular trailer hitch or coupling.

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- (2) Except as provided under Subsection (3), a safety chain, cable or equivalent device shall be:
 - (a) securely connected with the chassis of the towing vehicle, the towed vehicle, and the drawbar;
 - (b) of sufficient material and strength to prevent the two vehicles from becoming separated; and
 - (c) attached to:
 - (i) have no more slack than is necessary for proper turning;
 - (ii) the trailer drawbar to prevent it from dropping to the ground; and
 - (iii) assure the towed vehicle follows substantially in the course of the towing vehicle in case the vehicles become separated.
- (3) A violation of Subsection (1) or (2) is an infraction.
- (4) The provisions of Subsection (2) do not apply to a:
 - (a) semitrailer having a connecting device composed of a fifth wheel and king pin assembly;
 - (b) pole trailer; or
 - (c) trailer being towed by a bicycle.

41-6a-1636. Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth. (Effective 5/12/2015)

- (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.
- (3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.
- (4) In accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#), the Department of Transportation may make rules to permit the use of tires on a vehicle having protuberances other than rubber, if the department concludes that protuberances do not:
 - (a) damage the highway significantly; or
 - (b) constitute a hazard to life, health, or property.
- (5) Notwithstanding any other provision of this section, a person may use:
 - (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the studs:
 - (i) are only used during the winter periods of October 15 through December 31 and January 1 through March 31 of each year;
 - (ii) do not project beyond the tread of the traction surface of the tire more than .050 inches; and
 - (iii) are not used on a vehicle with a maximum gross weight in excess of 9,000 pounds unless the vehicle is an emergency vehicle or school bus;
 - (b) farm machinery with tires having protuberances which will not injure the highway; and
 - (c) tire chains of reasonable proportions on a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
- (6) Notwithstanding any other provision of this chapter, a highway authority, for a highway under its jurisdiction, may issue special permits authorizing the operation on a highway of:
 - (a) farm tractors;
 - (b) other farm machinery; or
 - (c) traction engines or tractors having movable tracks with transverse corrugations on the periphery of the movable tracks.
- (7) (a) A person may not operate a vehicle if one or more of the tires in use on the vehicle:
 - (i) is in an unsafe operating condition; or
 - (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire.

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- (b) The measurement under Subsection [\(7\)\(a\)](#) may not be made at the location of any tread wear indicator, tie bar, hump, or fillet.
- (8) A person in the business of selling tires may not sell or offer for sale for highway use any tire prohibited for use under Subsection [\(7\)](#).
- (9) A violation of this section is an infraction.

41-6a-1711. Driving over firehose. (Effective 1/1/2005)

The operator of a vehicle may not drive over an unprotected hose of a fire department when laid down on a street, private road, or driveway to be used at a fire or alarm of fire, without the consent of the fire department official in command.

53-2a-205. Authority of chief executive officers of political subdivisions -- Ordering of evacuations. (Effective 5/4/2022)

- (1) (a) In order to protect life and property when a state of emergency or local emergency has been declared, subject to limitation by the Legislature as described in Subsection [53-2a-206\(5\)](#), and subject to Section [53-2a-216](#), the chief executive officer of each political subdivision of the state is authorized to:
 - (i) carry out, in the chief executive officer's jurisdiction, the measures as may be ordered by the governor under this part; and
 - (ii) take any additional measures the chief executive officer may consider necessary, subject to the limitations and provisions of this part.
- (b) The chief executive officer may not take an action that is inconsistent with any order, rule, regulation, or action of the governor.
- (c) A chief executive officer of a municipality may not exercise powers under this chapter to respond to an epidemic or a pandemic.
- (2) Subject to Section [53-2a-216](#), when a state of emergency or local emergency is declared, the authority of the chief executive officer includes:
 - (a) utilizing all available resources of the political subdivision as reasonably necessary to manage a state of emergency or local emergency;
 - (b) employing measures and giving direction to local officers and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of this part and with orders, rules, and regulations made under this part;
 - (c) if necessary for the preservation of life, issuing an order for the evacuation of all or part of the population from any stricken or threatened area within the political subdivision;
 - (d) recommending routes, modes of transportation, and destinations in relation to an evacuation;
 - (e) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles in relation to an evacuation, except that the chief executive officer may not restrict the lawful bearing of arms;
 - (f) controlling ingress and egress to and from a disaster area, controlling the movement of persons within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;
 - (g) clearing or removing debris or wreckage that may threaten public health, public safety, or private property from publicly or privately owned land or waters, except that where there is no immediate threat to public health or safety, the chief executive officer shall not exercise this authority in relation to privately owned land or waters unless:
 - (i) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance; and
 - (ii) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the local and state government against any claim arising from the removal; and
 - (h) invoking the provisions of any mutual aid agreement entered into by the political subdivision.
- (3) (a) If the chief executive is unavailable to issue an order for evacuation under Subsection [\(2\)\(c\)](#), the chief law enforcement officer having jurisdiction for the area may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life.
 - (b) The chief executive officer may ratify, modify, or revoke the chief law enforcement officer's order.
- (4) Notice of an order or the ratification, modification, or revocation of an order issued under this section shall be:
 - (a) given to the persons within the jurisdiction by the most effective and reasonable means available; and
 - (b) filed in accordance with Subsection [53-2a-209\(1\)](#).

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53-7-210. Fire investigations by local officers -- Notification to division. (Effective 1/1/2001)

(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.

53-7-225. Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage. (Effective 5/3/2023)

(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:

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- (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 [\(6\)\(b\)](#).

