

**WAC 212-17-21505 CFRS facilities.** (1) Consumer fireworks will only be permitted to be sold at retail in any of the following structures:

(a) Temporary, stable structures made from wood, metal, fiberglass, or other material. Any temporary fireworks retail stand greater than four hundred square feet will meet the requirements of a permanent structure, except tents or canopies as defined in the International Fire Code;

(b) Tents, canopies, or structures utilizing temporary membrane material which must be made from fire retardant material or treated with a fire retardant as identified in the International Fire Code. When those requirements are in conflict with other provisions of these rules, the more restrictive provisions will apply;

(c) Permanent or temporary structures over four hundred square feet constructed in accordance with the building code and local ordinances enforced by the authority having jurisdiction;

(d) Trailers or shipping containers may be used as a CFRS facility only if they comply with the requirements of a CFRS facility.

(2) Vehicles, such as vans, buses, motor homes, travel trailers, trucks, and automobiles will not be allowed to operate as a CFRS facility.

(3) A structure must be permitted through the local authority having jurisdiction to operate as a CFRS facility. The local authority having jurisdiction may prescribe rules regarding CFRS facilities, where there are practical difficulties in the way of carrying out the provisions of these sections if the spirit of the rule is complied with, public safety secured and substantial justice done provided that the particulars of such modification must:

(a) Be registered with the state fire marshal and the fireworks license issued will include a notation as to the modification approved.

(b) Be applied to the retail licensee, not the retail sales location or wholesaler.

(4) Any break in licensing will void any approved modifications.

(5) Penalties for violations of this section are provided in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21505, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21505, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21505, filed 1/23/98, effective 2/23/98.]