

# Title 212 WAC

## STATE FIRE MARSHAL

### Chapters

- 212-02 Description of fire marshal's office—Organization, operations, obtaining information.
- 212-08 Practice and procedure.
- 212-12 Fire marshal standards.
- 212-14 Fire protection systems and equipment.
- 212-16 Fireworks.
- 212-20 Model and experimental rocketry.
- 212-28 Hospitals, standards for fire protection.
- 212-32 Nursing homes, standards for fire protection.
- 212-36 Boarding homes, standards for fire protection.
- 212-40 Private establishments, standards for fire protection.
- 212-44 Maternity homes, standards for fire protection.
- 212-52 Transient accommodations, standards for fire protection.
- 212-56 Group home in family abode, standards for fire protection.
- 212-57 Group home other than family abode, standards for fire protection.
- 212-58 Group home for developmentally disabled persons, standards for fire protection.
- 212-59 Mini day care center in family abode, standards for fire protection.
- 212-60 Mini day care center other than in family abode, standards for fire protection.
- 212-61 Day care center in family abode, standards for fire protection.
- 212-62 Day care center and day treatment program other than in family abode, standards for fire protection.
- 212-63 Child care institutions, standards for fire protection.
- 212-64 Maternity service, standards for fire protection.

- 212-15-040 Pumps and equipment. [Order F-70-1, § 212-15-040, filed 6/16/70.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-15-050 Portable containers. [Order F-70-1, § 212-15-050, filed 6/16/70.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-15-060 Attendants and their duties. [Order F-70-1, § 212-15-060, filed 6/16/70.] Repealed by Order FM-77-2, filed 11/17/77.

### Chapter 212-24

#### FIRE SAFETY STANDARDS FOR GROUP HOMES HOUSING NOT MORE THAN TEN PHYSICALLY NORMAL RESIDENTS

- 212-24-010 Application. [Order FMR-69-1, § 212-24-010, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-020 No housing above second floor—Exception. [Order FMR-69-1, § 212-24-020, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-030 Means of egress—Fire door required. [Order FMR-69-1, § 212-24-030, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-040 Sleeping quarters. [Order FMR-69-1, § 212-24-040, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-050 Boiler room. [Order FMR-69-1, § 212-24-050, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-060 Fire extinguishers. [Order FMR-69-1, § 212-24-060, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-070 Fire door assemblies. [Order FMR-69-1, § 212-24-070, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-080 Smoke detector—Fire alarm system. [Order FMR-69-1, § 212-24-080, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-090 Interior finishes—Heat-activated alarm system. [Order FMR-69-1, § 212-24-090, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-100 Fire drills. [Order FMR-69-1, § 212-24-100, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-24-110 Storage prohibited. [Order FMR-69-1, § 212-24-110, filed 6/16/69.] Repealed by Order FM-77-2, filed 11/17/77.

### Chapter 212-02 WAC

#### DESCRIPTION OF FIRE MARSHAL'S OFFICE—ORGANIZATION, OPERATIONS, OBTAINING INFORMATION

#### WAC

- 212-02-010 General authority, duties and goals of the fire marshal.
- 212-02-020 Organization and operations.
- 212-02-030 Functions.
- 212-02-040 Publications and information available.
- 212-02-050 Hearings of the state fire marshal.

#### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 212-15

#### FIRE SAFETY STANDARDS FOR SELF-SERVICE GASOLINE STATIONS

- 212-15-010 Application. [Order F-70-1, § 212-15-010, filed 6/16/70.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-15-020 Definitions. [Order F-70-1, § 212-15-020, filed 6/16/70.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-15-030 Signs required. [Order F-70-1, § 212-15-030, filed 6/16/70.] Repealed by Order FM-77-2, filed 11/17/77.

**WAC 212-02-010 General authority, duties and goals of the fire marshal.** (1) The state insurance commissioner, an elected state official, also serves as ex-officio state fire marshal without additional compensation. The commissioner appoints a chief deputy insurance commissioner and a chief deputy fire marshal for the discharge of his duties under the Insurance Code and Fire Marshal Act.

(2) The offices of the state insurance commissioner and the state fire marshal operate independently, even though they do share common support services, and in some instances, joint office space. Combined insurance commissioner/fire marshal offices are maintained in Spokane, Yakima, Richland, Vancouver and Mount Vernon, as well as the state capitol, Olympia. Separate fire marshal offices are also maintained in the Olympia, Seattle and Spokane offices of the state department of social and health services, where the employees of the two agencies work jointly under a contractual state-federal institutional licensing program.

(3) The state fire marshal staff consists of twenty-four deputies and technical employees, and six clerical employees. All, with the exception of the chief fire marshal and an administrative assistant, are employed and governed by the state civil service system.

(4) The duties of the office include the administration of the state fireworks law, inspecting and issuing approvals for various categories of institutional and residential occupancies licensed by the department of social and health services, the investigation of fires of criminal, suspected and undetermined origin, and the dissemination of information to the public on the causes, prevention and reduction of damage from fire.

(5) Additional statutes authorize the fire marshal to establish standards for the prevention of fire and the protection of life and property against fire and panic, govern the use of premises, and conduct inspections to assure conformance to the standards. Subsequent legislative expressly requiring that these functions be performed by local governmental municipalities has resulted in a change in the role of the fire marshal's office from a regulatory function to a supportive function. Also, statutes requiring the fire marshal to establish standards for construction and fire prevention in all schools under the jurisdiction of the superintendent of public instruction and to make plan reviews and construction inspections, have been superseded by the legislative establishment of a state building code and the delegation of administration and enforcement to the various cities, towns and counties of this state.

(6) In addition to the specific functions required or authorized under the law, the fire marshal serves as a source of information and consultation services to other state agencies, units of local government, industry, business and the general public. Technical assistance is provided in the delivery of instructional programs to firemen and police officers in fire and arson investigation. A close liaison has been developed with several federal agencies having mutual interest and/or responsibilities in fire prevention, fire causes and the factors involved in fire origin, spread, severity and results as related to products, materials and devices.

(7) Future plans include taking the lead in the development and establishment of uniform fire reporting and data collection systems, increased emphasis on a public arson awareness program, a more aggressive role in arson investigation and prosecution by the insurance industry and the various disciplines within the criminal justice system, and the assumption of a supporting or coordinating role between the increasing regulatory involvement of the many federal agencies and the units of local government. [Order FM-77-1, § 212-02-010, filed 11/17/77; Order FMR-68-3, § 212-02-010, filed 8/23/68, effective 9/23/68.]

**WAC 212-02-020 Organization and operations.** (1) **Administration.** The administrative staff and technical specialists are situated on the capitol campus in Olympia. The majority of the staff is assigned to specific functions and is situated at various locations throughout the state, but under the direction of the administrative division.

(2) **Health care inspection division.** A supervisor, clerical help and a team of deputy fire marshals are assigned to work directly with department of social and health services in fulfilling the fire marshal's responsibilities in inspecting and approving all hospitals, nursing homes, boarding homes, maternity homes, and facilities treating mental illness or inebriacy prior to licensing by the state. This team operates from offices within the department of social and health services in Olympia, Seattle and Spokane. Their primary duty is the inspection, at least annually, of all the aforementioned licensed facilities and issuing approvals or disapprovals for future operation. Facilities not approved must make the necessary corrections or risk denial, revocation or suspension of their license to operate. Secondary duties of this team includes training facility staffs in fire prevention and fire emergency procedures and the investigation of fires in the facilities to determine the effectiveness of fire-safety features, proficiency of the staff and evaluation of the fire prevention efforts of both the facility and the state.

Also assigned to work directly with the department of social and health services in their Olympia office is a plan review team, which reviews all plans for new construction or major remodeling of licensed facilities and makes field inspections at the construction site to insure compliance. This function is performed under a contract with the department of social and health services, rather than a statutory responsibility on the part of the fire marshal.

(3) **Residential inspection division.** A supervisor, clerical help and a team of deputy fire marshals operate out of offices in Olympia, Seattle and Spokane and work in close association with the department of social and health services in the inspection and approval for licensing of facilities encompassing several categories of full time and part time care of children, and transient accommodations. The primary duties of this team is the inspection or coordination of local inspections for the purpose of issuing approvals or disapprovals for licensing by the state. Secondary duties include fire prevention and fire investigation, in the same manner as the health care team.

(4) **Zone deputies.** A team of deputy fire marshals operate from combination insurance commissioner/fire marshal offices in Olympia, Mount Vernon, Vancouver, Yakima, Richland and Spokane. Their primary function is the investigation of fires of criminal, suspected or undetermined origin, as reported by fire departments, police departments or insurance adjusters. Secondary duties include assisting in the enforcement of local fire codes, responding to complaints, answering inquiries and public education in fire-related matters. Seasonal duties also include inspections and enforcement of the fireworks law.

(5) **Technical assistance.** Specialists in fire prevention, building design, pyrotechnics, codes and related matters are maintained in the administrative office in Olympia to provide assistance to the other deputies and local officials in technical fire-related matters. [Order FM-77-1, § 212-02-020, filed 11/17/77; Order FMR-68-3, § 212-02-020, filed 8/23/68, effective 9/23/68.]

**WAC 212-02-030 Functions.** (1) The licensing function involves the adoption of recognized standards applicable to each category or licensed facility and the inspection prior to licensing to insure compliance. Where local officials are qualified and agreeable, they may make the inspections on behalf of the fire marshal. The specific requirements and manner of enforcement are covered in detail in other regulations.

(2) The fire investigation function involves all deputy fire marshals in varying degrees and for different specific purposes. Deputies assigned to inspection teams investigate fires in those specific facilities to evaluate the effectiveness/ineffectiveness of the regulations and to prevent future similar occurrences.

Zone deputies concentrate primarily on those fires which cannot be definitely determined to be accidental by the local investigator. Where criminality can be established, the deputy works directly with the local law enforcement agency in developing sufficient factual evidence for prosecution.

With the advent of recent legislation mandating the investigation of all fires by each city, town and county to determine the cause, origin and circumstances, the role of the fire marshal has become that of a technical specialist, assisting local investigators when requested, and monitoring the effectiveness of fire investigations in general. The fire marshal assigns all fires of criminal, suspected or undetermined origin reported or made known to him to Zone Deputies for follow-up. Assistance may or may not be provided, in accordance with local needs. Deputies follow these fires through the investigation and prosecution phases in order to establish state-wide statistics and ascertain other factors which will produce better results.

Another important function in fire investigation is that of establishing responsibility for noncriminal fires. Negligence, product liability and design deficiencies play a key role in fire cause and spread. The fire marshal attempts to document these factors with sufficient certainty to allow recovery by innocent victims and establish the need and justification for additional standards by industry or regulatory agencies.

The ultimate failure in any fire is where serious injury or death results. The fire marshal attempts to expend special effort in the investigation of these fires to accurately determine not only the cause of the fire but the reason the victims were unable to escape unharmed.

(3) The fireworks function involves the administration of the fireworks law, including the regulation of fireworks and the licensing of manufacturers, wholesalers, retailers and pyrotechnic operators. Included in this general function but the subject of separate rules, is the regulation of model and experimental rocketry.

(4) Local support, assistance. Recent legislation established building and fire codes in each city, town and county and mandated enforcement at the local level. This responsibility was new to many municipalities and an increasingly greater amount of the fire marshal's time and effort is being directed toward assisting the smaller towns and counties in fulfilling this responsibility through training, advice and assistance.

(5) Public education. The fire marshal is committed to the principle that more can be accomplished in the furtherance of fire prevention through education than by enforcement or regulation. An informed populace will voluntarily comply with the majority of fire safety standards, which are based on common sense and experience. The mandated responsibilities of the fire marshal must be accomplished first with the discretionary functions, such as public education, limited to the time and resources available. By a greater involvement of local officials in performing some of the duties required of the fire marshal, more time and resources are available to, in turn, assist these same officials in public education efforts.

(6) Other functions. The fire marshal serves as a source of information and advice to all levels of government, business, industry and the general public. The headquarters and zone offices are staffed with full time clerical persons to receive telephone, mail and personal inquiries. The Deputies and the technical specialists are qualified to answer questions on most all inquiries involving fire and life safety, regulations, etc. A substantial part of the fire marshal's time is involved in this activity. [Order FM-77-1, § 212-02-030, filed 11/17/77; Order FMR-68-3, § 212-02-030, filed 8/23/68, effective 9/23/68.]

**WAC 212-02-040 Publications and information available.** (1) Regulations of the fire marshal may be obtained from the Washington state code reviser's office in Olympia or any of the fire marshal's offices on the following subjects: Fire Marshal Standards, chapter 212-12 WAC

Fire protection systems and equipment, chapter 212-14 WAC

Fireworks, chapter 212-16 WAC

Model rocketry, chapter 212-20 WAC

Hospitals, chapter 212-28 WAC

Nursing homes, chapter 212-32 WAC

Boarding homes, chapter 212-36 WAC

Private establishments, chapter 212-40 WAC

Maternity homes, chapter 212-44 WAC

Transient accommodations, chapter 212-52 WAC

Group home in family abode, chapter 212-56 WAC

Group home other than in family abode, chapter 212-57 WAC

Group home for developmentally disabled persons, chapter 212-58 WAC

Mini day care center in family abode, chapter 212-59 WAC

Mini day care center other than in family abode, chapter 212-60 WAC

Day care center in family abode, chapter 212-61 WAC

Day care center and day treatment program other than in family abode, chapter 212-62 WAC

Child care institutions, chapter 212-63 WAC

Maternity service, chapter 212-64 WAC

Fire reporting (proposed)

Fire investigation (proposed)

(2) Various bulletins, publications and fire prevention items are available upon request from any of the fire marshal offices.

(3) Annual report. The fire marshal is required to make an annual report to the governor, pursuant to RCW 48.48.110. This report is contained in the insurance commissioner's annual report, available from this office. [Order FM-77-1, § 212-02-040, filed 11/17/77; Order FMR-68-3, § 212-02-040, filed 8/23/68, effective 9/23/68.]

**WAC 212-02-050 Hearings of the state fire marshal.** (1) Hearings of the fire marshal's office are conducted according to the Administrative Procedure Act (chapter 34.04 RCW) and chapter 48.04 RCW. Essentially, there are two types of hearings conducted - rule-making hearings and contested cases, the latter including appeals from disciplinary actions taken by the fire marshal. Under RCW 48.04.010 the fire marshal is required to hold a hearing upon demand by any person aggrieved by any act, threatened act, or failure of the fire marshal to act, if such failure is deemed an act under the code, or by any report, promulgation, or order of the fire marshal other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing. Requests for hearings must be made in writing, must specify how the person making the demand has been aggrieved by the office of the fire marshal, and the demand must specify the grounds to be relied upon as the basis for the relief sought.

(2) "Contested case" hearings of the fire marshal are informal in nature, and formal rules of pleading and evidence are not required. Generally, the fire marshal or his chief deputy sit as hearing examiner, but the fire marshal may appoint a special hearing examiner in technical matters, who would then prepare a decision for the fire marshal to approve or disapprove. A person wishing a full stenographic record of the proceeding must seasonably make a written request to the fire marshal. Where such requests are not made, the hearing is recorded on tape and transcribed if appeal from the fire marshal's order is made to the superior court. The fire marshal allows any person affected by the hearing to be present during the giving of all testimony and will allow

him a reasonable opportunity to inspect all documentary evidence, to examine witnesses and to present evidence in support of his interest. Any person heard must make full disclosure of the facts pertinent to the inquiry. (The foregoing is provided by chapter 34.04 RCW.) Unless a person aggrieved by an order of the fire marshal demands a hearing thereon within ninety days after receiving notice of such order, the right to such a hearing shall conclusively be deemed have been waived. (RCW 48.04.010(3)). The fire marshal must hold any hearing demanded with [within] thirty days after receipt of the demand, unless postponed by mutual consent.

(3) Rule-making hearings. Rule-making hearings of the fire marshal are conducted pursuant to chapter 34.04 RCW (the Administrative Procedure Act), and chapters 42.32 and 48.04 RCW. Under applicable law all interested parties must be afforded an opportunity to express their views concerning a proposed regulation of the fire marshal's office, either orally or in writing: *Provided, however,* That no rule or regulation can be adopted unless in a public meeting, as required by chapter 42.32 RCW and the Administrative Procedure Act, chapter 34.04 RCW. Notice of Intention of the fire marshal to adopt a proposed rule or regulation is sent to the press, as required by chapter 42.32 RCW, to anyone who has requested in advance that the notice be given to him and to all persons whom the fire marshal determined would be interested in the proceeding. [Order FM-77-1, § 212-02-050, filed 11/17/77; Order F-75-1, § 212-02-050, filed 5/19/75.]

### Chapter 212-08 WAC PRACTICE AND PROCEDURE

**Reviser's note:** WAC 212-08-005 through 212-08-590 Practice and Procedure. [Rule .08.010 through .08.590 filed 3/22/60 by the state fire marshal.] Rules repealed by Order FMR 68-2, filed June 12, 1968. See material portion of the repealer below.

"I, LEE I. KUECKELHAN, Ex-Officio State Fire Marshal of the State of Washington, by virtue of the power vested in me by chapter 34.04 RCW and RCW 48.02.060 through chapter 48.48 RCW, after due and regular notice, and in a meeting open to the public, held in the Insurance Commissioner's office, Insurance Building, Olympia, Washington, at 10:00 a.m. on Tuesday, June 11, 1968, as required by chapter 34.04 RCW and chapter 42.32 RCW, do hereby repeal the above-entitled rules and regulations, effective July 11, 1968, on the grounds that such rules and regulations are substantially contained in Title I, WAC, which are intended to be the uniform rules of practice and procedure for state administrative agencies."

### Chapter 212-12 WAC FIRE MARSHAL STANDARDS

#### WAC

212-12-010 Adoption of fire safety standards[—Effective date].

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

212-12-045 Standards of safety—Codes adopted as applicable to hospitals, nursing and boarding homes and private psychiatric hospitals. [Rule promulgated 4/24/57.] Repealed by Order FMR 68-1, filed 5/2/68, effective 6/1/68.

212-12-046 Safety standards for jurisdictions having no comprehensive fire protection and safety code—Nursing

- homes, hospitals, boarding homes, maternity homes, "private establishments", and child welfare agencies—Adoption by reference of 1961 codes—Savings clause. [Order 337 (part), filed 10/26/67, effective 11/24/67; Regulation 182, filed 3/22/63.] Repealed by Order FMR 68-1, filed 5/2/68, effective 6/1/68.
- 212-12-047 Existing hospitals, etc. Minimum standards for continuation of fire approval for existing use or occupancy under any savings clause heretofore applicable. Effective date. [Order FMR-69-2, § 212-12-047, filed 8/12/69; Emergency Order RMR-69-2, § 212-12-047, filed 6/26/69; Order 337 (part), § 212-12-047, filed 10/26/67, effective 11/24/67; Regulation 238, filed 12/14/65.] Repealed by Order FM-77-2, filed 11/17/77.
- 212-12-050 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-055 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Definitions. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-060 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Building construction. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-065 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Exit facilities. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-070 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Aisles and corridors. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-075 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Openings in enclosure areas. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-080 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Enclosure of basement stairs, etc. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-085 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Separation of hazardous areas and sprinkler systems. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-090 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Heating. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-095 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Exterior stairs. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-100 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Lighting. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-105 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Draft stops. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-110 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Fire extinguishing equipment. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-115 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Alarm system. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-120 Building exits code (1949) adopted for licensed institutions, nursing and maternity homes—Interpretive policy—Miscellaneous. [Filed 3/22/60.] Repealed by Order F-71-1, filed 8/10/71.
- 212-12-990 Appendix A—History and background of Regulation 238 [WAC 212-12-047]. [Order 238, Appendix A (codified as WAC 212-12-990), filed 12/14/65, effective 1/15/66.] Repealed by Order FM-77-2, filed 11/17/77.