53-7-225.1. Civil liability. (Effective 5/8/2018)

- (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 [\(4\)\(a\)](#).

63H-7a-103. Definitions. (Effective 5/12/2020)

As used in this chapter:

- (1) "911 account" means the Unified Statewide 911 Emergency Service Account, created in Subsection [63H-7a-304\(1\)](#).

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- (2) "911 call transfer" means the redirection of a 911 call from the person who initially receives the call to another person within the state.
- (3) "Association of governments" means an association of political subdivisions of the state, established pursuant to an interlocal agreement under [Title 11, Chapter 13, Interlocal Cooperation Act](#).
- (4) "Authority" means the Utah Communications Authority created in Section [63H-7a-201](#).
- (5) "Backhaul network" means the portion of a public safety communications network that consists primarily of microwave paths, fiber lines, or ethernet circuits.
- (6) "Board" means the Utah Communications Authority Board created in Section [63H-7a-203](#).
- (7) "CAD" means a computer-based system that aids PSAP dispatchers by automating selected dispatching and record-keeping activities.
- (8) "CAD-to-CAD" means standardized connectivity between PSAPs or between a PSAP and a dispatch center for the transmission of data between CADs.
- (9) "Dispatch center" means an entity that receives and responds to an emergency or nonemergency communication transferred to the entity from a public safety answering point.
- (10) "FirstNet" means the federal First Responder Network Authority established in 47 U.S.C. Sec. 1424.
- (11) "Lease" means any lease, lease purchase, sublease, operating, management, or similar agreement.
- (12) "Public agency" means any political subdivision of the state dispatched by a public safety answering point.
- (13) "Public safety agency" means the same as that term defined in Section [69-2-102](#).
- (14) "Public safety answering point" or "PSAP" means an entity in this state that:
 - (a) receives, as a first point of contact, direct 911 emergency communications from the 911 emergency service network requesting a public safety service;
 - (b) has a facility with the equipment and staff necessary to receive the communication;
 - (c) assesses, classifies, and prioritizes the communication; and
 - (d) dispatches the communication to the proper responding agency.
- (15) "Public safety communications network" means:
 - (a) a regional or statewide public safety governmental communications network and related facilities, including real property, improvements, and equipment necessary for the acquisition, construction, and operation of the services and facilities; and
 - (b) 911 emergency services, including radio communications, connectivity, and 911 call processing equipment.

65A-3-2. Wildland fire prevention -- Prohibited acts. (Effective 5/12/2015)

- (1) A person is guilty of a class B misdemeanor who:
 - (a) throws or places a lighted cigarette, cigar, firecracker, ashes, or other flaming or glowing substance that may cause a fire on a highway or a wildland fire;
 - (b) obstructs the state forester, an employee of the division, or an agent of the division, in the performance of controlling a fire;
 - (c) refuses, on proper request of the state forester, an employee of the division, or an agent of the division, to assist in the controlling of a fire, without good and sufficient reason; or
 - (d) fires a tracer or incendiary ammunition:
 - (i) anywhere except within the confines of established military reservations; or
 - (ii) except with the written permission of the director of the Division of Forestry, Fire, and State Lands, given upon written request, if the director:
 - (A) specifies a limited period of time and a limited area in which the ammunition may be used; and
 - (B) issues the written permission in accordance with this title and applicable rules.
- (2) Fines assessed under this section are deposited in the General Fund.

65A-3-2.5. Wildland fire and unmanned aircraft.

- (1) As used in this section:
 - (a) "Incident commander" means the government official or employee in command of the response to a wildland fire.
 - (b) "Neutralize" means to terminate the operation of an unmanned aircraft by:

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- (i) disabling or damaging the unmanned aircraft;
 - (ii) interfering with any portion of the unmanned aircraft system associated with the unmanned aircraft; or
 - (iii) otherwise taking control of the unmanned aircraft or the unmanned aircraft system associated with the unmanned aircraft.
- (c) "Sanctioned entity" includes a person that oversees, is employed by, or is working under the direction of:
- (i) a government entity;
 - (ii) a telecommunications provider;
 - (iii) a utility provider;
 - (iv) the owner or operator of a pipeline;
 - (v) an insurance provider;
 - (vi) a resource extraction entity;
 - (vii) news media;
 - (viii) a person that operates an unmanned aircraft system under a certificate of waiver, a certificate of authorization, or any other grant of authority obtained from the Federal Aviation Administration that expressly authorizes operation of the unmanned aircraft system; or
 - (ix) a person similar to a person described in Subsections [\(1\)\(c\)\(i\)](#) through [\(vii\)](#).
- (d) "Unmanned aircraft" means an aircraft that is:
- (i) capable of sustaining flight; and
 - (ii) operated with no possible direct human intervention from on or within the aircraft.
- (e) "Unmanned aircraft system" means the entire system used to operate an unmanned aircraft, including:
- (i) the unmanned aircraft;
 - (ii) communications equipment;
 - (iii) navigation equipment;
 - (iv) controllers;
 - (v) support equipment; and
 - (vi) autopilot functionality.
- (2) A person may not operate an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area that is under a temporary flight restriction that is issued by the Federal Aviation Administration as a result of the wildland fire, or an area designated as a wildland fire scene on a system managed by a federal, state, or local government entity that disseminates emergency information to the public, unless the person operates the unmanned aircraft system with the permission of, and in accordance with the restrictions established by, the incident commander.
- (3) A person, other than a government official or a government employee acting within the person's capacity as a government official or government employee, that recklessly operates an unmanned aircraft system in a manner that causes an unmanned aircraft to fly within an area described in Subsection [\(2\)](#) is guilty of:
- (a) except as provided in Subsection [\(3\)\(b\)](#), [\(c\)](#), or [\(d\)](#), a class B misdemeanor, punishable by imprisonment as provided in Section [76-3-204](#) and a fine not to exceed \$2,500;
 - (b) except as provided in Subsection [\(3\)\(c\)](#) or [\(d\)](#), a class A misdemeanor, punishable by imprisonment as provided in Section [76-3-204](#) and a fine not to exceed \$5,000, if the operation of the unmanned aircraft system:
 - (i) causes an aircraft being used to contain or control a wildland fire to drop a payload of water or fire retardant in a location other than the location originally designated for the aircraft to drop the payload;
 - (ii) causes an aircraft being used to contain or control a wildland fire to land without dropping a payload of water or fire retardant in the location originally designated for the aircraft to drop the payload; or
 - (iii) prevents an aircraft, intended for use in containing or controlling a wildland fire, from taking flight;
 - (c) except as provided in Subsection [\(3\)\(d\)](#), a third degree felony, punishable by imprisonment as provided in Section [76-3-203](#) and a fine not to exceed \$10,000, if the operation of the unmanned aircraft system causes the unmanned aircraft to come into direct physical contact with a manned aircraft; or

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- (d) a second degree felony, punishable by imprisonment as provided in Section [76-3-203](#) and a fine not to exceed \$15,000, if the operation of the unmanned aircraft is the proximate cause of a manned aircraft colliding with the ground, a structure, or another manned aircraft.
- (4) A judge may require a person convicted of a violation under Subsection (3) to pay restitution in an amount equal to damages resulting from the violation, including damages to person or property, the costs of a flight, and any loss of fire retardant.
- (5) The incident commander of a wildland fire shall grant reasonable access to the area of, and within three miles of, the wildland fire to a sanctioned entity if:
 - (a) the access is for a purpose related to the responsibilities or business of the sanctioned entity; and
 - (b) the access can be granted, with reasonable restrictions, without imposing a safety risk or impairing efforts to control the wildland fire.
- (6) The chief law enforcement officer for a jurisdiction located in an area described in Subsection (2) or the incident commander of a wildland fire may neutralize or authorize another to neutralize an unmanned aircraft that is flying in an area described in Subsection (2) if the chief law enforcement officer or the incident commander determines that the neutralization is reasonably necessary to terminate a violation described in Subsection (3).
- (7) A political subdivision of the state, or an entity within a political subdivision of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft in relation to a wildland fire.

65A-3-3. Enforcement of laws -- City, county, or district attorney to prosecute. (Effective 1/1/2017)

- (1) It is the duty of the division, county sheriffs, their deputies, peace officers, and other law enforcement officers within the law enforcement jurisdiction to enforce the provisions of this chapter and to investigate and gather evidence that may indicate a violation under this chapter.
- (2)
 - (a) The city attorney, county attorney, or district attorney, as appropriate under Sections [10-3-928](#), [17-18a-202](#), and [17-18a-203](#), shall prosecute any criminal violations of this chapter.
 - (b) The counsel for an eligible entity, as defined in Section [65A-8-203](#), shall initiate a civil action to recover suppression costs incurred by the eligible entity for suppression of fire on private land.

65A-3-4. Liability for causing wildland fires. (Effective 5/12/2020)

- (1) As used in this section:
 - (a) "Electric cooperative" means the same as that term is defined in Section [54-24-102](#).
 - (b) "Electrical transmission wildland fire protection plan" means a wildland fire protection plan, as defined in Section [54-24-102](#), that is:
 - (i) prepared and submitted by a qualified utility and approved as provided in Section [54-24-201](#); or
 - (ii) prepared and submitted by an electric cooperative and approved as provided in Section [54-24-203](#).
 - (c) "Qualified utility" means the same as that term is defined in Section [54-17-801](#).
- (2)
 - (a) Except as provided in Subsection (3), a person who negligently, recklessly, or intentionally causes or spreads a wildland fire shall be liable for the cost of suppressing that wildland fire, regardless of whether the fire begins on:
 - (i) private land;
 - (ii) land owned by the state;
 - (iii) federal land; or
 - (iv) tribal land.
 - (b) The conduct described in Subsection (2)(a) includes any negligent, reckless, or intentional conduct, and is not limited to conduct described in Section [65A-3-2](#).
- (3) In an action under this section to recover for property damage resulting from a wildland fire or to recover the cost of fire suppression resulting from a wildland fire, a qualified utility or electric cooperative may not be considered to have negligently caused a wildland fire if:
 - (a)
 - (i) the electrical transmission wildland fire protection plan of the qualified utility or electric cooperative identifies and addresses the cause of the wildland fire for fire mitigation purposes; and
 - (ii) at the origin of the wildland fire, the qualified utility or electric cooperative has completed the fire mitigation work identified in the electrical transmission wildland fire protection plan, including:
 - (A) inspection, maintenance, and repair activities;