**WAC 212-12-010 Adoption of fire safety standards**—Effective date]. (1) **Application.** This regulation shall apply to:

- (a) Transient accommodations (RCW 70.62.290).
- (b) Nursing homes (RCW 18.51.140).
- (c) Hospitals (RCW 70.41.080).
- (d) Boarding homes (RCW 18.20.130).
- (e) Private establishments; i.e. private, mental, and alcoholic hospitals (RCW 71.12.485).
- (f) Maternity homes (RCW 18.46.110).

(g) Agencies licensed by the department of social and health services pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32.055, and 74.13.031, except foster family homes and child placing agencies.

(h) Schools under the jurisdiction of the superintendent of public instruction and the state board of education (RCW 48.48.045).

(i) Private schools (RCW 28A.02.201).

(2) **Purpose.** The purpose of these standards is to specify measures which will provide a reasonable degree of public safety from fire without involving hardship or interference with the normal use and occupancy of a building.

(3) **Fire Safety Standards.** The fire safety standards of the state fire marshal shall be as follows:

(a) The fire safety standards or applicable portions thereof as found or referenced in the State Building Code Act, chapter 19.27 RCW.

(b) The 1976 edition of the National Fire Protection Association Life Safety Code 101.

(c) Those standards of the National Fire Protection Association applicable to and expressly or impliedly referenced in the Life Safety Code.

(4) **Enforcement.** Enforcement of these fire safety standards shall be as follows:

(a) New construction or major remodeling shall be in conformance with the Uniform Building Code, as administered by the local official having jurisdiction.

(b) Operation and maintenance shall be in conformance with the Uniform Fire Code, as administered by the local official having jurisdiction.

(c) Existing buildings shall be governed by local codes and the Life Safety Code.

(d) Existing licensed occupancies previously approved by the state fire marshal as in conformance with the standards then in effect shall have their existing use or occupancy continued, provided such continued use is not dangerous to life and is acceptable to the local fire and building officials having jurisdiction.

(e) An existing occupancy, licensed as in conformance with a previous edition of the Life Safety Code, may opt to conform to the most recent edition of the Life Safety Code, but only if the most recent code is used in its entirety as the applicable code for the occupancy.

(f) Occupancies, operations or processes not specifically covered elsewhere, in which the state fire marshal has responsibilities for the removal of fire hazards, shall

be conducted and/or maintained in accordance with the latest edition of the National Fire Protection Association Fire Codes shall be deemed prima facie evidence of good practice. [Order FM-77-2, § 212-12-010, filed 11/17/77; Order F-72-1, § 212-12-010, filed 1/24/72; Order F-71-1, § 212-12-010, filed 8/10/71; Order FMR-68-1, § 212-12-010, filed 5/2/68, effective 6/1/68; filed 3/22/60.]

### Chapter 212-14 WAC

#### FIRE PROTECTION SYSTEMS AND EQUIPMENT

##### WAC

212-14-001	Application, protective signaling systems.
212-14-005	Scope, protective signaling systems.
212-14-010	Initiation of signal indication.
212-14-015	System types.
212-14-020	Signal indicating devices.
212-14-025	Common requirements.
212-14-030	Manual alarm initiation.
212-14-035	Automatic detection and alarm initiation.
212-14-040	Automatic smoke detection and alarm initiation.
212-14-045	Extinguishing system alarm initiation.
212-14-050	Extinguishing system supervisory signal initiation.
212-14-055	Municipal fire department notification.
212-14-060	Power supply.
212-14-070	Alarm and supervision circuits.
212-14-080	Manual sending stations.
212-14-090	Alarm signal systems and functions.
212-14-100	Application, automatic sprinklers and other extinguishing equipment.
212-14-105	Scope, automatic sprinklers and other extinguishing equipment.
212-14-110	Automatic sprinklers.
212-14-115	Supervision.
212-14-120	Other automatic extinguishing equipment.
212-14-12001	Appendix A—Reference table.
212-14-125	Manual extinguishing equipment.
212-14-130	Automatic fire detection systems.

**WAC 212-14-001 Application, protective signaling systems.** This regulation applies to facilities licensed by the department of social and health services in which state fire marshal inspection and/or approval is required. Unless otherwise specified, the provisions apply to both new and existing facilities.

The state fire marshal may modify the application of these regulations only if the following are met:

- (1) The occupancy is the same as it was prior to the adoption of this regulation.
- (2) Strict compliance would be clearly impractical.
- (3) Variances from the regulations do not compromise the safety of the occupants. [Order FM-77-5, § 212-14-001, filed 12/12/77.]

**WAC 212-14-005 Scope, protective signaling systems.** This regulation is intended to specify requirements covering alarm signaling systems which provide fire and extinguishing system alarm and supervisory signals. These systems are primarily intended for the protection of life by indicating abnormal conditions and secondarily to summon assistance.

A protective signaling system consists of three primary parts; signal initiating, signal control and signal indicating devices.

(1) Signal initiating devices are those devices which may be used to manually or automatically initiate an alarm signal.

(2) Signal control panels are the control units which receive alarm signals from the signal initiating devices and systematically convert and transmit them to signal indicating devices.

(3) Signal indicating devices are those devices which audible and/or visually warn occupants or authorized personnel of presence of an alarm.

The following NFPA standards cover installation details for protective signaling systems:

- (1) NFPA 71 – Central station signaling systems.
- (2) NFPA 72A – Local protective signaling systems.
- (3) NFPA 72B – Auxiliary protective signaling systems.
- (4) NFPA 72C – Remote station protective signaling systems.
- (5) NFPA 72D – Proprietary protective signaling systems.
- (6) NFPA 72E – Automatic fire detectors.
- (7) NFPA 74 – Household fire warning systems. [Order FM-77-5, § 212-14-005, filed 12/12/77.]

**WAC 212-14-010 Initiation of signal indication.** A signaling system shall provide signal indication, due to any or all of the following means of initiation:

- (1) Manual fire alarm initiation.
- (2) Automatic fire detection and alarm initiation.
- (3) Automatic smoke detection and alarm initiation.
- (4) Automatic detection and alarm initiation of extinguishing system operation.
- (5) Automatic detection and alarm initiation of industrial processes or other conditions endangering life.
- (6) Monitoring and supervisory signal initiation of conditions which would prevent operation of an extinguishing system.
- (7) Voice communication alarm initiation. [Order FM-77-5, § 212-14-010, filed 12/12/77; Order F-70-2, § 212-14-010, filed 9/21/70.]

**WAC 212-14-015 System types.** Systems contemplated by this regulation are classified into four types in accordance with the type of action of the signal indicating devices following the operation of an alarm initiating device, as follows:

(1) Noncoded systems sound a constant and continuous alarm signal until the system is restored to normal. These systems are used to evacuate buildings without audibly indicating the location of a fire although visual announcement may be provided to indicate the location of the fire.

(2) Common coded systems sound a coded alarm signal either for a fixed number of rounds or continuously until the system is restored to normal. The coded signal is common to the system and does not audibly indicate the location of a fire. These systems are used to evacuate buildings where a distinctive coded signal is desired to differentiate between the fire alarm and other audible signals.

The purpose of an alarm is to provide a signal for all occupants to leave. However, it is often advisable to give

code signals to those in authority and those who will assist the occupants in leaving the building, as, for example, to principals, superintendents, managers, engineers, members of private fire brigades, etc., who require drills in the interpretation and response to code signals.

(3) Selective coded systems sound a coded alarm signal for a fixed number of rounds. The coded signal generally identifies the particular alarm initiating device which has operated, or may identify the particular section of the premises where an alarm initiating device has been operated. These systems may be used to evacuate the building and/or notify those in authority who may assist the occupants in leaving the building. These systems may also sound a continuous alarm signal after the selective code signal has been completed to provide an evacuation signal until the system has been restored to normal.

(4) Dual coded systems sound a coded alarm signal for a fixed number of rounds at selected locations, and at the same time a constant and continuous alarm signal at all other locations until the system is restored to normal. The coded signal identifies the particular alarm initiating device which has operated or the particular section or zone of the premises where an alarm initiating device has been operated. These systems are used to evacuate the building and at the same time to notify those in authority and those who will assist the occupants in leaving the building.

Noncoded, common coded, selective coded, or dual coded systems may be used wherever protective signaling systems are required, unless otherwise prohibited, and the purpose and intent is met. [Order FM-77-5, § 212-14-015, filed 12/12/77.]

**WAC 212-14-020 Signal indicating devices.** Audible alarm indicating devices shall be of such character and so distributed to be effectively heard above the maximum noise level obtained under normal conditions of the occupancy.

Audible alarm indication shall produce signals which are distinctive from audible signaling indicating devices used for other purposes in the same area.

Audible fire alarm devices other than voice communication shall be used only for fire alarm system purposes.

The manner of sounding alarms should be standardized with a view to obtaining uniformity throughout as large a geographical area as practicable, so that persons moving from one locality to another will not be misled and confused by differences in manner of sounding alarms.

This point is of special importance in certain occupancies. For example, pending the time when state-wide uniformity in school alarm systems can be attained, uniformity of alarm signals should be strictly enforced in all public and private schools throughout each city and the adjacent suburban territory.

Visual alarm indicating devices may not be used in lieu of audible devices.

Visible alarm devices in addition to audible alarms are desirable in buildings occupied by deaf persons.

Where a protective signaling system is required for purpose of evacuation, it shall be so installed as to provide effective warning of fire in any part of the building.

**EXCEPTION:** Where a building is divided by fire walls into separate fire sections or by other means with adequate safeguards against spread of fire or smoke from one section to another, each section may be considered a separate building. [Order FM-77-5, § 212-14-020, filed 12/12/77; Order F-70-2, § 212-14-020, filed 9/21/70.]

**WAC 212-14-025 Common requirements.** Protective signaling systems and their component devices or equipment shall be approved for the purpose for which installed.

Systems shall be under the supervision of a qualified, responsible person, who shall cause proper tests and inspection to be made at prescribed intervals and shall have general charge of all alterations and additions to the system.

Systems shall be tested periodically to insure continuous reliability.

System components or equipment shall be restored to normal condition promptly after each test or alarm and shall be kept in normal condition for operation.

Systems shall be arranged to cause effective response of all required signal indicating devices without the necessity of manual operation after the operation of any signal initiating device.

A signaling system may be arranged to automatically perform local, incidental control functions necessary to make the premises safer in event of fire or to make it possible to hear alarm signals. The performance of incidental control functions, such as the release of self-opening or self-closing doors, shutting off supplies of gas, fuel oil, or electrical power, switching on emergency lights, switching off supply ventilating fans, and the like, shall not in any way impair the effective response of all required alarm indicating devices. The performance of incidental control functions shall not interfere with the power for lighting or for operating elevators. [Order FM-77-5, § 212-14-025, filed 12/12/77.]

**WAC 212-14-030 Manual alarm initiation.** Manual fire alarm boxes shall be used only for fire protective signaling purposes.

A manual fire alarm box shall be provided in the natural path of escape from fire, near each exit from an area and shall be readily accessible, unobstructed and at visible points.

Additional fire alarm boxes shall be so located that from any part of the building not more than two hundred feet horizontal distance on the same floor must be traversed in order to reach a fire alarm box.

Manual fire alarm boxes shall be arranged such that there will be no difference between the sounding of actual alarms and drill signals.

Each manual fire alarm box on a system shall be of the same general type.

Manual fire alarm boxes shall be tested periodically. [Order FM-77-5, § 212-14-030, filed 12/12/77; Order F-70-2, § 212-14-030, filed 9/21/70.]

**WAC 212-14-035 Automatic detection and alarm initiation.** Automatic fire detection alarm initiating devices, where required, shall be located upon the ceiling, on the side walls near the ceiling, or at other appropriate locations after an engineering survey has been made. (See NFPA 72E, Standard on Automatic Fire Detectors, for details concerning location, spacing and testing of fire detectors).

Any automatic fire detection system for life safety from fire must have a high degree of reliability. This indicates the need for such features as: (1) An electric current supply independent of the electric power source for the building; (2) trouble signals to give warning in case of short circuits or breaks in wires, or other conditions which might interfere with the proper operation of the system; (3) gongs or other signals of such types and so located as to give assured warning even to sleeping persons; and (4) above all, a regular maintenance program. There is a very considerable diversity in types of automatic fire detection and alarm equipment commercially available, and selection of types suitable for any given situation calls for the exercise of judgment based upon experience.

Automatic fire detection alarm initiating devices shall be approved for the particular application, spacings and locations.

Automatic fire detection alarm initiation devices shall be tested at least annually to insure continuous reliability.

Certain types of heat detectors constructed with non-restorable elements cannot be tested.

The connection of automatic fire detection devices shall not impair the effectiveness and dependability of operation of manual fire alarm boxes to sound the alarm indicating signals. [Order FM-77-5, § 212-14-035, filed 12/12/77.]

**WAC 212-14-040 Automatic smoke detection and alarm initiation.** The location of automatic smoke detection initiating devices, where required, shall be based upon a survey of the area to be protected. They shall be so located and adjusted to operate reliably in case of smoke production in any part of the protected area. (See NFPA 72E, Standard on Automatic Fire Detectors, for details concerning location, spacing and testing of fire detectors).

Automatic smoke detection devices shall be approved for the particular application, spacing and locations.

Automatic smoke detection devices shall be tested at least annually to insure continuous reliability.

The connection of smoke detection devices shall not impair the effectiveness and dependability of operation of manual fire alarm boxes to operate the alarm initiating devices. [Order FM-77-5, § 212-14-040, filed 12/12/77; Order F-70-2, § 212-14-040, filed 9/21/70.]

**WAC 212-14-045 Extinguishing system alarm initiation.** Where a sprinkler system provides automatic detection and alarm initiation it shall be provided with an alarm initiation device which will operate when the flow

of water is equal to or greater than that from a single automatic sprinkler.

Extinguishing system alarm initiating devices shall be approved for the particular application and location.

Extinguishing system alarm devices shall be tested periodically to insure reliability.

Means for manually operating the extinguishing system alarm signaling system shall be provided. The manual means shall be located where designated by the state fire marshal. [Order FM-77-5, § 212-14-045, filed 12/12/77.]

**WAC 212-14-050 Extinguishing system supervisory signal initiation.** Supervisory signal initiating devices which monitor valves, pressure, water level, temperature, pumps and other conditions which could impair or prevent operation of an extinguishing system, shall be provided where required by the state fire marshal.

Audible signals from alarm devices initiated by operation of supervisory signal initiating devices shall be separate and distinct from those indicating manual or automatic system operation.

Installation of a supervisory signal initiating device shall not interfere with the normal operation of any part of the extinguishing system.

Supervisory signal initiating devices shall be tested periodically to insure reliability.

The connection of supervisory signal initiating devices shall be installed so as to not impair the effectiveness and dependability of operation of manual fire alarm boxes to sound alarm indicating signals. [Order FM-77-5, § 212-14-050, filed 12/12/77; Order F-70-2, § 212-14-050, filed 9/21/70.]

**WAC 212-14-055 Municipal fire department notification.** An alarm signaling system shall be so arranged that the normal operation of any required alarm initiating device will automatically transmit an alarm to the municipal fire department or to such other outside assistance as may be available when required by state fire marshal regulations.

It is highly desirable that fire alarm equipment installed for the notification of the occupants of buildings in localities under protection of regularly organized fire departments or private fire brigades be arranged to cause automatic transmission of alarms (directly or through an approved central office) to such fire departments or brigades upon operation of any alarm sending station or system. When no such connection is provided it is recommended that a fire alarm box arranged to signal the fire department be installed either at the main entrance to the building, at the telephone switchboard, or outside the building plainly visible by day or night and conveniently accessible from the main entrance.

An alarm signaling system may be connected to the municipal fire department by:

- (1) Direct connect by remote station system.
- (2) Auxiliary connect by municipal alarm system.
- (3) Alarm transmission by an approved central station system. [Order FM-77-5, § 212-14-055, filed 12/12/77.]



**WAC 212-14-060 Power supply.** (1) All systems shall provide a secondary power source and shall automatically transfer, within ten seconds, to that source in the event of a primary power source interruption. Such secondary source shall provide at least twenty-four hours' power supply.

(2) All power supply equipment (batteries, battery chargers, rectifiers, switching facilities, transformers, etc.) and wiring shall be installed in conformity with the requirements of the National Fire Codes and rules and regulations of the state Department of Labor and Industries, Electrical Inspection Division (reference chapter 296-46 WAC.)

(3) Where there is provided in the protected premises an emergency power supply, separate from the main building supply, and available for operation of essential services, this emergency supply may be used as a secondary power supply for the alarm system. A separate source of power shall be provided for operating the trouble signals.

(4) A separate service entrance and equipment are required for emergency circuits; this may be connected at the service weather heads or transformer secondary, as in the case of underground service. Emergency equipment shall be located sufficiently separated from the main distribution equipment. In the case of an isolated power plant, a second service entrance shall be provided as above for emergency circuits.

(5) Where emergency service is provided by batteries, it shall provide at least twenty-four hour standby. [Order F-70-2, § 212-14-060, filed 9/21/70.]

**WAC 212-14-070 Alarm and supervision circuits.**

(1) All circuits for operating alarm sounding devices and appliances shall be electrically supervised, with the exception of:

(a) The circuit of an alarm sounding device installed in the same room with a system control unit provided the circuit conductors are installed in conduit or equivalently protected against mechanical injury or tampering, with a limit of three feet of conduit.

(b) A trouble signal circuit.

(c) The neutral of a three-, four-, or five-wire AC or DC supply source.

(d) Alarm signal sounding appliances when

(i) alternately connected to two or more circuits at approximately equally-distributed points throughout the building, or

(ii) connected to a return loop circuit, so that a break or ground fault does not prevent the operation of any sounding appliance, and with means provided for testing the continuity of the circuit. Note: "Approximately equally-distributed throughout" shall be interpreted to mean sounding appliances shall be installed so that failure of any one circuit or alarm signal shall not prevent the alarm from being heard in the areas served by that circuit.

(2) A fire alarm system shall be electrically supervised so that the occurrence of a break, or a ground fault of its installation wiring circuits which prevents the required operation of the system, or failure of the main

power supply, shall be indicated by a distinctive trouble signal.

(3) Each manually-operated alarm signal station in a single system shall be of the same general type and all equipment furnished by the contractor, installer, and/or manufacturer shall operate in the same fashion as the existing equipment.

(4) Manually-operated fire alarm equipment shall be provided wherever specified by the applicable provisions of WAC 212-14-080 through 212-14-120. [Order F-70-2, § 212-14-070, filed 9/21/70.]

**WAC 212-14-080 Manual sending stations.** (1) A manually-operated sending station shall be provided at each main exit and in the natural path of escape from fire, at readily-accessible and visible points which are not likely to be obstructed.

(2) Each manually-operated sending station shall be securely mounted. The bottom of the box shall not be less than four and one-half feet, and not more than six feet, from the floor level.

(3) Each manually-operated sending station shall not be more than two hundred feet distant from another station on the same floor, or more than one hundred feet and one flight of stairs from a sending station upon another floor, and shall be located in the natural path of escape from fire. [Order F-70-2, § 212-14-080, filed 9/21/70.]

**WAC 212-14-090 Alarm signal systems and functions.** (1) All systems shall test free from grounds, except those parts or circuits or equipment which are intentionally and permanently grounded to provide ground fault detection, emergency ground signaling, or circuit protective grounding. All systems shall be so designed that they do not depend upon the effectiveness of any ground connection for normal operation.

(2) All apparatus shall be restored to normal use as promptly as possible after each test or alarm, and shall be kept in normal condition for operation.

(3) A switch for silencing the trouble signal sounding appliance may be provided only if it transfers the trouble indication to a lamp or other acceptable visible indicator adjacent to the switch. The visible indicator shall remain in operation until the silencing switch is restored to its normal position unless the audible trouble signal will be obtained when a fault occurs without restoring the switch to normal, or unless the audible trouble signal is again energized upon correction of the fault.