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- (B) modifications or upgrades to facilities or construction of new facilities;
 - (C) vegetation management work; and
 - (D) preventative programs; or
- (b) (i) the qualified utility or electric cooperative is denied or delayed access to a right-of-way on land owned by the state, a federal agency, or a tribal government after the qualified utility or electric cooperative requests access to the right-of-way to perform vegetation management or fire mitigation work in accordance with an electrical transmission wildland fire protection plan; and
- (ii) the electrical transmission wildland fire protection plan identifies and addresses the cause of the wildland fire for fire mitigation purposes.
- (4) A person who incurs costs to suppress a wildland fire may bring an action under this section to recover those costs.
- (5) (a) A property owner who suffers damages resulting from a wildland fire may bring an action under this section to recover those damages.
- (b) An award for damages to real property resulting from a wildland fire, including the loss of vegetation, shall be the lesser of:
- (i) the cost to restore the real property to its pre-wildland fire condition; or
 - (ii) the difference between:
 - (A) the fair market value of the real property before the wildland fire; and
 - (B) the fair market value of the real property after the wildland fire.
- (6) A person who suffers damage from a wildland fire may pursue all other legal remedies in addition to seeking damages under Subsection (4) or (5).

65A-8-201. Uncontrolled fire is a public nuisance. (Effective 1/1/2017)

Any fire on forest, range, watershed, or wildland urban interface land in the state burning uncontrolled and without proper and adequate action being taken to manage it is a public nuisance.

65A-8-202. Fire control -- County responsibilities. (Effective 1/1/2017)

- (1) A county shall abate the public nuisance caused by wildfire on unincorporated, privately owned or county owned forest, range, watershed, and wildland urban interface lands within its boundaries.
- (2) A county may participate in the wildland fire protection system of the division and become eligible for assistance from the state by agreement under the provisions of this chapter.
- (3) A county shall:
 - (a) reduce the risk of wildfire to unincorporated, privately owned or county owned forest, range, watershed, and wildland urban interface land within the county's boundaries, with private landowner permission, through appropriate wildfire prevention, preparedness, and mitigation actions; and
 - (b) ensure effective wildfire initial attack on unincorporated privately owned or county owned forest, range, watershed, and wildland urban interface land within the county's boundaries.
- (4) A county may assign the responsibilities described in Subsections (1) and (3) to a fire service provider or an eligible entity, as defined in Section 65A-8-203, through contract, delegation, interlocal agreement, or another method.
- (5) The state forester shall make certain that appropriate action is taken to control wildland fires on unincorporated nonfederal forest, range, watershed, and wildland urban interface lands.
- (6) Nothing in this section excuses a private landowner from complying with an applicable county ordinance.

65A-8-202.5. City and town responsibilities. (Effective 1/1/2017)

- (1) A municipality shall abate the public nuisance caused by wildfire on forest, range, watershed, and wildland urban interface land within the boundaries of the municipality if the land is:
 - (a) privately owned; or
 - (b) owned by the municipality.
- (2) A municipality may participate in the wildland fire protection system of the division and become eligible for assistance from the state by agreement under the provisions of this chapter.
- (3) A municipality shall:

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- (a) reduce the risk of wildfire to incorporated, privately owned and municipality owned forest, range, watershed, and wildland urban interface land, with private landowner permission, through appropriate wildfire prevention, preparedness, and mitigation actions; and
 - (b) ensure effective wildfire initial attack on forest, range, watershed, and wildland urban interface land within the municipality's fire protection boundary.
- (4) A municipality may assign the responsibilities described in Subsections [\(1\)](#) and [\(3\)](#) to a fire service provider or an eligible entity, as defined in Section [65A-8-203](#), through contract, delegation, interlocal agreement, or another method.
- (5) The state forester shall make certain that appropriate action is taken to control wildland fires on incorporated, nonfederal forest, range, watershed, and wildland urban interface lands.
- (6) Nothing in this section excuses a private landowner from complying with an applicable county ordinance.

65A-8-203. Cooperative fire protection agreements with counties, cities, towns, or special service districts. (Effective 2/27/2023)

- (1) As used in this section:
- (a) "Eligible entity" means:
 - (i) a county, a municipality, or a special service district, special district, or service area with:
 - (A) wildland fire suppression responsibility as described in Section [11-7-1](#); and
 - (B) wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or
 - (ii) upon approval by the director, a political subdivision established by a county, municipality, special service district, special district, or service area that is responsible for:
 - (A) providing wildland fire suppression services; and
 - (B) paying for the cost of wildland fire suppression services.
 - (b) "Fire service provider" means a public or private entity that fulfills the duties of Subsection [11-7-1\(1\)](#).
- (2) (a) The governing body of any eligible entity may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance from the division, as described in this part.
- (b) A cooperative agreement shall last for a term of no more than five years and be renewable if the eligible entity continues to meet the requirements of this chapter.
- (3) (a) An eligible entity may not receive financial cooperation or financial assistance under Subsection [\(2\)\(a\)](#) until a cooperative agreement is executed by the eligible entity and the division.
- (b) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in full compliance with, a cooperative agreement with the division, as described in this section.
- (c) A county or municipality that is not covered by a cooperative agreement with the division, as described in this section, shall be responsible for wildland fire costs within the county or municipality's jurisdiction, as described in Section [65A-8-203.2](#).
- (4) In order to enter into a cooperative agreement with the division, the eligible entity shall:
- (a) if the eligible entity is a county, adopt and enforce on unincorporated land a wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission;
 - (b) require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity on unincorporated land meet minimum standards for wildland fire training, certification, and suppression equipment based upon nationally accepted standards as specified by the division;
 - (c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the division, that will reduce the eligible entity's risk of catastrophic wildfire;
 - (d) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;
 - (e) return the financial statement described in Subsection [\(6\)](#), signed by the chief executive of the eligible entity, to the division on or before the date set by the division; and
 - (f) if the eligible entity is a county, have a designated fire warden as described in Section [65A-8-209.1](#).
- (5) (a) The state forester may execute a cooperative agreement with the eligible entity.