(4) Depending upon the application, local fire alarm systems may include one or more of the following features:

(a) Locating the area of origin of the alarm by coded fire alarm signals or annunciation.

(b) Dual-coded alarm system (see WAC 212-14-130) to minimize the possibility of panic and unnecessary evacuation in buildings of public occupancy or assembly.

(5) Alarm devices shall be provided, of such character and so distributed, as to be effective regardless of the maximum noise level obtained from machinery or other

equipment, or vocal sounds produced under normal conditions of occupancy.

(6) Each system shall be arranged so that no manual intervention will be required following the actuation of a sending station or automatic detector for causing the effective response of all required sounding devices. No facilities shall be provided whereby such response can be controlled or modified, except where specifically approved, or as provided in this chapter.

(7) Where corridors in an institutional, residential, or educational building are utilized for pressurized air-handling systems, and approved automatic smoke detector system shall be installed and connected to automatically energize the fire alarm circuit, release hold-open devices on required doors in fire walls and smoke separation partitions, and simultaneously de-energize the electrical power to the mechanical equipment of the air-handling system.

(8) Annunciators shall be required on all fire alarm systems when the building complex consists of three or more separate buildings, floors, or fire divisions. Such annunciators shall have all interconnecting wiring electrically supervised. Annunciator panels shall be installed so as to be clearly visible and identifiable to personnel responding to an alarm.

(9) Where automatic alarm systems are not directly connected to the public fire department or other central reporting agencies, an external sounding device shall be provided equalling a maximum of one-half mile audibility range.

(10) Fire alarm control panel and/or trouble signal indicators shall be installed in areas which are normally staffed during the hours the building is occupied. Fire alarm control panels shall have a constantly visible indicator showing that the system is normal. Any derangement of the system circuits will be indicated by means of a trouble bell or buzzer. When the audible trouble signal is silenced manually, the visual signal shall continue to indicate that the system is not operating normally and shall be corrected immediately. When required, the control panels may be equipped with a momentary contact reset switch.

(11) A manually- or automatically-operated fire alarm system may be arranged for the accomplishment of incidental functions, such as the release of self-opening or self-closing doors, cutting off supplies of gas, fuel, oil, or electric power, switching on emergency lights, stopping of air-handling equipment fans, etc., insofar as the accomplishment of such functions does not impair the effectiveness or reliability of the required sounding devices in response to the required sending stations.

(12) Circuit diagrams shall be supplied by the company installing the system. Directions for operating, together with instructions on how to reset the system or de-energize the circuit after the alarm has been sounded, shall be conspicuously posted.

(13) Supervised circuit wiring of fire alarm systems shall be classified as Class I signal systems and shall include all wiring attached thereto. [Order F-70-2, § 212-14-090, filed 9/21/70.]

**WAC 212-14-100 Application, automatic sprinklers and other extinguishing equipment.** This regulation applies to facilities licensed by the department of social and health services in which state fire marshal inspection and/or approval is required. Unless otherwise specified, the provisions apply to both new and existing facilities.

The state fire marshal may modify the application of this regulation only if the following are met:

(1) The occupancy is the same as it was prior to the adoption of this regulation.

(2) Strict compliance would be clearly impractical.

(3) Variances from the regulation does not compromise the safety of the occupants. [Order FM-77-5, § 212-14-100, filed 12/12/77; Order F-70-2, § 212-14-100, filed 9/21/70.]

**WAC 212-14-105 Scope, automatic sprinklers and other extinguishing equipment.** This regulation is intended to specify requirements covering automatic sprinkler systems, other automatic extinguishing equipment and manual extinguishing equipment. These systems are primarily intended for the protection of life and secondarily for protection of property. [Order FM-77-5, § 212-14-105, filed 12/12/77.]

**WAC 212-14-110 Automatic sprinklers.** Each required automatic sprinkler system shall be installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems.

Experience shows that automatic sprinklers, properly installed and maintained, are the most effective of any of the various safeguards against loss of life by fire. Their value is psychological as well as physical, in that they give a sense of security to occupants of buildings and tend to minimize possible panic hazard in case of fire. There is no case in the NFPA records of over one hundred thousand fires in sprinklered buildings where water from automatic sprinklers has in any way contributed to panic.

NFPA 13, Standard for the installation of sprinkler systems, covers installation details for standard automatic sprinkler systems. It will generally be found most desirable to provide a complete standard automatic sprinkler installation to protect the entire property, in the interest of both life safety from fire and the protection of property, even in situations where sprinklers are required only for hazardous areas.

NFPA 13, Standard for the installation of sprinkler systems, provides for the installation of systems of various types appropriate for the individual building protected.

Where automatic sprinklers are installed for life safety in buildings of small or moderate size in areas where no adequate public water supplies are available, pressure tank supply will usually be found satisfactory. Pressure tanks may be filled from any small domestic water supply.

NFPA 13A, Recommended practice for the care and maintenance of sprinkler systems, gives detailed information on maintenance procedures.

In areas protected by automatic sprinklers, automatic heat detection devices may be deleted.

Properly designed automatic sprinkler systems provide the dual function of both automatic alarms and automatic extinguishment.

The foregoing is not true in those cases where early detection of incipient fire and early notification of occupants are needed to initiate actions in behalf of life safety earlier than can be expected from heat-sensitive fire detectors.

Where automatic sprinkler protection is provided, other requirements of the regulations of the state fire marshal may be modified to such extent as permitted by the provisions of this regulation or the state fire marshal.

Standard automatic sprinkler protection provides a high degree of life safety from fire. This regulation, however, does not rely on any one feature as the sole safeguard for life and other regulations may specify additional safeguards in recognition of the fact that automatic sprinkler systems may, in rare instances, be inoperative. This regulation also recognizes the fact that some quality of smoke may be produced before fire is extinguished by automatic sprinklers, and that any smoke may create a panic hazard even though there may be no actual danger. [Order FM-77-5, § 212-14-110, filed 12/12/77; Order F-70-2, § 212-14-110, filed 9/21/70.]

**WAC 212-14-115 Supervision.** When supervised automatic sprinkler protection is specified in other state fire marshal regulations, a distinct supervisory signal shall be provided to indicate a condition that will impair the satisfactory operation of the sprinkler system. This shall include but not be limited to monitoring of control valves, fire pump power supplies and running conditions, water tank levels and temperatures, pressure of pressure tanks, and air pressure on dry pipe valves.

NFPA 71, Standard for the installation, maintenance and use of central station signaling systems gives details of standard practice in sprinkler supervision.

Subject to other state fire marshal regulations, sprinkler supervision shall also be provided by direct connection to municipal fire departments.

NFPA Standards 72A, 72B, 72C and 72D cover such matters. Where municipal fire alarm systems are involved, reference should also be made to NFPA 73, Standard for the installation, maintenance and use of municipal fire alarm systems.

Supervisory signals for sprinkler systems shall terminate in a location within the protected building or premises which is constantly attended by qualified personnel in the employ of the owner, or shall terminate in an approved remote receiving facility.

When supervised automatic sprinkler protection is required, waterflow alarms shall be transmitted to an approved proprietary alarm receiving facility, remote station, central station, or the fire department. Such connections shall be installed in accordance with appropriate NFPA standards. (NFPA 71 and 72 series). [Order FM-77-5, § 212-14-115, filed 12/12/77.]

**WAC 212-14-120 Other automatic extinguishing equipment.** In any occupancy where the character of a potential fuel for fire is such that extinguishment or

control of fire may be more effectively accomplished by a type of automatic extinguishing system other than an automatic sprinkler system such as carbon dioxide, dry chemical, foam, Halon 1301, or water spray, a standard extinguishing system of other type may be installed in lieu of an automatic sprinkler system. Such systems shall be installed in accordance with appropriate NFPA standards.

Automatic extinguishing systems other than automatic sprinklers are covered by the following NFPA standards:

(1) NFPA 11, Standard for foam extinguishing systems.

(2) NFPA 12, Standard on carbon dioxide extinguishing systems.

(3) NFPA 12A, Standard on halogenated fire extinguishing agent systems - Halon 1301.

(4) NFPA 12B, Standard on halogenated fire extinguishing agent systems - Halon 1211.

(5) NFPA 15, Standard for water spray fixed systems.

(6) NFPA 17, Standard on dry chemical extinguishing systems. [Order FM-77-5, § 212-14-120, filed 12/12/77; Order F-70-2, § 212-14-120, filed 9/21/70.]

**WAC 212-14-12001 Appendix A—Reference table.**

APPENDIX A

Provided as a reference on systems required by WAC 212-14-120.

TYPE OF BUILDING	NO. OF STORIES	NO. OF PERSONS OR CAPACITY	SYSTEM REQUIRED
Apartment	4 or more or 12 or more units	49 - 499	Type A
Apartment	4 or more	50 - 499	Type B
Apartment	4 or more	500 or more	Type D
Boarding Home	1 or 2	5 - 49	Type B
Boarding Home	_____	50 or more	Type D
Child Care Home	_____	6 or more	Type A
Convalescent Home	_____	100 beds or more	Type D
Day Care Home	2 or more	35 or more	Type A
College Dormitory	_____	5 - 49	Type A
College Dormitory	2 or more	50 or more sleeping rooms	Type D
Educational	_____	6 or more	Type A
Educational (campus)	_____	_____	Type B
Fraternity House	_____	5 - 49	Type A
Fraternity House	2 or more	50 or more sleeping rooms	Type D
Hotel	2 or more	50 or more sleeping rooms	Type D
Industrial	1 or more	500 or more	Type C

TYPE OF BUILDING	NO. OF STORIES	NO. OF PERSONS OR CAPACITY	SYSTEM REQUIRED
Industrial	1 or more	25 or more below street level	Type C
Institutional (hospital)	_____	_____	Type A
Institutional (hospital)	_____	100 beds or more	Type D
Lodging House	1	5 - 49	Type A
Lodging House	2 or more	50 or more sleeping rooms	Type D
Maternity Home	_____	6 or more	Type A
Motel	1	5 - 49	Type A
Motel	2 or more	50 or more sleeping rooms	Type D
Nursing Home	_____	5 - 99 beds	Type A
Nursing Home	_____	100 beds or more	Type D
Mercantile	2 - 19	1,000 or more	Type B
Mercantile	2 - 19	200 or more below street level	Type B
Mercantile	20 or more	_____	Type D
Office	2 - 19	50 - 999	Type B
Office	2 - 19	200 or more below street level	Type B
Office	20 or more	_____	Type D
Sorority House	1	5 - 49	Type A
Sorority House	2 or more	50 or more sleeping rooms	Type D

[Order F-70-2, APPENDIX A (codified as WAC 212-14-12001), filed 9/21/70.]

**WAC 212-14-125 Manual extinguishing equipment.** Where required, portable fire extinguishers shall be installed in accordance with NFPA Standard No. 10, Standard for the installation of portable fire extinguishers.

For description of standard types of extinguishers and their installation, maintenance and use, see NFPA 10, Standards for the installation of portable fire extinguishers. The labels of recognized testing laboratories on extinguishers provide evidence of tests indicating reliability and suitability of the extinguisher for its intended use. Many unlabeled extinguishers are offered for sale which are substandard by reason of insufficient extinguishing capacity, questionable reliability, extinguishing agents not effective on fires in ordinary combustible materials, or involving a personal hazard to the user.

Where required, standpipe and hose systems shall be installed in accordance with NFPA Standard No. 14, Standard for the installation of standpipe and hose systems.

For details, see NFPA 14, Standard for the installation of standpipe and hose systems. [Order FM-77-5, § 212-14-125, filed 12/12/77.]

**WAC 212-14-130 Automatic fire detection systems.** An automatic fire detection system of fixed temperature

or fixed temperature/rate of rise, or smoke/products of combustion, limited to approved photoelectric cell, refractory, or ionization, singly or in combination, dependent upon location in the occupancy or hazard, shall be installed in hazardous areas of the occupancies specified in this section. The system shall give effective warning of a fire in such hazardous areas and shall be of an approved type with detectors of a type and spacing as required by nationally-recognized testing laboratories. An automatic fire detection system, other than smoke/products of combustion, shall not be required where the building is protected by an approved automatic sprinkler system equipped with the water flow device connected to the building fire alarm system.

(1) Institutional buildings (such as, but not limited to, hospitals, nursing homes, maternity homes, buildings providing sleeping facilities for the occupants who are incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupant's control.) Hazardous areas include, but are not restricted to, the boiler and heater rooms, laundries, kitchens, repair shops, handicraft shops, laboratories, employee locker rooms, soiled linen rooms, rooms or spaces used for storage in quantities deemed hazardous by the authority having jurisdiction of combustible supplies and equipment, trash and collection rooms, and gift shops. Stairways and corridors shall be equipped with smoke/product of combustion detectors, so as to provide protection between the sleeping area and the other areas of the building unless each unit exits directly to the exterior of the building.

(2) Residential occupancies (such as, but not limited to, hotels, apartments, dormitories, lodging and rooming houses, boarding homes and similar occupancies, fraternity and sorority houses, and ski lodges.) Hazardous areas include, but are not limited to, boiler and heater rooms, kitchens, laundry rooms, storage rooms or spaces. Stairways and corridors shall be equipped with smoke/product of combustion detectors, so as to provide protection between the sleeping area and the other areas of the building unless each unit exits directly to the exterior of the building.

(3) Wood frame, multifamily residential buildings, two or more stories in height, and more than four units. Hazardous areas include but are not limited to boiler and heater rooms, laundry rooms, storage rooms or spaces. Stairways and corridors shall be equipped with smoke/product of combustion detectors, so as to provide protection between the sleeping area and the other areas of the building unless each unit exits directly to the exterior of the building. [Order F-70-2, § 212-14-130, filed 9/21/70.]

## Chapter 212-16 WAC FIREWORKS

### WAC

212-16-001	Promulgation.
212-16-010	Title, authority, purpose and scope—Short title.
212-16-015	Title, authority, purpose and scope—Authority.
212-16-020	Title, authority, purpose and scope—Purposes.
212-16-025	Title, authority, purpose and scope—Scope.

212-16-030	Title, authority, purpose and scope—Licenses fraudulently secured.	212-16-405	Pyrotechnic operators—Observance of laws, rules and regulations.
212-16-035	License—To whom issued.	212-16-420	Registration of employees—Definition of registered employee.
212-16-040	Registered employees.	212-16-425	Registration of employees—Application.
212-16-045	Registered employees—Misuse of license.	212-16-430	Registration of employees—Responsibility.
212-16-050	Registered employees—Definitions.	212-16-435	Registration of employees—Expiration.
212-16-055	Registered employees—Toy pistols.	212-16-440	Registration of employees—Surrendering.
212-16-075	Fireworks manufacturer—General.	212-16-455	Classification, registration and labeling—General.
212-16-080	Fireworks manufacturer—Licensing.	212-16-460	Classification, registration and labeling—Test samples.
212-16-085	Fireworks manufacturer—Local ordinances.	212-16-465	Classification, registration and labeling—Chemical analysis.
212-16-090	Fireworks manufacturer—License limitations.	212-16-470	Classification, registration and labeling—Tests.
212-16-095	Fireworks manufacturer—Classification.	212-16-475	Classification, registration and labeling—Re-tests.
212-16-100	Fireworks manufacturer—Safe firing directions.	212-16-480	Classification, registration and labeling—Revocation.
212-16-105	Fireworks manufacturer—Records and reports.	212-16-485	Classification, registration and labeling—Labeling.
212-16-110	Fireworks manufacturer—Restrictions.	212-16-490	Classification, registration and labeling—Imports.
212-16-115	Fireworks manufacturer—Bills of lading.	212-16-495	Classification, registration and labeling—Specifications.
212-16-120	Fireworks manufacturer—Salesmen and employees.	212-16-510	Seal of registration—Description.
212-16-125	Fireworks manufacturer—Building and structures.	212-16-515	Seal of registration—Unlawful use.
212-16-130	Fireworks manufacturer—Exits.	212-16-520	Seal of registration—Permissive use.
212-16-135	Fireworks manufacturer—Personnel.	212-16-525	Seal of registration—Approved use.
212-16-140	Fireworks manufacturer—Fire drills.	212-16-530	Seal of registration—Reproduction.
212-16-145	Fireworks manufacturer—Smoking and fire.	212-16-535	Seal of registration—Registration number.
212-16-150	Fireworks manufacturer—No Smoking signs.	212-16-540	Seal of registration—No subsequent issuance to others.
212-16-155	Fireworks manufacturer—Visitors.	212-16-545	Seal of registration—Cease use order.
212-16-160	Fireworks manufacturer—Fire nuisance.	212-16-560	Public displays of fireworks—General.
212-16-175	Fireworks wholesaler—General.	212-16-565	Application, state license.
212-16-180	Fireworks wholesaler—Licensing.	212-16-570	Application, state license—Special and general licenses.
212-16-185	Fireworks wholesaler—Investigation.	212-16-575	Application, state license—General licenses.
212-16-190	Fireworks wholesaler—Local ordinances.	212-16-580	Application, state license—Reports.
212-16-195	Fireworks wholesaler—License limitations.	212-16-585	Application, state license—Local permit, application for.
212-16-200	Fireworks wholesaler—Classification.	212-16-590	Application, state license—Investigation.
212-16-205	Fireworks wholesaler—Records and reports.	212-16-595	Application, state license—Test areas.
212-16-210	Fireworks wholesaler—Importing.	212-16-600	Application, state license—Permits may not be granted, when.
212-16-215	Fireworks wholesaler—Restrictions.	212-16-605	Application, state license—Spectators.
212-16-220	Fireworks wholesaler—Bills of lading.	212-16-610	Application, state license—Pyrotechnic operators.
212-16-225	Fireworks wholesaler—Salesmen and employees.	212-16-615	Application, state license—Transportation.
212-16-230	Fireworks wholesaler—Exits.	212-16-620	Application, state license—Public display storage magazines.
212-16-235	Fireworks wholesaler—Personnel.	212-16-625	Application, state license—Mortars.
212-16-240	Fireworks wholesaler—Fire drills.	212-16-630	Application, state license—Rocket launchers.
212-16-245	Fireworks wholesaler—Smoking and fire.	212-16-635	Application, state license—Metallic mortars.
212-16-250	Fireworks wholesaler—No Smoking signs.	212-16-640	Application, state license—Setting mortars.
212-16-255	Fireworks wholesaler—Visitors.	212-16-645	Application, state license—Setting rocket launchers.
212-16-260	Fireworks wholesaler—Fire nuisance.	212-16-650	Special setting of mortars.
212-16-275	Importers and exporters of fireworks—General.	212-16-655	Special setting of mortars—Finale batteries.
212-16-280	Importers and exporters of fireworks—Licensing.	212-16-660	Special setting of mortars—Firing magazines.
212-16-285	Importers and exporters of fireworks—License scope.	212-16-665	Special setting of mortars—Loading mortars.
212-16-290	Importers and exporters of fireworks—Reports.	212-16-670	Special setting of mortars—Firing.
212-16-295	Importers and exporters of fireworks—Classification.	212-16-675	Special setting of mortars—Firing rockets.
212-16-300	Importers and exporters of fireworks—Unclassified fireworks.	212-16-680	Special setting of mortars—Firing procedure.
212-16-305	Importers and exporters of fireworks—Exporting.	212-16-685	Special setting of mortars—Operator in charge.
212-16-310	Importers and exporters of fireworks—Shipping.	212-16-690	Special setting of mortars—Duds.
212-16-315	Importers and exporters of fireworks—Bills of lading.	212-16-695	Special setting of mortars—Magazine tenders.
212-16-320	Importers and exporters of fireworks—Restrictions.	212-16-700	Special setting of mortars—Shell size.
212-16-335	Retailers of safe and sane fireworks—General.	212-16-705	Special setting of mortars—Set pieces.
212-16-340	Retailers of safe and sane fireworks—Sales dates.	212-16-710	Special setting of mortars—Match.
212-16-345	Retailers of safe and sane fireworks—Sales locations.	212-16-715	Special setting of mortars—Flying pigeons.
212-16-350	Retailers of safe and sane fireworks—Safety inspection.	212-16-720	Special setting of mortars—Unfired fireworks.
212-16-355	Retailers of safe and sane fireworks—No Smoking signs.	212-16-725	Special setting of mortars—Smoking.
212-16-360	Retailers of safe and sane fireworks—Smoking and discharge of fireworks.	212-16-730	Special setting of mortars—Fire equipment.
212-16-365	Retailers of safe and sane fireworks—Fireworks classified.	212-16-735	Special setting of mortars—Reports.
212-16-370	Retailers of safe and sane fireworks—Disposition of unsold stock.	212-16-750	Transportation—General.
212-16-385	Pyrotechnic operators—General.	212-16-755	Transportation—Labels.
212-16-390	Pyrotechnic operators—Application for license.	212-16-760	Transportation—Bills of lading.
212-16-395	Pyrotechnic operators—Examination, investigation and licensing.	212-16-765	Transportation—Test samples.
212-16-400	Pyrotechnic operators—Responsibility.	212-16-770	Transportation—Custom bond.
		212-16-775	Transportation—Personnel.