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- (b) The division shall make rules, in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#), governing the:
 - (i) cooperative agreements described in this section;
 - (ii) manner in which an eligible entity shall provide proof of compliance with Subsection [\(4\)](#);
 - (iii) manner by which the division may revoke a cooperative agreement if an eligible entity ceases to meet the requirements described in this section;
 - (iv) accounting system for determining suppression costs;
 - (v) manner in which the division shall determine the eligible entity's participation commitment; and
 - (vi) manner in which an eligible entity may appeal a division determination.
- (6) (a) The division shall send a financial statement to each eligible entity participating in a cooperative agreement that details the eligible entity's participation commitment for the coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to under Subsection [\(4\)\(c\)](#).
- (b) Each eligible entity participating in a cooperative agreement shall:
 - (i) have the chief executive of the eligible entity sign the financial statement, or the legislative body of the eligible entity approve the financial statement by resolution, confirming the eligible entity's participation for the upcoming year; and
 - (ii) return the financial statement to the division, on or before a date set by the division.
- (c) A financial statement shall be effective for one calendar year, beginning on the date set by the division, as described in Subsection [\(6\)\(b\)](#).
- (7) (a) An eligible entity may revoke a cooperative agreement before the end of the cooperative agreement's term by:
 - (i) informing the division, in writing, of the eligible entity's intention to revoke the cooperative agreement; or
 - (ii) failing to sign and return its annual financial statement, as described in Subsection [\(6\)\(b\)](#), unless the director grants an extension.
- (b) An eligible entity may not revoke a cooperative agreement before the end of the term of a signed annual financial statement, as described in Subsection [\(6\)\(c\)](#).
- (8) The division shall develop and maintain a wildfire risk assessment mapping tool that is online and publicly accessible.
- (9) By no later than the 2021 November interim meeting of the Natural Resources, Agriculture, and Environment Interim Committee, the division shall report on the eligible entities' adherence to and implementation of their participation commitment under this chapter.

65A-8-209. Responsibilities of county sheriffs and fire wardens in controlling fires. (Effective 1/1/2017)

- (1) In a county that has not entered into a cooperative agreement as described in Section [65A-8-203](#), the county sheriff shall take appropriate action to suppress wildfires on state or private lands.
- (2) In all cases the county sheriff shall:
 - (a) report, as prescribed by the state forester, on wildland fire control action;
 - (b) investigate and report wildfire causes; and
 - (c) enforce the provisions of this chapter either independently or in cooperation with the state forester.
- (3) In an eligible entity that has entered into a cooperative agreement, as described in Section [65A-8-203](#), the primary responsibility for wildfire management is the division, upon the delegation of fire management authority, as described in Section [65A-8-203.1](#).
- (4) The county sheriff and the county sheriff's organization shall maintain cooperative support of the fire management organization.

65A-8-211. Closed fire season -- Notice -- Violations -- Red Flag Warnings -- Burning permits -- Personal liability -- Exemptions from burning permits. (Effective 5/3/2023)

- (1) As used in this section:
 - (a) "Applicable public safety answering point" means a public safety answering point or dispatch center, as those terms are defined in Section [63H-7a-103](#), for the jurisdiction where a burning occurs.
 - (b) "Cultivated land" means land that is not enrolled in a conservation reserve program that is readily identifiable as:
 - (i) land whose soil is loosened or broken up for the raising of crops;

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- (ii) land used for the raising of crops; or
 - (iii) pasturage that is artificially irrigated.
 - (c) "Field" means land where grass, grain, stubble, or hay may be burned in accordance with this section.
 - (d) "Red Flag Warning" means a weather forecast issued by the National Weather Service on a publicly available website or notification system indicating that weather conditions associated with the outbreak of wildfires are occurring.
- (2)
- (a) The period from June 1 to October 31 of each year is a closed fire season throughout the state.
 - (b) The state forester may advance or extend the closed season wherever and whenever that action is necessary.
 - (c) The state forester shall notify the public of the alteration of the closed season by posting the appropriate proclamation on the division's website and on the Utah Public Notice Website, created in Section [63A-16-601](#), for at least seven days in advance of the date the change is effective.
- (3) During the closed fire season, an individual is guilty of a class C misdemeanor if the individual sets on fire, or causes to be set on fire:
- (a) (i) a forest;
 - (ii) brush;
 - (iii) range;
 - (iv) a field;
 - (v) cultivated land; or
 - (vi) a debris pile; and
 - (b) without:
 - (i) first securing a written permit from the state forester or a deputy designated by the state forester;
 - (ii) complying fully with the permit described in Subsection [\(3\)\(b\)\(i\)](#); and
 - (iii) subject to Subsection [\(10\)](#), first notifying the state forester, the state forester's designee, or the applicable public safety answering point of the approximate time the burning will occur.
- (4) During a period when a Red Flag Warning is issued, an individual is guilty of a class C misdemeanor if the individual sets on fire, or causes to be set on fire:
- (a) (i) a forest;
 - (ii) brush;
 - (iii) range;
 - (iv) a field;
 - (v) cultivated land;
 - (vi) a fence line;
 - (vii) a canal; or
 - (viii) an irrigation ditch; and
 - (b) without:
 - (i) first securing a written permit from the state forester or a deputy designated by the state forester;
 - (ii) complying fully with the permit described in Subsection [\(4\)\(b\)\(i\)](#); and
 - (iii) subject to Subsection [\(10\)](#), first notifying the state forester, the state forester's designee, or the applicable public safety answering point of the approximate time the burning will occur.
- (5) The state forester or the state forester's designee shall issue burning permits using the form prescribed by the division.
- (6)
- (a) The burning permit does not relieve an individual from personal liability as a result of damage caused by the fire.
 - (b) A fire escaping control of the permittee that necessitates fire control action or does injury to the property of another is prima facie evidence that due care was not used in the burning and that the fire was not safe.
- (7) The following may refuse, revoke, postpone, or cancel a permit if the person finds that it is necessary in the interest of public safety:
- (a) the state forester;