212-16-780	Transportation—Smoking and fire.
212-16-785	Transportation—Fire nuisance.
212-16-800	Storage—General.
212-16-805	Storage—Explosive safety practices.
212-16-810	Storage—Supervision.
212-16-815	Storage—Personnel.
212-16-820	Storage—Smoking and fire.
212-16-825	Storage—"No Smoking" signs.
212-16-830	Storage—Fire nuisance.
212-16-845	Special effects—Scope.
212-16-850	Special effects—Basic requirements.
212-16-855	Special effects—Magazines.
212-16-860	Special effects—Quantities.
212-16-865	Special effects—Preparation.
212-16-870	Special effects—Mortars.
212-16-875	Special effects—Flash charges.
212-16-880	Special effects—Electric firing circuits.
212-16-885	Special effects—Power sources.
212-16-890	Special effects—Shunts.
212-16-895	Special effects—Firing safeguards.
212-16-900	Special effects—Circuit tests.
212-16-905	Special effects—Water locations.
212-16-910	Special effects—Sight firing.
212-16-950	Repeal of other regulations.

**WAC 212-16-001 Promulgation.** Whereas, RCW 70.77.250(2) provides that the state fire marshal ". . . may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property, and shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter, for the granting of permits for, and the presentation of, public displays of fireworks;" and RCW 70.77.250(3) provides that the state fire marshal ". . . may adopt reasonable regulations providing for: (a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles. (b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel . . ."; and RCW 70.77.465 provides that "In addition to any other reports required under this chapter, the state fire marshal may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports," and

Whereas, a public hearing pursuant to law was held in the office of the state fire marshal on April 25, 1962, to consider such rules and regulations,

Now, therefore, it is hereby ordered that the attached rules and regulations relating to fireworks are hereby adopted. [Fireworks Rules, Promulgation, filed 6/1/62.]

**WAC 212-16-010 Title, authority, purpose and scope—Short title.** These rules and regulations shall be known as the "Rules and regulations of the state fire marshal relating to fireworks," and may be cited as such and will be referred to herein as "these rules and regulations." [Fireworks, Regulation 1, filed 6/1/62.]

**WAC 212-16-015 Title, authority, purpose and scope—Authority.** RCW 70.77.250 provides that: "The state fire marshal shall enforce and administer this chapter and shall have the following powers and duties:

"(1) . . . .

"(2) He may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property, and shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter, for the granting of permits for, and the presentation of, public displays of fireworks;

"(3) He may adopt reasonable regulations providing for:

(a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles.

(b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel.

The provisions of this subsection do not apply to research or experiments with rockets or missiles, or the production, transportation, or firing of rockets or missiles by the department of defense of the United States, or by any agency or organization acting pursuant to a contract which it has with the department of defense for the development or production of rockets or missiles.

"(4) . . . .

In addition to the foregoing, RCW 70.77.465 provides that: "In addition to any other reports required under this chapter, the state fire marshal may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports." [Fireworks, Regulation 2, filed 6/1/62.]

**WAC 212-16-020 Title, authority, purpose and scope—Purpose.** Because of numerous fires, injuries, and deaths resulting from the discharge of fireworks, the state legislature has enacted laws to govern the manufacture, importation, sale, distribution and discharge of fireworks in Washington in order that the risk of fire and hazard of injury may be reduced to a minimum. [Fireworks, Regulation 3, filed 6/1/62.]

**WAC 212-16-025 Title, authority, purpose and scope—Scope.** The provisions of these rules and regulations apply to fireworks manufacture, storage, transportation, sale, importation, exportation, possession, classification and discharge of fireworks of every class or kind in this state unless specifically exempted in the state law. [Fireworks, Regulation 4, filed 6/1/62.]

**WAC 212-16-030 Title, authority, purpose and scope—Licenses fraudulently secured.** The use of any false or misleading statement or misrepresentation offered or used to secure any fireworks license or fireworks identification document is a violation of these rules and regulations. Any such license or document so secured is null and void and the fraudulent licensee is subject to prosecution. [Fireworks, Regulation 5, filed 6/1/62.]

**WAC 212-16-035 License—To whom issued.** No license shall be granted to any person under eighteen

years of age. [Order F-72-1, § 212-16-035, filed 1/24/72; Fireworks, Regulation 6, filed 6/1/62.]

**WAC 212-16-040 Registered employees.** No person under eighteen years of age shall be registered as an employee of a retail licensee. [Order F-72-1, § 212-16-040, filed 1/24/72; Fireworks, Regulation 7, filed 6/1/62.]

Registration of employees: Chapter 212-16 WAC.

**WAC 212-16-045 Registered employees—Misuse of license.** No fireworks licensee or registered employee shall lend his license or fireworks identification documents or permit them to be used by any other person. [Fireworks, Regulation 8, filed 6/1/62.]

**WAC 212-16-050 Registered employees—Definitions.** Definitions and trade terms that are defined in RCW 70.77.120 to 70.77.245, inclusive, shall govern the construction of these rules and regulations. [Fireworks, Regulation 9, filed 6/1/62.]

**WAC 212-16-055 Registered employees—Toy pistols.** Toy pistols are defined as starter, toy, miniature or other pistols, revolvers or guns designed to detonate or fire an explosive compound in an amount greater than twenty-five hundredths (0.25) grain, without discharging a projectile. Such pistols, revolvers and guns are hereby designated by the state fire marshal as "dangerous fireworks." [Fireworks, Regulation 10, filed 6/1/62.]

**WAC 212-16-075 Fireworks manufacturer—General.** RCW 70.77.255, 70.77.260 and 70.77.315 require that persons who manufacture fireworks in this state shall procure a license from the state fire marshal and a permit from the local governmental agency having jurisdiction prior to engaging in business. The law requires that applications for license shall be made on forms provided by the state fire marshal and that the annual license fee shall accompany the application. [Fireworks, Regulation 11, filed 6/1/62.]

**WAC 212-16-080 Fireworks manufacturer—Licensing.** Upon receipt of application and license fee, the state fire marshal will cause an investigation to be made jointly by representatives of his office and/or representatives from the local governmental agency having jurisdiction. If the investigation discloses compliance with state laws and local ordinances governing the manufacture of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. [Fireworks, Regulation 12, filed 6/1/62.]

**WAC 212-16-085 Fireworks manufacturer—Local ordinances.** Applicants, before applying for a license, should determine that their facilities conform to local zoning, health and building safety standards, fire safety

requirements, and any other local ordinances pertaining to manufacture and storage of fireworks. [Fireworks, Regulation 13, filed 6/1/62.]

**WAC 212-16-090 Fireworks manufacturer—License limitations.** A fireworks manufacturer license, together with a permit from local authorities having jurisdiction, authorizes the holder to engage only in the business of manufacturing fireworks of all types and their sale and transportation to licensed wholesalers in Washington. If they desire to engage in other types of fireworks business, they shall first procure the necessary license in accordance with RCW 70.77.315. [Fireworks, Regulation 14, filed 6/1/62.]

**WAC 212-16-095 Fireworks manufacturer—Classification.** Manufacturer licensees desiring to have their products classified and registered shall do so in accordance with these rules and regulations. Fireworks that are not classified and labeled in accordance with these rules and regulations cannot be legally transported, sold, or offered for sale in Washington. [Fireworks, Regulation 15, filed 6/1/62.]

**WAC 212-16-100 Fireworks manufacturer—Safe firing directions.** All fireworks items sold in this state shall have clear and distinct directions printed on each item for safe firing procedures. [Fireworks, Regulation 16, filed 6/1/62, effective 1/1/63.]

**WAC 212-16-105 Fireworks manufacturer—Records and reports.** RCW 70.77.455 requires that licensees shall maintain and make available to the state fire marshal records pertaining to production and sale of fireworks items by kind and class. Manufacturer licensees shall, when requested to do so, submit written reports on production, sale and distribution of fireworks together with the state fireworks license number and name of the person to whom such fireworks were sold in accordance with RCW 70.77.465. [Fireworks, Regulation 17, filed 6/1/62.]

**WAC 212-16-110 Fireworks manufacturer—Restrictions.** The storage, transportation, sale and transfer of ownership of all classes and types of fireworks by manufacturer licensees shall be subject to all of the restrictions and provisions of the state fireworks law and the rules and regulations of the state fire marshal. [Fireworks, Regulation 18, filed 6/1/62.]

**WAC 212-16-115 Fireworks manufacturer—Bills of lading.** RCW 70.77.470 requires that each bill of lading, manifest and invoice issued to cover sales or shipment of fireworks shall bear the license or registration number of both the seller or shipper and the buyer or receiver. Manufacturer licensees shall strictly observe this requirement except that on out-of-state shipments, the license number of the buyer or the receiver may be omitted. [Fireworks, Regulation 19, filed 6/1/62.]

**WAC 212-16-120 Fireworks manufacturer—Salesmen and employees.** The law provides that authorization to engage in the particular act or acts conferred

by a license to a person shall extend to salesmen and other employees of such person who are registered with the state fire marshal. Licensees desiring to register employees under this provision shall do so only in accordance with these rules and regulations. [Fireworks, Regulation 20, filed 6/1/62.]

**WAC 212-16-125 Fireworks manufacturer—Building and structures.** All buildings and structures used for manufacturing, processing, assembling or storing fireworks are subject to the provisions of these rules and regulations relating to storage as well as all local ordinances relating to building, design, construction, location and zoning. [Fireworks, Regulation 21, filed 6/1/62.]

**WAC 212-16-130 Fireworks manufacturer—Exits.** Not less than two remotely located exit ways shall be provided from each hazardous area. Such exit ways shall be clearly marked and shall be free of any obstruction at all times. Exception: The inspection authority may waive this requirement in approved vaults, magazines and in small rooms having direct exit to the outside. [Fireworks, Regulation 22, filed 6/1/62.]

**WAC 212-16-135 Fireworks manufacturer—Personnel.** All employees who handle fireworks in any stage of storage, manufacture, or assembly shall be instructed in the hazards of the materials involved and of the processes in which they are engaged, and shall be made familiar with the rules and safety precautions governing such materials and processes. [Fireworks, Regulation 23, filed 6/1/62.]

**WAC 212-16-140 Fireworks manufacturer—Fire drills.** Fire and emergency procedures and drills shall be planned by the licensee for each fireworks manufacturing or assembling plant. All employees shall be instructed in these procedures and participate in a drill not less than once each month. [Fireworks, Regulation 24, filed 6/1/62.]

**WAC 212-16-145 Fireworks manufacturer—Smoking and fire.** Smoking shall be prohibited in all portions of buildings and locations where fireworks are manufactured, assembled, stored, or sold. No matches, lighters, open fires, unapproved heating device or other source of ignition shall be permitted in such locations. [Fireworks, Regulation 25, filed 6/1/62.]

**WAC 212-16-150 Fireworks manufacturer—No Smoking signs.** Approved "No Smoking" signs shall be posted at the entrance to and at such locations designated by the state fire marshal inside every building or structure used for manufacturing, assembling, or storing fireworks. Each sign shall have the words "NO SMOKING, BY ORDER OF THE STATE FIRE MARSHAL" in red letters not less than two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in legible condition. [Fireworks, Regulation 26, filed 6/1/62.]

**WAC 212-16-155 Fireworks manufacturer—Visitors.** No persons other than employees shall be permitted in portions of the premises where live fireworks or components are manufactured, processed, assembled, stored, or exposed. Visitors having business on the premises shall be restricted to the areas directly related to the purpose of their visit. No loitering shall be permitted on the premises. [Fireworks, Regulation 27, filed 6/1/62.]

**WAC 212-16-160 Fireworks manufacturer—Fire nuisance.** The premises of a fireworks manufacturing establishment shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance." (See RCW 70.77.165) [Fireworks, Regulation 28, filed 6/1/62.]

**WAC 212-16-175 Fireworks wholesaler—General.** Fireworks wholesaler licenses are intended to cover those persons engaged in the business of selling fireworks at wholesale to licensed persons in this state and to licensed or unlicensed persons outside of this state. Wholesale licensees may transport the class of fireworks for which they hold a valid license and a permit. [Fireworks, Regulation 29, filed 6/1/62.]

**WAC 212-16-180 Fireworks wholesaler—Licensing.** The provisions of the state fireworks law require that persons who engage in the sale of fireworks at wholesale in this state shall first procure a state license from the state fire marshal and a permit from the local governmental agency having jurisdiction. The law requires that application shall be made on forms provided by the state fire marshal and that the annual license fee shall accompany the application. [Fireworks, Regulation 30, filed 6/1/62.]

**WAC 212-16-185 Fireworks wholesaler—Investigation.** Upon receipt of an application and the license fee, the state fire marshal will cause an investigation to be made by representatives of his office and/or representatives from the local governmental agency having jurisdiction. If the investigation discloses compliance with state laws and local ordinances governing fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why the license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. [Fireworks, Regulation 31, filed 6/1/62.]

**WAC 212-16-190 Fireworks wholesaler—Local ordinances.** Applicants, before applying for a license should determine that their facilities conform to local zoning, health and building safety standards, fire safety requirements, and any other local ordinances pertaining to storage of fireworks. [Fireworks, Regulation 32, filed 6/1/62.]



**WAC 212-16-195 Fireworks wholesaler—License limitations.** A fireworks wholesaler's license, together with a permit from the local authorities having jurisdiction, authorizes the holder to engage only in the sale of fireworks at wholesale. A fireworks wholesaler's license entitles him to sell fireworks to licensed retailers, licensed public display operators, other licensed wholesalers and for direct shipment to persons outside of this state. Fireworks wholesale licensees desiring to engage in other types of fireworks business shall first secure the necessary license as required by the state fireworks law. [Fireworks, Regulation 33, filed 6/1/62.]

**WAC 212-16-200 Fireworks wholesaler—Classification.** Fireworks wholesaler licensees desiring to have any fireworks articles classified and registered shall do so in accordance with these rules and regulations. Fireworks that are not classified and labeled in accordance with these rules and regulations cannot be legally transported, sold, or offered for sale in Washington. [Fireworks, Regulation 34, filed 6/1/62.]

**WAC 212-16-205 Fireworks wholesaler—Records and reports.** RCW 70.77.455 requires that licensee shall maintain and make available to the state fire marshal full and complete records including imports, exports, purchases, sales, and consumption of fireworks items by kind and class. Wholesale licensees shall make reports to the state fire marshal on or before May 20th and October 20th of each year on all transactions involving dangerous fireworks and shall provide him with additional reports and information upon request. Sales reports shall include the state fireworks license numbers of purchasers in accordance with RCW 70.77.465 and 70.77.470. [Fireworks, Regulation 35, filed 6/1/62.]

**WAC 212-16-210 Fireworks wholesaler—Importing.** Wholesalers who engage in the business of importing fireworks shall first procure a state license and a local permit as is required for import/export licensees and shall conform to the provisions of these rules and regulations and all of the applicable provisions of the state fireworks law. [Fireworks, Regulation 36, filed 6/1/62.]

**WAC 212-16-215 Fireworks wholesaler—Restrictions.** The storage, transportation, sale and transfer of ownership of all classes and types of fireworks by wholesaler licensees shall be subject to all of the restrictions and provisions of the state fireworks law. [Fireworks, Regulation 37, filed 6/1/62.]

**WAC 212-16-220 Fireworks wholesaler—Bills of lading.** RCW 70.77.470 requires that each bill of lading, manifest, and invoice issued to cover sales, or shipment of fireworks shall bear the license number of both the seller or shipper and the buyer or receiver. Wholesaler licensees shall strictly observe this requirement except that on out-of-state shipments, license number of buyer or receiver may be omitted. [Fireworks, Regulation 38, filed 6/1/62.]

**WAC 212-16-225 Fireworks wholesaler—Salesmen and employees.** The law provides that authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person who are registered with the state fire marshal. Licensees desiring to register employees under this provision shall do so only in accordance with these rules and regulations. [Fireworks, Regulation 39, filed 6/1/62.]

**WAC 212-16-230 Fireworks wholesaler—Exits.** Not less than two remotely located exit ways shall be provided from each hazardous area. Such exit ways shall be clearly marked and shall be free of any obstruction at all times. Exception: The inspection authority may waive this requirement in approved vaults, magazines and in small rooms having direct exit to the outside. [Fireworks, Regulation 40, filed 6/1/62.]

**WAC 212-16-235 Fireworks wholesaler—Personnel.** All employees who handle fireworks in any stage of storage, manufacture, or assembly shall be instructed in the hazards of the materials involved and of the processes in which they are engaged, and shall be made familiar with the rules and safety precautions governing such materials and processes. [Fireworks, Regulation 41, filed 6/1/62.]

**WAC 212-16-240 Fireworks wholesaler—Fire drills.** Fire and emergency procedures and drills shall be planned by the licensee for each fireworks manufacturing, assembling plant or wholesale premises. All employees shall be instructed in these procedures and participate in a drill not less than once each month. [Fireworks, Regulation 42, filed 6/1/62.]

**WAC 212-16-245 Fireworks wholesaler—Smoking and fire.** Smoking shall be prohibited in all portions of buildings and locations where fireworks are manufactured, assembled, stored, or sold. No matches, lighters, open fires, unapproved heating device or other source of ignition shall be permitted in such locations. [Fireworks, Regulation 43, filed 6/1/62.]

**WAC 212-16-250 Fireworks wholesaler—No Smoking signs.** Approved "No Smoking" signs shall be posted at the entrance to and at such locations designated by the state fire marshal inside every building or structure used for manufacturing, assembling, or storing fireworks. Each sign shall have the words "NO SMOKING, BY ORDER OF THE STATE FIRE MARSHAL" in red letters not less than two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in legible condition. [Fireworks, Regulation 44, filed 6/1/62.]

**WAC 212-16-255 Fireworks wholesaler—Visitors.** No persons other than employees shall be permitted in portions of the premises where live fireworks or components are manufactured, processed, assembled, stored, or exposed. Visitors having business on the premises

shall be restricted to the areas directly related to the purpose of their visit. No loitering shall be permitted on the premises. [Fireworks, Regulation 45, filed 6/1/62.]

**WAC 212-16-260 Fireworks wholesaler—Fire nuisance.** The premises of a fireworks manufacturing or wholesaling establishment shall be maintained in a clean, neat or orderly condition at all times and be free from any condition that would create a "fire nuisance." (See RCW 70.77.165) [Fireworks, Regulation 46, filed 6/1/62.]

**WAC 212-16-275 Importers and exporters of fireworks—General.** Importer/exporter fireworks licenses are for the importation and exportation of fireworks to and from this state. Such a license does not authorize the licensee to engage in wholesale or retail trade or in any other activity requiring a special fireworks license. Import/export licensees may transact fireworks business only with licensed wholesalers and manufacturers of Washington and licensed or unlicensed persons outside this state. [Fireworks, Regulation 47, filed 6/1/62.]

**WAC 212-16-280 Importers and exporters of fireworks—Licensing.** Every person who desires to engage in the business of importing or exporting fireworks to or from this state shall first file application and procure a license in accordance with the provisions of the state fireworks law. Application shall be made on forms provided by the state fire marshal and shall be accompanied by the required license fee. A permit shall likewise be obtained from the local governmental agency in which the applicant's principal office is located, in accordance with the provisions of the state fireworks law. [Fireworks, Regulation 48, filed 6/1/62.]

**WAC 212-16-285 Importers and exporters of fireworks—License scope.** An importer/exporter fireworks license and permit issued in accordance with the above shall authorize the licensee to engage only in the business of importing or exporting fireworks, the sale of fireworks to state-licensed manufacturers and wholesalers, and any person outside this state. Importer/exporter licensees desiring to engage in any other type of fireworks distribution shall first procure the necessary license and permit as specified by law. [Fireworks, Regulation 49, filed 6/1/62.]

**WAC 212-16-290 Importers and exporters of fireworks—Reports.** Import/export licensees shall file written reports with the state fire marshal involving importation, exportation, and local distribution of fireworks in accordance with the following:

(1) Prior to importing fireworks, licensee shall file a report with the state fire marshal. Report shall indicate the name and address of manufacturer and of the shipper, the type and kind of fireworks being imported, the quantity of each type and kind of fireworks, the estimated arrival time of shipment, and the name of the carrier, if known.

(2) Upon arrival or prior thereto, the state fire marshal shall be notified as to contemplated disposition of

fireworks. Contemplated storage, classification, and re-shipment plans shall be included in this report.

(3) Prior to releasing such imported fireworks for shipment either by public carrier or private licensed carrier, whether for shipment in export or to points within the state, licensee shall report the name and address of person or concern to whom it is to be shipped, the quantity of each type of fireworks, the name of the public carrier or the name and state fireworks license number of the private carrier, the date of shipment and such other information as the state fire marshal shall request. [Fireworks, Regulation 50, filed 6/1/62, effective 1/1/63.]

**WAC 212-16-295 Importers and exporters of fireworks—Classification.** Importer/exporter licensees, who desire to have imported fireworks classified, shall do so in accordance with the provisions of these rules and regulations. [Fireworks, Regulation 51, filed 6/1/62.]

**WAC 212-16-300 Importers and exporters of fireworks—Unclassified fireworks.** Fireworks that have not been classified or which do not bear the label of registration and classification of the state fire marshal are classified by law as "dangerous fireworks" and are subject to all of the provisions and restrictions contained in the state fireworks law governing sales, storage, transportation, and proper labeling of fireworks. [Fireworks, Regulation 52, filed 6/1/62.]

**WAC 212-16-305 Importers and exporters of fireworks—Exporting.** When imported fireworks are intended for direct shipment to points outside this state by public carrier operating under interstate commerce commission regulations, the state fire marshal may grant special written permission to transport unlabeled fireworks. Application for such permit shall be accompanied by a report in accordance with WAC 212-16-290(3). [Fireworks, Regulation 53, filed 6/1/62.]

**WAC 212-16-310 Importers and exporters of fireworks—Shipping.** Importer/exporter licensees shall not release for transportation, by other than a public carrier, any type or classification of fireworks unless the transporter has a valid fireworks license issued by the state fire marshal. [Fireworks, Regulation 54, filed 6/1/62.]

**WAC 212-16-315 Importers and exporters of fireworks—Bills of lading.** RCW 70.77.470 requires that each bill of lading, manifest, and invoice issued to cover sales or shipment of fireworks shall bear the license number of both the seller or shipper and buyer or receiver. Import/export licensees shall strictly observe this requirement except that license number of an out-of-state buyer or receiver shall not be required. [Fireworks, Regulation 55, filed 6/1/62.]

**WAC 212-16-320 Importers and exporters of fireworks—Restrictions.** The storage, transportation, sale and transfer of ownership of all classes and types of fireworks in possession of an import/export licensee shall

be subject to the restrictions and provisions of the state fireworks law. [Fireworks, Regulation 56, filed 6/1/62.]

**WAC 212-16-335 Retailers of safe and sane fireworks—General.** The provisions of the state fireworks law require that persons who engage in the business of selling "safe and sane" fireworks at retail shall first secure a state license from the state fire marshal. In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction. The law requires that application be made on forms provided by the state fire marshal and shall be accompanied by the state license fee of ten dollars. Applicants are cautioned to first determine whether a local retail sales permit for "safe and sane" fireworks can be obtained. A retailer's license to sell "safe and sane" fireworks shall not authorize licensee to engage in any other fireworks activity, unless and until the necessary license prescribed by law has been obtained. [Fireworks, Regulation 57, filed 6/1/62.]

**WAC 212-16-340 Retailers of safe and sane fireworks—Sales dates.** Retailers safe-and-sane fireworks licenses are for the retail sales of "safe and sane" fireworks from 12 noon on the twenty-eighth day of June to 12 noon on the sixth day of July. Such licensees may transport "safe and sane" fireworks only. [Fireworks, Regulation 58, filed 6/1/62.]

**WAC 212-16-345 Retailers of safe and sane fireworks—Sales locations.** Fireworks sold at retail shall be sold only:

- (a) In roadside stands, or
- (b) Buildings used for no other purpose, or
- (c) In buildings which have been approved by the local governmental authorities having jurisdiction and in which the fireworks are displayed in such a manner that members of the general public cannot handle them.
- (d) Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity.
- (e) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked. [Fireworks, Regulation 59, filed 6/1/62.]

**WAC 212-16-350 Retailers of safe and sane fireworks—Safety inspection.** Retail fireworks stands and sales areas are subject to inspection by local fireworks officials. Such stands and sales areas shall be free from any condition which increases, or may cause an increase of, the hazard or menace of fire or explosion, or which may become the cause of any obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire. Adequate and safe unobstructed means of exit shall be provided from all areas where fireworks are stored or displayed. [Fireworks, Regulation 60, filed 6/1/62.]

**WAC 212-16-355 Retailers of safe and sane fireworks—No Smoking signs.** Approved "No Smoking" signs shall be posted at conspicuous locations designated by the inspection authority. Each sign shall have the

words "No Smoking, by Order of the State Fire Marshal" in red letters not less than two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in a legible condition. [Fireworks, Regulation 61, filed 6/1/62.]

**WAC 212-16-360 Retailers of safe and sane fireworks—Smoking and discharge of fireworks.** Smoking and the discharge of fireworks shall be prohibited within twenty-five feet of any building in which fireworks are sold at retail. [Fireworks, Regulation 62, filed 6/1/62.]

**WAC 212-16-365 Retailers of safe and sane fireworks—Fireworks classified.** No fireworks shall be stored, sold or offered for sale at retail outlet stores unless such fireworks have been classified and are labeled as "safe and sane" fireworks in accordance with the provisions of these rules and regulations. Exception: Upon the filing of proper applications and after investigation to determine full compliance with state laws and local ordinances, a retailer's license may be extended or issued by the state fire marshal to authorize the sale of "agricultural and wildlife" fireworks to persons holding a valid permit issued to them by the local authority having jurisdiction, authorizing them to possess, use, or discharge such fireworks. When an "agricultural and wildlife" fireworks retail license is granted, licensees shall maintain records by kind, class and quantity of all purchases and sales of such fireworks. Each sales report entry shall show the permit number, name and address of the purchaser. (See RCW 70.77.455) [Fireworks, Regulation 63, filed 6/1/62.]

**WAC 212-16-370 Retailers of safe and sane fireworks—Disposition of unsold stock.** All retail fireworks licensees shall return unsold fireworks stocks either to the wholesaler, from whom they were purchased, for safe storage, or store them in a place and in a manner approved by the fire authority having jurisdiction not later than the thirty-first of July of each year. [Fireworks, Regulation 64, filed 6/1/62.]

**WAC 212-16-385 Pyrotechnic operators—General.** RCW 70.77.415 requires that every public display of fireworks shall be handled or supervised by a competent and experienced "pyrotechnic operator" and other sections of the act require that such pyrotechnic operators shall possess a valid state license issued by the state fire marshal. [Fireworks, Regulation 65, filed 6/1/62.]

**WAC 212-16-390 Pyrotechnic operators—Application for license.** Application for license shall be made on forms prepared by the state fire marshal and shall be accompanied by the annual license fee. [Fireworks, Regulation 66, filed 6/1/62.]

**WAC 212-16-395 Pyrotechnic operators—Examination, investigation and licensing.** Upon receipt of application and license fee, the state fire marshal shall cause an investigation to be made as to the experience

and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. The state fire marshal shall grant or deny the license on the basis of the investigation and examination, and may grant a restricted license where applicant lacks full knowledge of all types and classes of dangerous fireworks. [Fireworks, Regulation 67, filed 6/1/62.]

**WAC 212-16-400 Pyrotechnic operators—Responsibility.** Licenses granted to pyrotechnic operators shall entail certain responsibilities. Every pyrotechnic operator shall refuse to fire any fireworks or pyrotechnics that are deemed by him to be unsafe or where its discharge might jeopardize life or property. He shall not fire any fireworks pieces or pyrotechnics deemed to be unsafe by the inspection authority.

(1) Pyrotechnic operator—Unrestricted shall be responsible for and have authority to take charge of all fireworks activities in connection with every kind of public fireworks display, whether commercial entertainment, experimental and model rockets and missile launching or motion picture, theatrical and television production.

(2) Pyrotechnic operator—Basic commercial shall be responsible for and restricted to properly setting up the commercial fireworks public display in accordance with the rules and regulations of the state fire marshal. He shall determine that all the mortars, set pieces, rocket launchers and rockets are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. He shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

(3) Pyrotechnic operator—Restricted commercial, shall be responsible for and restricted exclusively to the use and discharge of firecrackers in racial or religious celebrations made under state licenses and local permits.

(4) Pyrotechnic operator—Rockets first class, shall be responsible for and restricted to all activities in connection with research experiments, production, transportation, fuel loading and firing all types of experimental or model rockets or missiles under the condition and at the time and place authorized by the local permit. He shall also be responsible for evaluating the qualifications of all persons to whom he assigns tasks including compounding and loading propellants at the loading facility.

(5) Pyrotechnic operator—Rockets second class responsibilities shall be identical to those of the pyrotechnic operator—rockets first class except for being restricted to solid propellant rockets and missiles exclusively. This class license prohibits liquid propellant activities and/or use.

(6) Pyrotechnic operator—Special effects first class shall be responsible for and restricted to the preparation, use and preparation for transportation of all types of special effects pyrotechnics and fireworks including explosive materials for the sole purpose of producing a visible or audible effect where and when such use and display is a necessary part of motion picture, television,

theatrical or operatic production, as permitted by the local authority having jurisdiction.

(7) Pyrotechnic operator—Special effects second class responsibility shall be restricted to the use of special effects, blank cartridges, colored fire, flash sheet and composition and smoke composition and such other fireworks of whatever kind and class as may be permitted, by the local authority having jurisdiction, under a special permit in connection with the production of theatricals and operas before live audiences in theaters, opera houses, television studios, night clubs and similar occupancies.

(8) Pyrotechnic operator—Special effects third class responsibility shall be restricted to the use of special effects, blank cartridges, colored fire, flash sheet and composition and smoke composition and such other fireworks of whatever kind and class as may be permitted by the local authority having jurisdiction, under a special permit in connection with television and motion picture production.

(9) These regulations do not prohibit the use of blank cartridges by persons acting or employed in motion picture, television, theatrical or operatic productions, when such use is in accordance with terms of the permit issued by the local authority having jurisdiction. [Fireworks, Regulation 68, filed 6/1/62.]

**WAC 212-16-405 Pyrotechnic operators—Observance of laws, rules and regulations.** Pyrotechnic operators shall strictly observe the provisions of the state fireworks law and these rules and regulations. [Fireworks, Regulation 69, filed 6/1/62.]

**WAC 212-16-420 Registration of employees—Definition of registered employee.** Employee registration. RCW 70.77.335 authorizes employees "who are registered with the state fire marshal" to engage in the act or acts conferred by a license to their employer. Only employees who are registered in accordance with these rules and regulations shall be considered as "registered employees." [Fireworks, Regulation 70, filed 6/1/62.]

**WAC 212-16-425 Registration of employees—Application.** Licensees desiring to have employees registered shall file a separate application for each employee they desire to have registered. Applications shall be on forms provided by the state fire marshal. [Fireworks, Regulation 71, filed 6/1/62.]

**WAC 212-16-430 Registration of employees—Responsibility.** The registration of employees is limited to those persons whom the licensee certifies as bona fide employees of the firm. The licensed person or firm shall be deemed to have certified that he or they assume full responsibility for the conduct and action of such registered employees with respect to observance of the state fireworks law and the rules and regulations of the state fire marshal. [Fireworks, Regulation 72, filed 6/1/62.]

**WAC 212-16-435 Registration of employees—Expiration.** Registration of an employee shall expire on

the thirty-first day of December of the year issued unless earlier canceled by written notice from the licensee to the state fire marshal. [Fireworks, Regulation 73, filed 6/1/62.]

**WAC 212-16-440 Registration of employees—Surrendering.** Employees shall surrender their certificate of identification to their employer or the state fire marshal upon demand. [Fireworks, Regulation 74, filed 6/1/62.]

Employees, registration, minimum age: WAC 212-16-040.

**WAC 212-16-455 Classification, registration and labeling—General.** The Washington law prohibits the sale, offering for sale, discharge or transportation of fireworks which have not been classified, registered and labeled as to type in accordance with RCW 70.77.380, 70.77.385, 70.77.390 and 70.77.140. Classification of fireworks by the state fire marshal is limited by law to the products of licensed manufacturers, importers and wholesalers. RCW 70.77.390 requires that each case, carton or package of classified fireworks shall bear the state fire marshal's classification label and the license or registration number of the licensee. [Fireworks, Regulation 75, filed 6/1/62.]

**WAC 212-16-460 Classification, registration and labeling—Test samples.** Ten live samples of each item of stick or handle fireworks, whether spike, dowel or California candle, which are to be classified and labeled as "safe and sane" must be submitted to the state fire marshal for test. Only three live samples of fireworks items need be submitted for base type "safe and sane" and "agricultural wildlife" classification. [Fireworks, Regulation 76, filed 6/1/62.]

**WAC 212-16-465 Classification, registration and labeling—Chemical analysis.** (1) The request for classification of all stick and handle fireworks, whether spike, dowel or California candle as "safe and sane" fireworks, shall be accompanied by a notarized qualitative and quantitative chemical analysis showing every chemical and substance used in the manufacture of such fireworks. Such qualitative and quantitative analysis shall be made by a licensed chemist or chemical testing engineer.

(2) The notarized chemical analysis accompanying base type and fireworks items other than handle goods, including spikes and California candles, need not be quantitative unless specifically required by the state fire marshal when deemed necessary by him in making the classification.

(3) Fireworks items containing chemicals or substances that are prohibited in RCW 70.77.130 shall not be classified or labeled as "safe and sane" fireworks. [Fireworks, Regulation 77, filed 6/1/62.]

**WAC 212-16-470 Classification, registration and labeling—Tests.** The state fire marshal shall make such tests as he deems necessary and shall evaluate the chemical analysis and substances used in the manufacture of fireworks and shall determine the classification

of such fireworks in accordance with the provisions of the state fireworks law. He shall advise licensees of the test results and the classification assigned to the various fireworks articles submitted. [Fireworks, Regulation 78, filed 6/1/62.]

**WAC 212-16-475 Classification, registration and labeling—Re-tests.** Licensees shall advise the state fire marshal of any change in quality, content, or construction of any fireworks article registered by them and shall resubmit such articles for re-test and classification when requested to do so by the state fire marshal. [Fireworks, Regulation 79, filed 6/1/62.]

**WAC 212-16-480 Classification, registration and labeling—Revocation.** The registration and classification may be revoked by the state fire marshal if he finds that the material being marketed is not the same as that submitted for classification and registration or when such fireworks or their labeling does not conform to the provisions of the state fireworks law. [Fireworks, Regulation 80, filed 6/1/62.]

**WAC 212-16-485 Classification, registration and labeling—Labeling.** The provisions of the state fireworks law require that all types of fireworks including "safe and sane," "dangerous," and "agricultural and wildlife fireworks" shall be classified and labeled and the license or registration number of the registrant must appear thereon. The labeling of articles, cases, cartons, packages and items of fireworks shall conform to the following:

(1) General. Labels bearing the state fire marshal's seal of registration showing the classification and registration number shall be attached to each package or item of fireworks offered for sale. Safe firing instructions shall be legibly printed on each item or package and all fireworks items which are not specifically designed to be held in the hand while firing shall prominently display the wording "DO NOT HOLD IN HAND."

(2) "Dangerous fireworks." Every shipping container or carton containing dangerous fireworks shall bear the state fire marshal's seal of registration and the license or registration number of the registrant. Immediately above such seal the word "DANGEROUS" shall appear in bold legible letters. Such labeling may be by stamp, stencil or by a firmly attached printed adhesive label. If labeled containers are opened, cartons or packages therein shall be labeled in the same manner as shipping containers before being sold, offered for sale or transported within this state.

(3) "Agricultural and wildlife fireworks." Every item or unit of "agricultural and wildlife fireworks" and the cartons, packages and shipping containers in which they are packed shall bear the state fire marshal's seal of registration and the license or registration number of the registrant. Immediately above such seal, the word "AGRICULTURAL" shall appear in bold legible letters. Such label may be by stamp, stencil or by a firmly attached printed adhesive label.

(4) "Safe and sane fireworks." Each and every package or carton and every individual item of unpackaged "safe and sane" fireworks that is offered for sale at retail, and every carton or shipping container in which they are packed, shall bear the state fire marshal's seal of registration and the license or registration number of the registrant. Immediately above such seal, the words "SAFE AND SANE" shall appear in legible type. Such labeling may be by stamp, stencil or printing, or by a firmly attached printed adhesive label. [Fireworks, Regulation 81, filed 6/1/62.]

**WAC 212-16-490 Classification, registration and labeling—Imports.** Each separate shipment of unclassified "safe and sane" or "agricultural and wildlife fireworks" imported from without this state shall be separately submitted for classification and registration. [Fireworks, Regulation 82, filed 6/1/62.]

**WAC 212-16-495 Classification, registration and labeling—Specifications.** The provisions of this section shall apply immediately upon adoption to all handle goods, stick, dowel, spike and California candle fireworks items having a stick or dowel or inside diameter greater than one-eighth inch in diameter, whether imported from without this state or carried over in wholesale stocks from the previous season.

Handle goods are exempt from compliance with the provisions of subsections (a), (d) and (e) of this section if they incorporate all of the following features: (1) a soft, crushable type paper tube, (2) an inside diameter of three-eighths inch or less, (3) three inches or less of combustible chemical composition, and having an overall length not exceeding twelve inches without any choke or other muzzle restriction.

(a) The chemical composition tubes or cases of all stick or handle fireworks items, whether spike or dowel, excepting colored port fire or flares, shall not exceed nine inches in length or have an inside diameter greater than five-eighths inch and shall be convolute or spiral wound of chip board or other paper having equivalent strength and shall be well pasted. The above dimensions do not include the stick, dowel or tubular handles of such items.

(b) The use of any choke or other muzzle restriction in any stick or handle fireworks item, whether spike or dowel or California candle, is prohibited.