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- (b) a state forester's designee; or
 - (c) a county sheriff if there is no cooperative agreement with the division as described in Section [65A-8-203](#).
- (8) (a) Except for during a Red Flag Warning as described in Subsection [\(4\)\(a\)](#), a burning permit is not required:
- (i) for the burning within 10 feet of:
 - (A) fence lines on cultivated lands;
 - (B) the banks of canals; or
 - (C) the banks of irrigation ditches; and
 - (ii) if:
 - (A) the burning does not pose a threat to forest, range, or watershed lands;
 - (B) due care is used in the control of the burning; and
 - (C) subject to Subsection [\(10\)](#), the individual notifies the state forester, the state forester's designee, or the applicable public safety answering point of the approximate time the burning will occur.
- (b) For a burning with or without a permit, an individual is guilty of a class C misdemeanor if the individual fails to notify, subject to Subsection [\(10\)](#), the state forester, the state forester's designee, or the applicable safety answering point of a burning as required by this section.
- (9) A burning conducted in accordance with Subsection [\(8\)](#) is not a reckless burning under Section [76-6-104](#) unless the fire escapes control and requires fire control action.
- (10) (a) The state forester or state forester's designee shall annually determine the notification process for a jurisdiction after receiving approval from the following for the jurisdiction:
- (i) the applicable municipal chief, county fire warden, or state forester's designee; and
 - (ii) the governing body of the one or more applicable public safety answering points.
- (b) On June 1 of each year, beginning with June 1, 2023, the state forester or state forester's designee shall publish for each jurisdiction the notification process adopted under Subsection [\(10\)\(a\)](#) on the division's website and on the Utah Public Notice Website created in Section [63A-16-601](#).
- (c) If the state forester or state forester's designee cannot determine the notification process for a jurisdiction, a person is required to notify the applicable public safety answering point.

65A-8-212. Power of state forester to close hazardous areas -- Violations of an order closing an area. (Effective 5/8/2018)

- (1) (a) If the state forester finds conditions in a given area in the state to be extremely hazardous, "extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger, he shall close those areas to any forms of use by the public, or to limit that use, except as provided in Subsection [\(5\)](#).
- (b) The closure shall include, for the period of time the state forester considers necessary, the prohibition of open fires, and may include restrictions and prohibitions on:
- (i) smoking;
 - (ii) the use of vehicles or equipment;
 - (iii) welding, cutting, or grinding of metals;
 - (iv) subject to Subsection [\(5\)](#), fireworks;
 - (v) explosives; or
 - (vi) the use of firearms for target shooting.
- (c) Any restriction or closure relating to firearms use:
- (i) shall be done with support of the duly elected county sheriff of the affected county or counties;
 - (ii) shall undergo a formal review by the State Forester and County Sheriff every 14 days; and
 - (iii) may not prohibit a person from legally possessing a firearm or lawfully participating in a hunt.
- (d) The State Forester and County Sheriff shall:
- (i) agree to the terms of any restriction or closure relating to firearms use;
 - (ii) reduce the agreement to writing;
 - (iii) sign the agreement indicating approval of its terms and duration; and

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- (iv) complete the steps in Subsections [\(1\)\(d\)\(i\)](#) through [\(d\)\(iii\)](#) at each 14 day review and at termination of the restriction or closure.
- (2) Nothing in this chapter prohibits any resident within the area from full and free access to his home or property, or any legitimate use by the owner or lessee of the property.
- (3) The order or proclamation closing or limiting the use in the area shall set forth:
 - (a) the exact area coming under the order;
 - (b) the date when the order becomes effective; and
 - (c) if advisable, the authority from whom permits for entry into the area may be obtained.
- (4) Any entry into or use of any area in violation of this section is a class B misdemeanor.
- (5) The state forester may not restrict or prohibit the discharge of fireworks within the municipal boundaries of a city, town, or metro township.