(c) All compositions shall be rammed solidly to prevent loosely compacted charges. Handle goods pyrotechnic compositions shall not discharge a flame longer than eight inches and/or throw sparks farther than six feet from the composition tube muzzle.

(d) Clay base shall have a minimum finished thickness of one-half inch and shall be formed in place inside the tube by ramming the clay charge firmly against the previously rammed composition. In no case shall the final composition charge and the clay be rammed in a combined operation. All clay used as clay base shall be sufficiently moistened to insure permanent effective adhesion to the inside of the tube or case.

(e) Spikes and dowels shall be inserted into the chemical composition tubes a minimum distance not less than

twenty-five percent of the length of tubes six inches or less in length and not less than two inches into tubes over six inches long. They shall be cemented firmly in place against the clay base. There shall be no void space within the chemical composition tube. Paper tube handle goods shall conform to the foregoing.

(f) All fuse or match of every type and kind of fireworks item shall be securely fixed in contact with the composition charge by means of paste, glue, or priming, to insure against accidental loss. Each fuse and match shall be capable of either supporting the combined weight of the fireworks item plus eight ounces dead weight, or double the weight of the item, without separation from the fireworks article.

(g) Bases of all base goods shall provide stable support for the item, to maintain its tube in a vertical position when firing. Bases shall be firmly cemented to tubes. Bases shall have a minimum horizontal dimension equal to one-third the length of the longest tube, except that base items having only a single tube twelve inches or less in length may have a three inch square base.

(h) Appearance of any fireworks items in close resemblance to those articles classified by statute as "dangerous fireworks" shall constitute sufficient grounds for their classifications, by the state fire marshal, as "dangerous fireworks." Special reference is intended, though not by way of limitation, to cherry bombs and sky rockets and other fireworks which normally explode or rise in the air during discharge.

(i) Pinwheels shall be limited to a maximum overall diameter of fifteen inches, shall be substantially constructed and all driver gerbs, firepots and other elements shall be firmly fixed to the wheel. [Fireworks, Regulation 83, filed 6/1/62.]

**WAC 212-16-510 Seal of registration—Description.** The state fire marshal's seal of registration and fireworks classification label.

"Safe and Sane"  
Fire marshal's seal

"Dangerous"  
Fire marshal's seal

"Agricultural"  
Fire marshal's seal

The official seal of registration shall consist of a series of concentric circles lettered as follows:

Outer circle:

Upper half: "Registered"

Lower half: "Fireworks"

Inner circle:

Upper half: "State of Washington"

Lower half: "State fire marshal"

The classification designation "safe and sane," "dangerous" or "agricultural" shall appear immediately above the seal. The registration number of licensee shall appear in the box below the seal. [Fireworks, Regulation 84, filed 6/1/62.]

**WAC 212-16-515 Seal of registration—Unlawful use.** No person or concern shall use this seal in any manner or for any purpose without having received official permission so to do from the state fire marshal in writing. [Fireworks, Regulation 85, filed 6/1/62.]

**WAC 212-16-520 Seal of registration—Permissive use.** Use of this seal shall be restricted to permissive use by persons and concerns as defined by these rules and regulations as proof of the fact that the state fire marshal of Washington has approved and registered as licensed said person or concern as one or more of the following:

- (a) Manufacturer of fireworks
- (b) Importer and/or exporter of fireworks
- (c) Wholesaler of fireworks [Fireworks, Regulation 86, filed 6/1/62.]

**WAC 212-16-525 Seal of registration—Approved use.** Approved uses of the seal shall include, subject to authorized extension, use in connection with:

- (a) Classification labels or stencils for fireworks and fireworks packages.
- (b) Approved printed matter including the fireworks license, approved promotional matter and a copy for publication. Two copies of the galley proof are required for approval. [Fireworks, Regulation 87, filed 6/1/62.]

**WAC 212-16-530 Seal of registration—Reproduction.** No person shall make any reproduction of the Washington state fire marshal's seal of registration other than one made from the proof of the master copy furnished the registered person or concern at the time the license and registration numbers are issued, and such reproduction shall be made in accordance with the instructions for use thereon. No alteration of the original, or copy, or facsimile other than the original furnished by the state fire marshal shall be used. [Fireworks, Regulation 88, filed 6/1/62.]

**WAC 212-16-535 Seal of registration—Registration number.** Before reproduction of the seal of registration, there shall be inserted in the box provided the registration number assigned by the state fire marshal to designate the licensee's category. The category shall be designated by capital letter preceding the registration number as follows: "M" for manufacturer; "I/E" for importer and/or exporter; and "W" for wholesaler. [Fireworks, Regulation 89, filed 6/1/62.]

**WAC 212-16-540 Seal of registration—No subsequent issuance to others.** A registration number issued by the state fire marshal to any registered person or concern shall not be reissued to any other person or concern subsequently. [Fireworks, Regulation 90, filed 6/1/62.]

**WAC 212-16-545 Seal of registration—Cease use order.** No person or concern shall continue use of this seal in any manner or for any purpose after receipt of a notice in writing from the state fire marshal of Washington to discontinue such use, or after receipt of

notice in writing of license revocation or the removal of its name or the name of any of its fireworks items from the registered list. [Fireworks, Regulation 91, filed 6/1/62.]

**WAC 212-16-560 Public displays of fireworks—General.** The state fireworks law requires that persons desiring to hold a public display of fireworks shall secure a state license from the state fire marshal and a permit from the governmental agency having jurisdiction. Application for state license should be made 30 days in advance of display date and application for local permit must be made at least 10 days in advance. [Fireworks, Regulation 92, filed 6/1/62.]

**WAC 212-16-565 Application, state license.** Application for fireworks public display license shall be made on forms provided by the state fire marshal and shall be accompanied by the prescribed license fee. Such licenses shall be signed by applicants or proper officials in accordance with RCW 70.77.320. [Fireworks, Regulation 93, filed 6/1/62.]

**WAC 212-16-570 Application, state license—Special and general licenses.** A "special" state license, together with a permit from the governmental agency having jurisdiction, authorizes applicant to conduct a public display of fireworks at a given location only. A "general" state license for public display of fireworks, together with permits from the local governmental agency having jurisdiction, authorized [authorizes] public displays of fireworks at various locations. [Fireworks, Regulation 94, filed 6/1/62.]

**WAC 212-16-575 Application, state license—General licenses.** Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance in the amount of \$25,000, in accordance with RCW 70.77.355. Such bond and public liability insurance shall be non-cancellable except upon 30 days' written notice by the insurer. [Fireworks, Regulation 95, filed 6/1/62.]

**WAC 212-16-580 Application, state license—Reports.** General public display licensees shall report to the state fire marshal, prior to date of each display, all public displays of fireworks contemplated under their general license. The report shall contain the information set forth in WAC 212-16-585(1)-(5). [Fireworks, Regulation 96, filed 6/1/62.]

**WAC 212-16-585 Application, state license—Local permit, application for.** When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

- (1) The name of the organization sponsoring the display, together with the names of persons actually in charge of the display.
- (2) The date and time of day at which the display is to be held.
- (3) The exact location planned for the display.

(4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks.

(5) The class of fireworks to be discharged and the number of set pieces, shells (specify single or multiple break), and other items including experimental or model rockets or missiles.

(6) The manner and place of storage of such fireworks prior to and during the display.

(7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.

(8) Proof that satisfactory compensation insurance is carried for all employees.

(9) Documentary proof of procurement of surety as follows:

Surety bond of not less than \$10,000; or

Public liability insurance in an amount of not less than \$20,000; or

A state fire marshal's "general license" for the public display of fireworks.

(10) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted. [Fireworks, Regulation 97, filed 6/1/62.]

**WAC 212-16-590 Application, state license—Investigation.** The officer to whom the application for permit is made shall make, or cause to be made, investigation of site of the proposed display for the purpose of determining if the fireworks will be of such a character or so located as to be hazardous to property or dangerous to any person. He shall also determine whether the provisions of the state fireworks law and these rules and regulations are complied with in the case of a particular display. He shall, in the exercise of reasonable discretion, grant or deny the application subject to reasonable conditions, if any, as he may prescribe, taking into account locations, parking of vehicles, controlling spectators, storage and firing fireworks, and precautions in general against danger to life and property from fire, explosion, and panic. [Fireworks, Regulation 98, filed 6/1/62.]

**WAC 212-16-595 Application, state license—Test areas.** Experimental or model rockets and missiles shall not be launched within this state from any site other than test areas approved for such purpose by fire authority having responsibility. These test areas should meet the following minimum requirements:

(1) Test areas consist of a launching site and an impact range.

The launching site is that area immediately surrounding the launching devices, including positions to protect all personnel.

The impact range is that area over which rockets may travel by design or accident and upon which they fall. Its length should be not less than the maximum calculated ideal ballistic range of any rocket to be fired from its

launching site and extend as the radius of a circular section 90° from the launching site apex into the prevailing wind.

(2) Test areas should include no dwellings or structures other than those provided for operating and non-operating personnel protection and loading rockets.

(3) Operating personnel protection shall consist of a bunker, blockhouse or similar protection designed to withstand shrapnel and mass impact equal to the potential created by the heaviest rocket intended to be fired, and falling from its zenith or exploding at any point. This bunker when located not less than 50 feet distant from the launching device shall afford minimum protection equal to a 2-footwide slit trench not less than 5 feet deep and parapet observation ports with protection equal to a double thickness of sand bags. Overhead protection should consist of substantial structural materials, and these materials shall be covered to afford protection equivalent to that of a double layer of well filled sand bags.

Non-operating personnel minimum protection when located not less than 250 feet distant from the launching device shall consist of construction at least equal to the slit trench shelter described above.

(4) Rocket loading facilities shall be housed in a lightly constructed and covered structure located not less than 100 feet distant from any other structure including any missile or launching device.

Within this state, all fuel or propellant compounding and/or loading of experimental or model rockets or missiles shall be restricted exclusively to this structure and shall be done only under the direct supervision and control of the licensed pyrotechnic operator in charge. [Fireworks, Regulation 99, filed 6/1/62.]

**WAC 212-16-600 Application, state license—Permits may not be granted, when.** No permit for public display may be granted unless the sponsoring individual or organization has first obtained a state fire marshal's public display license. No permit shall be granted for any public display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, or other grass covered land. [Fireworks, Regulation 100, filed 6/1/62.]

**WAC 212-16-605 Application, state license—Spectators.** Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks. [Fireworks, Regulation 101, filed 6/1/62.]

**WAC 212-16-610 Application, state license—Pyrotechnic operators.** No public display permit shall be granted unless at least two experienced pyrotechnic operators are provided, one of whom shall be a regularly licensed pyrotechnic operator. The licensed operator shall:



(1) Be responsible for and have charge of the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming and firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;

(2) Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the authority having jurisdiction and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and/or missiles shall not be permitted to cross or burst above areas occupied by persons;

(3) Be held responsible for acts of all persons employed in connection with fireworks for the display. He shall have authority to dismiss or discharge any employee or person whether remunerated or not at any time from delivery to final firing of the display who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person, or any property. [Fireworks, Regulation 102, filed 6/1/62.]

**WAC 212-16-615 Application, state license—Transportation.** Transportation and delivery of all fireworks shall be made in compliance with these regulations. [Fireworks, Regulation 103, filed 6/1/62.]

**WAC 212-16-620 Application, state license—Public display storage magazines.** All fireworks articles and items at places of public display shall be stored in a manner and in a place secure from fire, accidental discharge and theft, and in a manner approved by the governmental agency having jurisdiction. [Fireworks, Regulation 104, filed 6/1/62.]

**WAC 212-16-625 Application, state license—Mortars.** Mortars shall be made of Shelby or equivalent seamless steel tubing (cast iron and other fragmenting types of metal are prohibited) having a smooth bore and a steel bottom plate equal in thickness to the tube welded continuously around its perimeter except as follows:

(1) Wooden base plugs in good condition may be substituted for welded steel bottom plates where such plugs have a minimum thickness of one inch per inch of bore diameter and are securely cross bolted with half-inch iron bolts placed at right angles alternately starting one inch from the top of the plug and placed one inch apart thereafter. Wooden base plugs shall be discarded and replaced when split, cracked, shrunken, charred to less than minimum required thickness, or otherwise damaged. Screw type caps or plugs are prohibited.

(2) Mortars limited solely for firing three-inch and four-inch single break shells may be made of spiral or convolute wound chipboard or Kraft paper tubes not less than one-half inch in thickness, having a maximum bore of four inches and a wooden base plug in good condition of minimum thickness equal to the inside diameter of the tube, securely glued and nailed in place.

(3) Approved cardboard mortars may be used for all types and sizes of display shells if the following standards are complied with:

(a) Each mortar is pre-loaded and fired only once during the display;

(b) Firing is done by electronic equipment approved by the state fire marshal;

(c) For two or three inch shells the mortar shall have a minimum wall thickness of one-half (1/2) inch; for five and six inch shells the mortar shall have a minimum wall thickness of three-quarter (3/4) inch; for seven and eight inch shells the mortar shall have a minimum wall thickness of one (1) inch; and

(d) Tubes shall have a wooden base plug in good condition of a minimum thickness equal to the inside diameter of the tube, securely glued and nailed in place.

(4) For single break shells three-inch mortar tubes may be made of ten gauge or heavier galvanized iron riveted along their seams, beginning at a point within one inch of each end and spaced not more than three inches between rivets and having a two-inch wooden base plug cross bolted in position with not less than two 1/2" x 3 1/2" carriage bolts one inch apart at right angles to each other.

(5) The minimum inside length of mortars shall be not less than five times their inside diameter for mortars up to 7" inside diameter and not less than four times their inside diameter for mortars having an inside diameter greater than seven inches.

(6) Any damaged mortars (split or bulged tube, base, seam, or with loose rivets, bolts, or wooden base plug) shall not be used for firing. [Order FM R 76-1, § 212-16-625, filed 5/18/76; Fireworks, Regulation 105, filed 6/1/62.]

**WAC 212-16-630 Application, state license—Rocket launchers.** Rocket launchers shall have a minimum length sufficient to insure stabilization to any rocket fired from them and shall be constructed of metal and designed for the specific intended purpose and use. Special protection shall be provided for persons setting and arming all rockets. The use of any two rail, "V" or "U" trough launcher, which depends solely on gravity to control the rocket during launching, is prohibited. [Fireworks, Regulation 106, filed 6/1/62.]

**WAC 212-16-635 Application, state license—Metallic mortars.** Salutes and detonating shells shall not be fired from metallic mortars. [Fireworks, Regulation 107, filed 6/1/62, effective 1/1/63.]

**WAC 212-16-640 Application, state license—Setting mortars.** All mortars, excepting three-inch finale batteries (hedgehogs), shall be set upon a heavy plank or timber footing and buried in solidly tamped clean earth. Not less than 75 per cent of the mortar tube length shall be below the normal surface of the ground. A continuous row of sand or earth filled bags shall be laid against the firing side of the mortars. The upper surface of the sandbags shall be level with the mortar tube muzzles. Sandbags shall also be placed similarly at both ends of each line of mortars. As an alternative to the foregoing

method, the provisions of WAC 212-16-650 may be complied with. [Fireworks, Regulation 108, filed 6/1/62.]

**WAC 212-16-645 Application, state license—Setting rocket launchers.** All adjustments and alignments of the rocket launcher and connections, shall be completed before the rocket is armed. Final rocket launcher adjustments shall be checked by the licensed pyrotechnic operator in charge. [Fireworks, Regulation 109, filed 6/1/62.]

**WAC 212-16-650 Special setting of mortars.** On locations where it is impossible to bury mortars in suitable clean earth or where the authority having jurisdiction and the licensed pyrotechnic operator in charge are in agreement that public safety will be increased thereby, mortars may be set for firing in approved sand-filled containers. Heavy steel drums or troughs constructed of two-inch thick board, in accordance with the following details, shall be used for setting mortars:

(1) The diameter of the drum or width of the trough shall be not less than three times the diameter of the mortar tube.

(2) The depth of the drum or trough shall permit burial in wet sand of each mortar to within one inch of its muzzle. Heavy wood blocking shall fill the space between the bottom of the mortar and the container, and in every case there shall be not less than a two-inch thickness of board under each mortar.

(3) The length of the trough shall permit spaces between all mortars and between the first and last mortars and the ends of the trough equal to the diameter of the largest mortar. These spaces shall be filled with blocks of two-inch wood. Bulkheads of two-inch board shall separate troughs into compartments not more than six feet in length. The top of drums shall be similarly blocked.

(4) The sides, ends, bottom and any bulkheads required to limit compartment length to six feet shall be two-inch boards in good condition, nailed securely with 20d common nails. The ends of the trough shall be set six inches in from the ends of the side and bottom boards, and two one-half-inch all-thread rods used to bolt the sides in place at both ends just outside the trough ends.

(5) The containers shall be set and the mortars blocked and secured at the angle determined as safe for firing. After being filled with wet sand, a continuous row of sand-filled bags shall be laid along both sides of and touching the mortar muzzles before firing begins. [Fireworks, Regulation 110, filed 6/1/62.]

**WAC 212-16-655 Special setting of mortars—Finale batteries.** (1) Finale batteries, not exceeding three-inch mortars, shall be limited to 10 tubes per unit set squarely upon a 2" x 4" timber and boxed by a 1" x 6" board along either side at the top and bottom, nailed firmly to the vertical 2" x 4" ends and having each tube solidly locked at the top and bottom by a 2" x 4" wooden block nailed between each tube and the next and the ends.

(2) Batteries may consist of as many approved 10-tube units as are required for the display, but each unit shall be independently set, braced, and secured, as indicated by the wind direction and velocity predicted for the firing time. Finale batteries need not be buried. [Fireworks, Regulation 111, filed 6/1/62.]

**WAC 212-16-660 Special setting of mortars—Firing magazines.** Before any firing begins, the entire complement of shells for any licensed public display shall be brought to the firing site and stored in ready boxes at a point not less than 25' distant upwind (with relation to the firing time) from the nearest mortar. These ready boxes shall be substantially constructed of wood. They shall be set with their bottoms facing the mortars and arranged to open away from the mortars. A flameproof water repellent canvas cover shall protect all ready boxes from the time they are placed in position until they are emptied, except that the cover may be lifted when shells are taken from or returned to the boxes. [Fireworks, Regulation 112, filed 6/1/62.]

**WAC 212-16-665 Special setting of mortars—Loading mortars.** Each mortar shall be cleared of paper or other burning material after being fired. It is not required that mortars be swabbed. No duds shall be cleared from mortars for at least two hours after being fired and the mortar has been filled with water. [Fireworks, Regulation 113, filed 6/1/62.]

**WAC 212-16-670 Special setting of mortars—Firing.** All firing shall be done upon order or signal of the licensed pyrotechnician directing the public display. No safety cap shall be removed from any shell match except by the pyrotechnician immediately before he applies his portfire. Used portfire shall not be discarded in the area between the mortars and the loading magazine. [Fireworks, Regulation 114, filed 6/1/62.]

**WAC 212-16-675 Special setting of mortars—Firing rockets.** Rockets may not be armed or fired except by an experienced pyrotechnic operator, who, if he is not licensed, shall be directly responsible to the licensed pyrotechnic operator in charge. The actual arming operation shall be accomplished by a competent person. During all arming operations, all personnel shall take shelter as for firing, excepting only the individual arming the rocket or missile and his necessary assistants. In this connection, all internal self-contained firing circuits (within the rocket) including, but not by way of limitation, multiple stage ignition, parachute releases, bursting charges, etc., shall be provided with an arming and disarming device operable remotely from without the assembled rocket in the firing position.

(1) The firing circuit shall be shunted at both the control center and the launching site by the pyrotechnic operator assigned to arm the rocket. Both shunts shall be in place and he shall test them to insure that the firing circuit is effectively short circuited, before the rocket is set in the firing position.

(2) The single special key, which removes the launching site shunt from the firing circuit, shall be the sole

means for completing the firing circuit at the control center. The arming operator shall retain the shunt key in his personal possession from the time the circuit is initially shunted until the arming operations are completed and he removes the last shunt in the control center and establishes a ready firing circuit.

(3) No other means or device than a remotely controlled electric circuit of an approved design may be used to fire single stage rockets or the first stage of multistage rockets. [Fireworks, Regulation 115, filed 6/1/62.]

**WAC 212-16-680 Special setting of mortars—Firing procedure.** A definite ordered firing procedure shall be established by the licensed pyrotechnic operator in charge. This order shall be followed by all persons present at the test area. Both visible and audible signals shall be used to alert all persons in the test area. Any code used shall be reduced to writing and posted conspicuously in the test area. [Fireworks, Regulation 116, filed 6/1/62.]

**WAC 212-16-685 Special setting of mortars—Operator in charge.** The operator in charge of loading shall be responsible for maintaining safe working conditions at the firing site, and he shall have on his person a valid license as a pyrotechnic operator. He shall adjust mortar setting to correct the firing angle whenever necessary to insure all bursts being downwind from the spectators. [Fireworks, Regulation 117, filed 6/1/62.]

**WAC 212-16-690 Special setting of mortars—Duds.** Loaders and magazine tenders and/or persons responsible for arming rockets or missiles shall maintain close observation during firing to detect duds in mortars or which return unexploded from aloft, or dud or misfire rockets or missiles, and take necessary action as planned by the licensed pyrotechnic operator in charge. [Fireworks, Regulation 118, filed 6/1/62.]

**WAC 212-16-695 Special setting of mortars—Magazine tenders.** Magazine tenders are directly responsible to the pyrotechnic operator in charge of loading, and they shall not lift the canvas on the side toward the mortars or open more than a single magazine at any given time. [Fireworks, Regulation 119, filed 6/1/62.]

**WAC 212-16-700 Special setting of mortars—Shell size.** When reference is made to the size of fireworks pieces or mortars from which they may be fired, it refers to the external diameter of the shell or the inside diameter of the mortar. [Fireworks, Regulation 120, filed 6/1/62.]

**WAC 212-16-705 Special setting of mortars—Set pieces.** Set displays shall be securely braced and guyed to prevent accidental displacement from any cause. Set pieces and mechanical displays shall not be left unguarded after delivery to the public display location. [Fireworks, Regulation 121, filed 6/1/62.]

**WAC 212-16-710 Special setting of mortars—Match.** All match shall be so located and protected as

will prevent unintentional firing of any other item or article. [Fireworks, Regulation 122, filed 6/1/62.]

**WAC 212-16-715 Special setting of mortars—Flying pigeons.** Installations incorporating flying pigeons and similar flying devices, whether controlled or free or a combination of controlled and free, shall be so installed as to prevent flight in the direction of spectators, whether under control or if accidentally released during flight. [Fireworks, Regulation 123, filed 6/1/62.]

**WAC 212-16-720 Special setting of mortars—Unfired fireworks.** Any fireworks remaining unfired after the display is concluded shall be secured against accidental discharge or theft in an approved storage. [Fireworks, Regulation 124, filed 6/1/62.]

**WAC 212-16-725 Special setting of mortars—Smoking.** No person shall smoke in the firing area except at points designated as safe by the authority having jurisdiction. [Fireworks, Regulation 125, filed 6/1/62.]

**WAC 212-16-730 Special setting of mortars—Fire equipment.** The type and number of pieces of first aid or other fire equipment required shall be determined by the authority having jurisdiction, but in every case shall be adequate to cope with any fire which can be reasonably anticipated. [Fireworks, Regulation 126, filed 6/1/62.]

**WAC 212-16-735 Special setting of mortars—Reports.** After every public display, it shall be the direct responsibility of the licensed pyrotechnic operator in charge of the display to submit a personally written report directly to the state fire marshal, within ten days following the display, covering:

(1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) Exception: Solely in the case of motion picture, television, theatrical and operatic productions, reports will only be required when one or more of the events set forth in subparagraphs (1), (2), (3) or (4) above occurs.

(6) Failure to file this report, except as permitted herein, shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal. [Fireworks, Regulation 127, filed 6/1/62.]

**WAC 212-16-750 Transportation—General.** Transportation of fireworks within the state of Washington, by other than a public carrier operating under the regulations of the interstate commerce commission or the Washington utilities and transportation commission, or by a regularly licensed person having a

valid license issued to him by the state fire marshal and a valid permit from the local authorities having jurisdiction, is in violation of the state fireworks law. [Fireworks, Regulation 128, filed 6/1/62.]

**WAC 212-16-755 Transportation—Labels.** All packages of fireworks which do not bear the Washington state fire marshal's seal of registration and classification label, are classified by statute as dangerous fireworks and are subject to all of the provisions and restrictions of the state fireworks law and these rules and regulations. [Fireworks, Regulation 129, filed 6/1/62.]

**WAC 212-16-760 Transportation—Bills of lading.** RCW 70.77.470 requires that each bill of lading, manifest, and invoice issued to cover sales or shipment of fireworks shall bear the license or registration number of both the seller or shipper and buyer or receiver. Import/export licensees shall strictly observe this requirement except that license number of an out-of-state buyer or receiver shall not be required. [Fireworks, Regulation 130, filed 6/1/62.]

**WAC 212-16-765 Transportation—Test samples.** Prepaid shipments marked "Test samples for Washington state fire marshal" may be accepted for shipment direct to the state fire marshal's laboratory without license or registration numbers. [Fireworks, Regulation 131, filed 6/1/62.]

**WAC 212-16-770 Transportation—Custom bond.** Fireworks imported into Washington, when transported by public carrier to destinations outside of Washington without being released from custom bond within this state, are exempt from classification and labeling but are subject to all of the other provisions and restrictions applicable to dangerous fireworks. [Fireworks, Regulation 132, filed 6/1/62.]

**WAC 212-16-775 Transportation—Personnel.** All employees who handle or transport fireworks shall be instructed in the hazards of explosives and shall be made familiar with these rules and the safety precautions governing fireworks and explosives. [Fireworks, Regulation 133, filed 6/1/62.]

**WAC 212-16-780 Transportation—Smoking and fire.** Smoking shall be prohibited in all portions of the premises or locations where fireworks are being loaded, unloaded or transhipped. [Fireworks, Regulation 134, filed 6/1/62.]

**WAC 212-16-785 Transportation—Fire nuisance.** The premises where fireworks are loaded, unloaded, transhipped and/or stored, shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance." The "Rules for handling, storing, delivering and shipping explosives" recommended by the Institute of Makers of Explosives, New York, New York, and published as its Pamphlet No. 5, Copyright of 1948, are hereby adopted as being a part of these rules and regulations. Reference is made to Bureau of Explosive Pamphlet No. 6, revised

November 1, 1941, governing fireworks shipments by rail. [Fireworks, Regulation 135, filed 6/1/62.]

**WAC 212-16-800 Storage—General.** Storage of fireworks shall be free from any condition which increases or may cause an increase of the hazard or menace of fire or explosion or which may obstruct, delay or hinder, or may become the cause of any obstruction, delay or hindrance, to the prevention or extinguishment of fire. [Fireworks, Regulation 136, filed 6/1/62.]

**WAC 212-16-805 Storage—Explosive safety practices.** The Code for the Manufacture, Transportation, and Storage of Fireworks, NFPA No. 44A, 1974, is hereby adopted as a part of these rules and regulations and shall govern practices relating to transporting or storing of fireworks. [Order FM R 76-1, § 212-16-805, filed 5/18/76; Fireworks, Regulation 137, filed 6/1/62.]

**WAC 212-16-810 Storage—Supervision.** A competent adult shall be in charge of all fireworks storage and be responsible for maintaining safe conditions. [Fireworks, Regulation 138, filed 6/1/62.]

**WAC 212-16-815 Storage—Personnel.** All employees who handle or transport fireworks shall be instructed in the hazards of explosives and shall be made familiar with these rules and the safety precautions governing fireworks and explosives. [Fireworks, Regulation 139, filed 6/1/62.]

**WAC 212-16-820 Storage—Smoking and fire.** Smoking shall be prohibited in all portions of the premises or locations where fireworks are being loaded, unloaded, transhipped and/or stored. [Fireworks, Regulation 140, filed 6/1/62.]

**WAC 212-16-825 Storage—"No Smoking" signs.** Approved "No Smoking" signs shall be posted at all locations where fireworks are stored. Each sign shall have the words "No Smoking by Order of the State Fire Marshal" in red letters not less than two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in a legible condition. [Fireworks, Regulation 141, filed 6/1/62.]

**WAC 212-16-830 Storage—Fire nuisance.** The premises where fireworks are loaded, unloaded, transhipped and/or stored, shall be maintained in a clean, neat and orderly condition at all times, and be free from any condition that would create a "fire nuisance," as defined in RCW 70.77.165. [Fireworks, Regulation 142, filed 6/1/62.]

**WAC 212-16-845 Special effects—Scope.** These special regulations relating to the use of pyrotechnics by television, theatrical and motion picture special effects personnel are in addition to all other provisions of these rules and regulations and shall apply with equal force and effect. [Fireworks, Regulation 143, filed 6/1/62.]

**WAC 212-16-850 Special effects—Basic requirements.** The use, transportation and storage of all special effects fireworks, pyrotechnics, explosives and/or blasting agents shall comply with the requirements and provisions of the state fireworks law, Title 46 RCW (Motor Vehicles) and these rules and regulations. [Fireworks, Regulation 144, filed 6/1/62.]

**WAC 212-16-855 Special effects—Magazines.** (1) Special effects magazines shall be used exclusively for the storage of special effects fireworks, pyrotechnics, explosives and/or blasting agents. Magazines shall not be used for any other purpose such as making up primers and fuse, loading flash or smoke charges and similar activities, when in use for storage purposes.

(2) Portable magazines of the chest type used for storage of television studio and theater special effects pyrotechnic items restricted to bullet hits, flash sheet and composition and smoke composition shall be substantially constructed of 2" thick lumber or other equal protective material as determined by the fire authority having responsibility or shall consist of a one hour fire rated cabinet or other approved storage. Such magazines shall be kept locked at all times excepting when supplies are being withdrawn or replenished.

(3) Location boxes shall be provided for use by special effects pyrotechnic operators working on sets and locations to carry working quantities of pyrotechnic and explosive items. These location boxes shall be fitted with a hinged cover and lock and kept closed except when necessary to remove or replace contents.

(4) No special effects pyrotechnic items or explosives other than blank cartridges may be carried on the person. [Fireworks, Regulation 145, filed 6/1/62.]

**WAC 212-16-860 Special effects—Quantities.** The quantities of special effects materials removed from magazines of every class shall be limited to the least amount necessary for immediate use. Under no condition shall any surplus or excess be permitted to remain outside a magazine or a location box. [Fireworks, Regulation 146, filed 6/1/62.]

**WAC 212-16-865 Special effects—Preparation.** (1) All pyrotechnic powders shall be mixed either by the licensed fireworks manufacturer supplying them or under the control of the licensed pyrotechnic operator employed by the company. All mixing shall be done at a place and under conditions designated by the local authority having jurisdiction. This provision applies equally to the preparation of all other pyrotechnic and explosive items.

(2) All tools, scoops and devices used in loading and handling pyrotechnic powders and explosives and blasting agents shall be made of non-ferrous material.

(3) Smoke composition shall not be loaded directly into metal containers, without heat insulating liners. [Fireworks, Regulation 147, filed 6/1/62.]

**WAC 212-16-870 Special effects—Mortars.** Explosion and flash mortars shall be made of steel plate or tubing having a thickness proportional to the strength of

explosive used and in every case sufficient to prevent distortion in service. Tube mortars for firing aerial pyrotechnic and fireworks shells or for cannon effects shall conform to requirements of these rules and regulations. [Fireworks, Regulation 148, filed 6/1/62.]

**WAC 212-16-875 Special effects—Flash charges.** (1) Pan type flash mortars shall be made of iron or steel not less than 1/8" thick or 6" in any dimension having a 2" minimum depth with 45° angle sides, or other approved design.

(2) The use of converted switch boxes for special effects flash powder mortars shall be prohibited.

(3) Where flash powder charges or sheets are used, the individual amount shall not exceed that which the licensed pyrotechnic operator in charge knows by his own experience is safe for the instant specific working conditions, taking into account sheet position, and exposure of flammable material and persons on the set or stage. [Fireworks, Regulation 149, filed 6/1/62.]

**WAC 212-16-880 Special effects—Electric firing circuits.** Connecting any electric firing circuit to any power supply, whether battery or other, excepting only a test galvanometer equipped with a silver chloride battery, is prohibited until all special effects fireworks, pyrotechnics and explosives in the sequence are connected to firing leads and are cleared for actual firing. [Fireworks, Regulation 150, filed 6/1/62.]

**WAC 212-16-885 Special effects—Power sources.** Power sources for firing special effects fireworks, pyrotechnics and explosives shall be restricted to batteries or individually isolated, ungrounded generators used for firing purposes only. Under no condition may commercial or house power circuits be used for this purpose. [Fireworks, Regulation 151, filed 6/1/62.]

**WAC 212-16-890 Special effects—Shunts.** Short circuiting shunts shall be maintained on all electrically fired pyrotechnic items during preparatory operations including loading, setting and adjustment. [Fireworks, Regulation 152, filed 6/1/62.]

**WAC 212-16-895 Special effects—Firing safeguards.** (1) All firing switches, including battery and power circuit types, shall be designed or altered to insure against accidental firing by providing: (a) an automatic short circuiting shunt across the firing leads until the switch is intentionally thrown to the firing position, and (b) an automatic positive disconnection when the switch is released by the operator. Firing boxes shall be designed to prevent firing unless the switch(es) is manually operated.

The foregoing requirements shall not apply to acceptable firing boards. [Fireworks, Regulation 153, filed 6/1/62.]

**WAC 212-16-900 Special effects—Circuit tests.** All electrically fired pyrotechnic circuits shall be tested with an approved blasting galvanometer equipped with a

silver chloride battery. [Fireworks, Regulation 154, filed 6/1/62.]

**WAC 212-16-905 Special effects—Water locations.** Each explosive charge set in or on water, either salt or fresh, shall be fired by an individual two wire circuit. [Fireworks, Regulation 155, filed 6/1/62.]

**WAC 212-16-910 Special effects—Sight firing.** No special effects pyrotechnic item shall be fired unless it is in full view of the pyrotechnic operator or his assistant, at the time the pyrotechnic operator discharges it. [Fireworks, Regulation 156, filed 6/1/62.]

**WAC 212-16-950 Repeal of other regulations.** All rules and regulations adopted by the state fire marshal relating to fireworks, in existence on January 1, 1962, are hereby repealed. [Fireworks, Regulation 157, filed 6/1/62.]

**Chapter 212-20 WAC**

**MODEL AND EXPERIMENTAL ROCKETRY**

**WAC**

212-20-010	Definitions.
212-20-020	Licenses, permits, and fees.
212-20-030	Supervision.
212-20-040	Model rocket engines—Sale, consignment, and shipment.
212-20-050	Launching site procedures.
212-20-060	Public view.
212-20-070	Necessity of complying with rules of aeronautics commission.
212-20-080	Penalties.

**WAC 212-20-010 Definitions.** The following definitions apply to this regulation: (1) "Fireworks regulations"—those regulations denominated "Rules and regulations of the state fire marshal relating to fireworks" adopted by the Washington state fire marshal effective June 6, 1962.

(2) "Model rocketry"—That form of amateur rocketry involving the firing of ballistic models that ascend into the air without use of aerodynamic lifting forces against gravity; that are propelled by means of a model rocket engine; that include a recovery device which returns them safely to the ground in a condition to fly again, and that contain no substantial metallic parts. No model rocket shall exceed a gross or launching weight of 16 ounces, including the weight of the model rocket engine. Contrivances of an inflammable or explosive nature, the primary purpose of which is the production of a spectacular display of color, sound, light, or any combination thereof, shall not be considered to be model rockets and their use shall not be considered within the definition of model rocketry.

(3) "Model rocket engine"—A solid propellant rocket engine produced by a commercial manufacturer in which all chemical ingredients of a combustible nature are pre-mixed and ready for use, and whose weight, including the casing, does not exceed 4 ounces.

(4) "Experimental rocketry"—All forms of amateur rocketry not within the meaning of section (2) above.

(5) "Certified amateur rocketry coordinator"—An adult certified by the Washington state aeronautics commission as being qualified to supervise persons engaged in the pursuit of experimental or model rocketry, and who has been granted a pyrotechnic operator's rockets first class license by the state fire marshal.

(6) "Certified model rocketry coordinator"—An adult certified by the Washington state aeronautics commission as being qualified to supervise persons engaged in the pursuit of model rocketry, and who has been granted a pyrotechnic operator's rockets second class or first class license by the state fire marshal.

(7) "Model rocket engine manufacturer"—A manufacturer of model rocket engines, defined in section (3) above, who is not otherwise engaged in the manufacture of fireworks. [Section I, filed 8/6/63.]

**WAC 212-20-020 Licenses, permits, and fees.** (1) The governing body of a city or county shall charge no fee for the issuance to a certified amateur rocketry coordinator of a permit to make, construct, fabricate, produce, possess, and discharge an experimental rocket.

(2) The state fire marshal shall charge no fee for the issuance to a certified amateur or model rocket coordinator of an importer's license to import model rocket engines.

(3) The governing body of a city or county shall charge no fee for the issuance of a permit to import, possess, or discharge model rocket engines.

(4) A model rocket engine manufacturer shall be duly licensed as a manufacturer of fireworks in all respects except as to the payment of the fee. Such a manufacturer shall pay a fee of \$500, or 2 percent of its gross sales within the state of Washington for the license year, whichever amount is less. Such a manufacturer shall make a deposit of \$500 with the state fire marshal at the time that the license is requested and shall certify to the state fire marshal the amount of its gross sales in the state of Washington at the end of the license period so that proper refund, if any, of such deposit can be made. [Regulation IV, V, VI, and VIII, filed 8/6/63.]

**WAC 212-20-030 Supervision.** (1) Experimental rocketry shall be conducted only under the supervision of a certified amateur rocketry coordinator.

(2) Model rocketry shall be conducted only under the supervision of a certified amateur or model rocket coordinator.

(3) All launching of experimental rockets or missiles shall be under the direct supervision of a certified amateur rocketry coordinator and shall be conducted only from sites approved by the Washington state aeronautics commission. All launchings of model rockets or missiles shall be under the direct supervision of a certified amateur or model rocketry coordinator and shall be conducted only from sites approved by the Washington state aeronautics commission.

(4) The certified amateur or model rocketry coordinator shall be responsible for the transportation and storage of all model rocket engine units. A certified amateur rocketry coordinator shall be responsible for the transportation and storage of all combustible materials

used in the formulation of fuels for experimental rockets. The transportation and storage of these items shall conform to the standards established in the fireworks regulations for the transportation and storage of dangerous fireworks generally. [Regulations II, III, IX, and XI, filed 8/6/63.]

**WAC 212-20-040 Model rocket engines—Sale, consignment, and shipment.** Model rocket engines shall be sold, consigned, and shipped (other than through the normal channels for the shipment of dangerous fireworks) only to a certified coordinator first class or second class. [Regulation VII, filed 8/6/63.]

**WAC 212-20-050 Launching site procedures.** The launching site procedures of experimental rocketry shall conform with WAC 212-16-595. The model rocketry launching procedures for each launch site shall be developed and approved by a certified amateur or model rocketry coordinator. [Regulation X, filed 8/6/63.]