76-6-102. Arson. (Effective 5/3/2023)

- (1) Terms defined in Sections [76-1-101.5](#) and [76-6-101](#) apply to this section.
- (2) An actor commits arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:
 - (a) any property with intention of defrauding an insurer; or
 - (b) the property of another.
- (3) (a) A violation of Subsection [\(2\)\(a\)](#) is a second degree felony.
(b) A violation of Subsection [\(2\)\(b\)](#) is a second degree felony if:
 - (i) the damage caused is or exceeds \$5,000 in value;
 - (ii) as a proximate result of the fire or explosion, any person not a participant in the offense suffers serious bodily injury as defined in Section [76-1-101.5](#);
 - (iii) (A) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section [76-6-103](#) regarding aggravated arson within 10 years prior to the commission of the violation of Subsection [\(2\)\(b\)](#).
- (c) A violation of Subsection [\(2\)\(b\)](#) is a third degree felony if:
 - (i) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value;
 - (ii) as a proximate result of the fire or explosion, any person not a participant in the offense suffers substantial bodily injury as defined in Section [76-1-101.5](#);
 - (iii) the fire or explosion endangers human life; or
 - (iv) (A) the damage caused is or exceeds \$500 but is less than \$1,500 in value; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section [76-6-103](#) regarding aggravated arson within 10 years prior to the commission of the violation of Subsection [\(2\)\(b\)](#).
- (d) A violation of Subsection [\(2\)\(b\)](#) is a class A misdemeanor if the damage caused:
 - (i) is or exceeds \$500 but is less than \$1,500 in value; or
 - (ii) (A) is less than \$500; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section [76-6-103](#) regarding aggravated arson within 10 years prior to the commission of the violation of Subsection [\(2\)\(b\)](#).
- (e) A violation of Subsection [\(2\)\(b\)](#) is a class B misdemeanor if the damage caused is less than \$500.

76-6-103. Aggravated arson. (Effective 5/3/2023)

- (1) Terms defined in Sections [76-1-101.5](#) and [76-6-101](#) apply to this section.
- (2) An actor commits aggravated arson if by means of fire or explosives the actor intentionally and unlawfully damages:

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- (a) a habitable structure; or
 - (b) any structure or vehicle when any person not a participant in the offense is in the structure or vehicle.
- (3) A violation of Subsection [\(2\)](#) is a first degree felony.

76-6-104. Reckless burning. (Effective 5/3/2023)

- (1) Terms defined in Sections [76-1-101.5](#) and [76-6-101](#) apply to this section.
- (2) An actor commits reckless burning if the actor:
- (a) recklessly starts a fire or causes an explosion which endangers human life;
 - (b) having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm;
 - (c) builds or maintains a fire without taking reasonable steps to remove all flammable materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or
 - (d) damages the property of another by reckless use of fire or causing an explosion.
- (3) (a) A violation of Subsection [\(2\)\(a\)](#) or [\(b\)](#) is a class A misdemeanor.
- (b) A violation of Subsection [\(2\)\(c\)](#) is a class B misdemeanor.
- (c) A violation of Subsection [\(2\)\(d\)](#) is:
- (i) a class A misdemeanor if damage to property is or exceeds \$1,500 in value;
 - (ii) a class B misdemeanor if the damage to property is or exceeds \$500 but is less than \$1,500 in value; and
 - (iii) a class C misdemeanor if the damage to property is or exceeds \$150 but is less than \$500 in value.
- (d) Any other violation under Subsection [\(2\)\(d\)](#) is an infraction.

76-6-104.5. Abandonment of a fire -- Penalties. (Effective 5/3/2023)

- (1) Terms defined in Sections [76-1-101.5](#) and [76-6-101](#) apply to this section.
- (2) An actor commits abandonment of a fire if, under circumstances not amounting to the offense of arson, aggravated arson, or causing a catastrophe, the actor leaves a fire:
- (a) without first completely extinguishing it; and
 - (b) with the intent to not return to the fire.
- (3) A violation of Subsection [\(2\)](#):
- (a) is a class C misdemeanor if there is no property damage;
 - (b) is a class B misdemeanor if property damage is less than \$1,000 in value; and
 - (c) is a class A misdemeanor if property damage is or exceeds \$1,000 in value.
- (4) An actor does not commit a violation of Subsection [\(2\)](#) if the actor leaves a fire to report an uncontrolled fire.
- (5) If a violation of Subsection [\(2\)](#) involves a wildland fire, the actor is also liable for suppression costs under Section [65A-3-4](#).
- (6) A fire spreading or reigniting is prima facie evidence that the actor did not completely extinguish the fire as required by Subsection [\(2\)\(a\)](#).

76-6-105. Causing a catastrophe -- Penalties. (Effective 5/3/2023)

- (1) Terms defined in Sections [76-1-101.5](#) and [76-6-101](#) apply to this section.
- (2) An actor commits causing a catastrophe if the actor causes widespread injury or damage to persons or property by:
- (a) use of a weapon of mass destruction as defined in Section [76-10-401](#); or
 - (b) explosion, fire, flood, avalanche, collapse of a building, or other harmful or destructive force or substance that is not a weapon of mass destruction.
- (3) A violation of Subsection [\(2\)](#) is:
- (a) a first degree felony if the actor causes the catastrophe knowingly and by the use of a weapon of mass destruction;
 - (b) a second degree felony if the actor causes the catastrophe knowingly and by a means other than a weapon of mass destruction; and

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(c) a class A misdemeanor if the actor causes the catastrophe recklessly.

- (4) In addition to any other penalty authorized by law, a court shall order an actor convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate

IRON COUNTY CODE & ORDINANCE

8.04.050 - Parking adjacent to a fire hydrant.

The fire chief, in cooperation with the Iron County sheriff, shall designate the restricted area for parking adjacent to a fire hydrant, which prohibited parking shall be a minimum of fifteen feet and such further distance as shall be determined to be reasonably safe, and if a greater distance than fifteen feet is required, the curb line shall be properly marked. Any person parking a vehicle or placing any other property within the prohibited parking area next to a fire hydrant shall be deemed guilty of a misdemeanor.

(Ord. 120 (part), 1993; Ord. 83 § 6, 1981)

8.04.100 - Closed fire season.

A. Burning Prohibited; Exemptions. Subject to exemptions in this chapter, burning is prohibited during the statutorily closed fire season from June 1 through October 31 and the regulatory closed fire season from November 16 through the last day of February. Where state statute permits, from June 1 to October 31, and the person obtains a state issued closed season burning permit prior to burning, persons may burn pursuant to the terms of the state issued permit.

B. Notification Requirement. When a person has obtained a closed season burning permit, the person shall notify the local fire department of the approximate time the burn will occur before the burn takes place.

C. Exemptions. Any local, state, or federal fire official or firefighting forces in the performance of official duty.

D. Misdemeanor. Any violation of this section shall be punishable as a Class C misdemeanor and, upon conviction, subject to penalty as provided in [Section 1.08.010](#) of this code.

([Ord. No. 2016-1](#), 3-28-2016)

Editor's note— [Ord. No. 2016-1](#), adopted March 28, 2016, in effect repealed the former [§ 8.04.100](#), and enacted a new [§ 8.04.100](#) as set out herein. The former [§ 8.04.100](#) pertained to open burning prohibited when and derived from Ord. No. 83, 1981.

8.04.101 - Open fire season.

A. Burning Permit Required. Subject to exceptions in this chapter, persons shall obtain a written county burning permit which shall be filled out completely before starting a fire in the unincorporated areas of the county during the open fire season which is March 1 through May 31 and November 1 through November 15.

B. Burning permits will be issued only when in compliance with the Utah Air Conservation Regulations. The following requirements must be met with each permit issued:

1. The permit is not valid and operative unless the clearing index is 500 or above. The clearing index is determined daily by the U.S. Weather Bureau and available on the National Weather Service Salt Lake City Weather link. http://www.wrh.noaa.gov/slc/projects/ifp/html/webSMF_new.php or by calling the NWS Salt Lake City, (801) 524-5133.
2. A permit may be extended one day at a time, without inspection upon request to the issuing officer. The request must be made before expiration of the permit.

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C. Burning permits shall not be issued when red flag conditions exist or are forecasted by the National Weather Service. Every permittee is required to contact the National Weather Service to assure that a red flag condition does not exist or is not forecasted. Permits are not valid or operative during declared red flag conditions.

D. During the open fire season, the state fire warden, chief fire officer or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county may postpone, revoke or deny burning permits due to environmental conditions, public nuisance, incompetency by the petitioner, or risk to public safety.

E. Misdemeanor. Any violation of this section shall be punishable as a Class C misdemeanor and, upon conviction, subject to penalty as provided in [Section 1.08.010](#) of this code.

([Ord. No. 2016-1](#), 3-28-2016)

8.04.102 - Exceptions.

The provisions of this chapter are not applicable to:

A. Any local, state, or federal fire official or firefighting forces in the performance of official duty.

B. Devices for the primary purpose of preparing food such as outdoor grills and fireplaces;

C. Campfires and fires used solely for recreational purposes pending the following guidelines are followed:

1. Where such fires are under control of a responsible person the fire is contained in a pit eighteen inches deep into mineral soil absent of roots or any other organic materials or solid ring made of non-combustible material that is at least eighteen inches in height that will contain the fuel wood or coals while shielding the ashes from being blown by the wind.
2. Maintain eighteen-inch depth of the pit by removing build up ash and other material; assure disposed materials are completely extinguished.
3. Campfire must be at least fifteen feet away from any combustible vegetation or structures, vertically or horizontally. Fire resistant material as part of the landscaping is excluded.
4. At least one standard size shovel must be dedicated and immediately available on-site for suppression.
5. Five gallons of water or a five-pound "A" rated or above fire extinguisher dedicated and immediately available on-site for suppression.
6. Campfires must be completely extinguished, cold to the touch, when not attended.
7. Combustible material used in the campfire is clean dry wood or charcoal.

D. Indoor fireplaces and indoor residential solid fuel burning devices.

E. Exceptions per the State of Utah Department of Environmental Quality, Air Quality Exclusions to the Clearing Index (R307-202-3) Administrative Rule: (Burn Permit is still required)

1. Except for areas zoned as residential, burning incident to horticultural or agricultural operations of:

- a. Prunings from trees, bushes, and plants; and
- b. Dead or diseased trees, bushes, and plants, including stubble.

2. Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes;

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3. Controlled heating of orchards or other crops during the frost season to lessen the chance of their being frozen so long as the emissions from this heating do not cause or contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved state implementation plan;
4. The controlled burning of not more than two structures per year by an organized and operative fire department for the purpose of training fire service personnel when the National Weather Service Clearing index is above five hundred;
5. Ceremonial burning is excluded when conducted by a Native American spiritual advisor.

([Ord. No. 2016-1](#), 3-28-2016)

8.04.103 - Procedure for obtaining a burning permit.

During the open fire season, the state fire warden, chief fire officer or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county shall be responsible for signing and issuing a burn permit, on forms provided by the county.

There are two ways to complete the open burn permit application:

Internet:

The open burn permit application can be completed online at:
<http://www.airquality.utah.gov/aqp/OpenBurning/form/index.php>.

Completing this form online is the easiest and fastest way to complete the open burn permit application. An electronic copy of the application is automatically submitted to the county or municipal fire authority upon completion.

Telephone:

An applicant can call the DAQ at 801-536-4000 and complete the open burn permit application process over the phone. A DAQ inspector will ask the applicant for the required information and complete the application in just a few minutes.

([Ord. No. 2016-1](#), 3-28-2016)