**WAC 212-20-060 Public view.** The public shall not be invited to view the launching of experimental rockets. Whenever the public is invited to view the launching of model rockets, all provisions of the fireworks regulations relating to the public display of dangerous fireworks shall apply, including all license and permit fees, and the requirements of a surety bond or liability policy pursuant to RCW 70.77.285 and 70.77.295. [Regulation XII, filed 8/6/63.]

**WAC 212-20-070 Necessity of complying with rules of aeronautics commission.** All model and experimental rocket procedures shall fully comply with all pertinent regulations adopted by the Washington state aeronautics commission. [Regulation XIII, filed 8/6/63.]

**WAC 212-20-080 Penalties.** Any person violating any of these rules and regulations is subject to RCW 70.77.540 and 70.77.545. (1) RCW 70.77.540 provides: Any person violating any of the provisions of this chapter or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

(2) RCW 70.77.545 provides: A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to this chapter. [Regulation XIV, filed 8/6/63.]

### Chapter 212-28 WAC HOSPITALS, STANDARDS FOR FIRE PROTECTION

<b>WAC</b>	
212-28-001	Purpose.
212-28-010	Definitions.
212-28-015	Applicability.
212-28-020	Compliance.

212-28-025	Inspection.
212-28-030	Approval.
212-28-035	Right of appeal.
212-28-040	Local requirements.
212-28-045	Standards.
212-28-050	Construction requirements.
212-28-055	Modernization or renovation.
212-28-060	Additions.
212-28-065	Mixed occupancies.
212-28-070	Design, operation.
212-28-075	Compartmentation.
212-28-080	Smoke detection.
212-28-085	Fire alarm.
212-28-090	Sprinkler protection.
212-28-095	Fire and evacuation plan.
212-28-100	Fire drills.
212-28-105	Equipment maintenance.
212-28-110	Separability.

**WAC 212-28-001 Purpose.** The purpose of this regulation is to establish minimum fire and life safety standards necessary for obtaining fire marshal approval for facilities licensed as hospitals by the department of social and health services. [Order FM-77-4, § 212-28-001, filed 12/8/77.]

**WAC 212-28-010 Definitions.** The following definitions shall apply to this regulation:

(1) "Hospital", an institution, place, building or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more for observation, diagnosis or care, of two or more individuals not related to the operator, who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this regulation does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, maternity homes, psychiatric hospitals, nor any other hospital or institution specifically intended for use for the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental condition. (2) "Licensing agency", the Washington state department of social and health services.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Fire chief", the chief of the fire department providing fire protection services to the hospital.

(6) "State Building Code Act", chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county. [Order FM-77-4, § 212-28-010, filed 12/8/77.]

**WAC 212-28-015 Applicability.** This regulation applies to all facilities licensed or contemplating licensing as hospitals by the department of social and health services. [Order FM-77-4, § 212-28-015, filed 12/8/77.]

**WAC 212-28-020 Compliance.** All facilities licensed as hospitals shall comply with the provisions of this regulation. [Order FM-77-4, § 212-28-020, filed 12/8/77.]

**WAC 212-28-025 Inspection.** The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed to effect the corrective measures, a reinspection shall be made to determine compliance. [Order FM-77-4, § 212-28-025, filed 12/8/77.]

**WAC 212-28-030 Approval.** Upon the completion of the inspection, if the facility is in reasonable compliance with the applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency. [Order FM-77-4, § 212-28-030, filed 12/8/77.]

**WAC 212-28-035 Right of appeal.** A facility aggrieved by the corrective orders of the state fire marshal or his authorized representative may appeal to the state fire marshal within five days of the order. If the state fire marshal confirms the order, it shall remain in force. [Order FM-77-4, § 212-28-035, filed 12/8/77.]

**WAC 212-28-040 Local requirements.** All hospitals shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official. [Order FM-77-4, § 212-28-040, filed 12/8/77.]

**WAC 212-28-045 Standards.** The following standards shall be applicable to all hospitals built or licensed after the effective date of this regulation. Hospitals licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at the time of licensing, provided continued use does not compromise patient safety, and the use and maintenance standards of this regulation. [Order FM-77-4, § 212-28-045, filed 12/8/77.]

**WAC 212-28-050 Construction requirements.** New construction or major remodeling shall comply with the Group I, Division 1 requirements of the 1976 Uniform Building Code. [Order FM-77-4, § 212-28-050, filed 12/8/77.]

**WAC 212-28-055 Modernization or renovation.** No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction. [Order FM-77-4, § 212-28-055, filed 12/8/77.]

**WAC 212-28-060 Additions.** Any addition shall be separated from any existing nonconforming structure by a noncombustible or limited-combustible fire partition having at least a two hour fire resistance rating. Communications in dividing fire partitions shall occur only in corridors and shall be protected by approved self-closing doors. [Order FM-77-4, § 212-28-060, filed 12/8/77.]

**WAC 212-28-065 Mixed occupancies.** Sections of hospitals not providing customary services such as housing or treatment may be classified as other occupancies, if adequately separated by construction having a fire resistance rating of at least two hours and not interfering with the required means of egress from the hospital. [Order FM-77-4, § 212-28-065, filed 12/8/77.]

**WAC 212-28-070 Design, operation.** All hospitals shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency requiring the evacuation of patients. The protection of patients from fire shall be provided by appropriate arrangement of facilities, adequate staffing and careful development of operating and maintenance procedures composed of the following: (1) Proper design, construction and compartmentation; (2) provision for detection, alarm and extinguishment; and (3) fire prevention and the planning, training and drilling in programs for the isolation of fire, transfer of patients to areas of refuge or evacuation of the building. [Order FM-77-4, § 212-28-070, filed 12/8/77.]

**WAC 212-28-075 Compartmentation.** Every story used by inpatients for sleeping or treatment or any story having an occupant load of fifty or more persons, shall be divided into at least two compartments by smoke partitions having a fire resistance of at least one hour. No compartment shall contain more than 22,500 square feet or be over 150 feet in length or width. EXCEPTION: Protection may be accomplished in conjunction with the provision of horizontal exits. [Order FM-77-4, § 212-28-075, filed 12/8/77.]

**WAC 212-28-080 Smoke detection.** An approved, automatic smoke detection system shall be installed in all corridors. Detectors shall not be spaced further than thirty feet apart or more than fifteen feet from any wall, and shall be electrically interconnected with the fire alarm system. EXCEPTION: Where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition and horizontal exits, such corridor systems will



not be required on the patient sleeping room floors. [Order FM-77-4, § 212-28-080, filed 12/8/77.]

**WAC 212-28-085 Fire alarm.** Every hospital shall have an approved electrically supervised manual fire alarm system. Operation of any fire alarm activating device shall automatically, without delay, accomplish general alarm indication and sound an audible alarm in the affected fire zone. Coded systems shall be permitted. The fire alarm system shall be so arranged to transmit an alarm automatically to the fire department legally committed to serve the area in which the hospital is located, by the most direct and reliable method, approved by the fire chief. [Order FM-77-4, § 212-28-085, filed 12/8/77.]

**WAC 212-28-090 Sprinkler protection.** Complete, approved automatic fire extinguishing protection shall be provided throughout all hospitals. The main sprinkler control valve(s) shall be electrically supervised and the system electrically interconnected with the fire alarm system. The fire department connection shall be located as directed by the fire chief. **EXCEPTION:** In hospitals of fire resistive construction the automatic fire extinguishing system may be omitted from operating rooms, X-ray rooms, delivery rooms, cardiac and intensive care rooms and patient sleeping rooms not exceeding six hundred square feet in area when each such room is provided with smoke detectors, electrically interconnected with the fire alarm system. [Order FM-77-4, § 212-28-090, filed 12/8/77.]

**WAC 212-28-095 Fire and evacuation plan.** The administration of every hospital shall have in effect and available to all supervisory personnel written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. [Order FM-77-4, § 212-28-095, filed 12/8/77.]

**WAC 212-28-100 Fire drills.** At least twelve fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions except that the movement of infirm or bed-ridden patients to safe areas is not required. [Order FM-77-4, § 212-28-100, filed 12/8/77.]

**WAC 212-28-105 Equipment maintenance.** Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item of equipment required by this regulation or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturers'

recommendations and/or at sufficient intervals to assure reliability. Records of all tests and inspections shall be maintained for review. Tests and inspections shall be under the supervision of a responsible person. [Order FM-77-4, § 212-28-105, filed 12/8/77.]

**WAC 212-28-110 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-4, § 212-28-110, filed 12/8/77.]

## Chapter 212-32 WAC

### NURSING HOMES, STANDARDS FOR FIRE PROTECTION

#### WAC

212-32-001	Purpose.
212-32-005	Definitions.
212-32-010	Applicability.
212-32-015	Compliance.
212-32-020	Inspection.
212-32-025	Approval.
212-32-030	Right of appeal.
212-32-035	Local requirements.
212-32-040	Standards.
212-32-045	Construction requirements.
212-32-050	Modernization or renovation.
212-32-055	Additions.
212-32-060	Mixed occupancies.
212-32-065	Design, operation.
212-32-070	Compartmentation.
212-32-075	Smoke detection.
212-32-080	Fire alarm.
212-32-085	Sprinkler protection.
212-32-090	Fire and evacuation plan.
212-32-095	Fire drills.
212-32-100	Equipment maintenance.
212-32-105	Separability.

**WAC 212-32-001 Purpose.** The purpose of this regulation is to adopt recognized standards for the protection of life against the cause and spread of fire and fire hazards pursuant to RCW 18.51.140, with respect to all facilities to be licensed as nursing homes. [Order FM-77-3, § 212-32-001, filed 12/8/77.]

**WAC 212-32-005 Definitions.** The following definitions shall apply to this regulation:

(1) "Nursing home", means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves, or as further defined or limited by RCW 18.51.010.

(2) "Ambulatory", physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(3) "Mobile nonambulatory", capable of taking appropriate action for self-preservation under emergency conditions but not necessarily able to walk or traverse stairs.

(4) "Nonambulatory", unable, because of physical and/or mental condition or restraint, to take appropriate action for self-preservation under emergency conditions.

(5) "Licensing agency", the Washington state department of social and health services.

(6) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(7) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(8) "Fire chief", the chief of the fire department providing fire protection services to the nursing home.

(9) "State Building Code Act", chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county. [Order FM-77-3, § 212-32-005, filed 12/8/77.]

**WAC 212-32-010 Applicability.** This regulation applies to all facilities licensed or subject to licensure as nursing homes by the department of social and health services. [Order FM-77-3, § 212-32-010, filed 12/8/77.]

**WAC 212-32-015 Compliance.** All facilities licensed as nursing homes shall comply with the provisions of this regulation. EXCEPTION: Facilities certified as meeting the fire and life safety requirements for skilled nursing facilities pursuant to Titles 18 and 19 of the Social Security Act 42 U.S.C., shall be accepted as meeting the fire and life safety standards of this regulation. [Order FM-77-3, § 212-32-015, filed 12/8/77.]

**WAC 212-32-020 Inspection.** The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed to effect the corrective measures, a reinspection shall be made to determine compliance. [Order FM-77-3, § 212-32-020, filed 12/8/77.]

**WAC 212-32-025 Approval.** Upon the completion of the inspection, if the facility is in reasonable compliance with applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency. [Order FM-77-3, § 212-32-025, filed 12/8/77.]

**WAC 212-32-030 Right of appeal.** A facility aggrieved by the corrective orders of the state fire marshal or his authorized representative may appeal to the state fire marshal within five days of the order. If the state fire marshal confirms the order, it shall remain in force. [Order FM-77-3, § 212-32-030, filed 12/8/77.]

**WAC 212-32-035 Local requirements.** All nursing homes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official. [Order FM-77-3, § 212-32-035, filed 12/8/77.]

**WAC 212-32-040 Standards.** The following standards shall be applicable to all nursing homes built or licensed after the effective date of this regulation. Nursing homes licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at this time of licensing, provided continued use does not compromise patient safety, and the use and maintenance standards of this regulation. [Order FM-77-3, § 212-32-040, filed 12/8/77.]

**WAC 212-32-045 Construction requirements.** New construction or major remodeling shall comply with the Group I, Division 1 requirements of the 1976 Uniform Building Code, or to Group I, Division 2, if occupancy is limited to ambulatory patients. EXCEPTION: Single story nursing homes housing not more than fifteen ambulatory or mobile nonambulatory developmentally disabled persons shall conform to the Lodging and Rooming House Section of the 1976 Life Safety Code, National Fire Protection Association publication #101, and the "R" (residential) Occupancy Section of the 1976 Uniform Building Code. If any of the residents are other than ambulatory, the building shall also be equipped with an automatic sprinkler system throughout. If occupancy is limited to ambulatory persons, direct means of egress to the outside, such as doors or emergency escape windows, shall be provided from each sleeping room, and an automatic fire detection system, including smoke detectors in each sleeping room and all public areas, may be substituted in lieu of sprinkler protection. [Order FM-77-3, § 212-32-045, filed 12/8/77.]

**WAC 212-32-050 Modernization or renovation.** No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level or new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction. [Order FM-77-3, § 212-32-050, filed 12/8/77.]

**WAC 212-32-055 Additions.** Any addition shall be separated from any existing nonconforming structure by a noncombustible or limited-combustible fire partition having at least a two hour fire resistance rating. Communications in dividing fire partitions shall occur only in

corridors and shall be protected by approved self-closing doors. [Order FM-77-3, § 212-32-055, filed 12/8/77.]

**WAC 212-32-060 Mixed occupancies.** Sections of nursing homes not providing customary services such as housing or treatment may be classified an [as] other occupancies, if adequately separated by construction having a fire resistance rating of at least two hours and not interfering with the required means of egress from the nursing home. [Order FM-77-3, § 212-32-060, filed 12/8/77.]

**WAC 212-32-065 Design, operation.** All nursing homes shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency requiring the evacuation of patients. The protection of patients from fire shall be provided by appropriate arrangement of facilities, adequate staffing and careful development of operating and maintenance procedures composed of the following: (1) Proper design, construction and compartmentation; (2) provision for detection, alarm and extinguishment; and (3) fire prevention and the planning, training and drilling programs for the isolation of fire, transfer of patients to areas of refuge or evacuation of the building. [Order FM-77-3, § 212-32-065, filed 12/8/77.]

**WAC 212-32-070 Compartmentation.** Every story used by inpatients for sleeping or treatment or any story having an occupant load of fifty or more persons, shall be divided into at least two compartments by smoke partitions having a fire resistance of at least one hour. No one compartment shall contain more than twenty-two thousand five hundred square feet or be over one hundred fifty feet in length or width. **EXCEPTION:** Protection may be accomplished in conjunction with the provision of horizontal exits. [Order FM-77-3, § 212-32-070, filed 12/8/77.]

**WAC 212-32-075 Smoke detection.** An approved, automatic smoke detection system shall be installed in all corridors. Detectors shall not be spaced further than thirty feet apart or more than fifteen feet from any wall, and shall be electrically interconnected with the fire alarm system. **EXCEPTION:** Where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition and horizontal exits, such corridor systems will not be required on the patient sleeping room floors. [Order FM-77-3, § 212-32-075, filed 12/8/77.]

**WAC 212-32-080 Fire alarm.** Every nursing home shall have an approved electrically supervised manual fire alarm system. Operation of any fire alarm activating device shall automatically, without delay, accomplish general alarm indication and sound an audible alarm in the affected fire zone. Coded systems shall be permitted. The fire alarm system shall be arranged to transmit an alarm automatically to the fire department legally committed to serve the area in which the nursing home is

located, by the most direct and reliable method, approved by the fire chief. [Order FM-77-3, § 212-32-080, filed 12/8/77.]

**WAC 212-32-085 Sprinkler protection.** Complete, approved automatic fire extinguishing protection shall be provided throughout all nursing homes. The main sprinkler control valve(s) shall be electrically supervised and the system electrically interconnected with the fire alarm system. The fire department connection shall be located as directed by the fire chief. [Order FM-77-3, § 212-32-085, filed 12/8/77.]

**WAC 212-32-090 Fire and evacuation plan.** The administration of every nursing home shall have in effect and available to all supervisory personnel written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. [Order FM-77-3, § 212-32-090, filed 12/8/77.]

**WAC 212-32-095 Fire drills.** At least twelve fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions, except that the movement of infirm or bedridden patients to safe areas is not required. [Order FM-77-3, § 212-32-095, filed 12/8/77.]

**WAC 212-32-100 Equipment maintenance.** Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item or equipment required by this regulation or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturers recommendations and/or at sufficient intervals to assure reliability. Records of all tests and inspections shall be maintained for review. Tests and inspections shall be under the supervision of a responsible person. [Order FM-77-3, § 212-32-100, filed 12/8/77.]

**WAC 212-32-105 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-32-105, filed 12/8/77.]

## Chapter 212-36 WAC

### BOARDING HOMES, STANDARDS FOR FIRE PROTECTION

<b>WAC</b>	
212-36-001	Purpose.
212-36-005	Definitions.

212-36-010	Applicability.
212-36-015	Compliance.
212-36-020	Inspection.
212-36-025	Approval.
212-36-030	Right of appeal.
212-36-035	Local requirements.
212-36-040	Standards.
212-36-045	Construction requirements.
212-36-050	Modernization or renovation.
212-36-055	Additions.
212-36-060	Mixed occupancies.
212-36-065	Design, operation.
212-36-070	Number of exits, separation.
212-36-075	Smoke detection.
212-36-080	Fire alarm.
212-36-085	Fire and evacuation plan.
212-36-090	Fire drills.
212-36-095	Equipment maintenance.
212-36-100	Separability.

**WAC 212-36-001 Purpose.** The purpose of this regulation is to adopt recognized standards for the protection of life against the cause and spread of fire and fire hazards pursuant to RCW 18.20.130, with respect to all facilities to the licensed as boarding homes. [Order FM-77-3, § 212-36-001, filed 12/8/77.]

**WAC 212-36-005 Definitions.** The following definitions shall apply to this regulation:

(1) "Boarding home", means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof.

(2) "Ambulatory", physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(3) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(4) "Infirmity" means a disability which materially limits normal activity but does not cause an individual to need inpatient medical or nursing care of a type provided by institutions licensed under the provisions of chapters 18.46, 18.51, 70.41 or 71.12 RCW. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, developmental disability, chemical addiction or habitual or mental confusion, disability or disturbance.

(5) "Licensing agency", the Washington state department of social and health services.

(6) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(7) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire

Code, adopted by reference by the State Building Code Act.

(8) "Fire chief", the chief of the fire department providing fire protection services to the boarding home.

(9) "State Building Code Act", chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county. [Order FM-77-3, § 212-36-005, filed 12/8/77.]

**WAC 212-36-010 Applicability.** This regulation applies to all facilities licensed or subject to licensure as boarding homes by the department of social and health services. [Order FM-77-3, § 212-36-010, filed 12/8/77.]

**WAC 212-36-015 Compliance.** All facilities licensed as boarding homes shall comply with the provisions of this regulation. [Order FM-77-3, § 212-36-015, filed 12/8/77.]

**WAC 212-36-020 Inspection.** The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed to effect the corrective measures, a reinspection shall be made to determine compliance. [Order FM-77-3, § 212-36-020, filed 12/8/77.]

**WAC 212-36-025 Approval.** Upon completion of the inspection, if the facility is in reasonable compliance with the applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency. [Order FM-77-3, § 212-36-025, filed 12/8/77.]

**WAC 212-36-030 Right of appeal.** A facility aggrieved by the corrective orders of the state fire marshal or his authorized representative may appeal to the state fire marshal within five days of the order. If the state fire marshal confirms the order, it shall remain in force. [Order FM-77-3, § 212-36-030, filed 12/8/77.]

**WAC 212-36-035 Local requirements.** All boarding homes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official. [Order FM-77-3, § 212-36-035, filed 12/8/77.]

**WAC 212-36-040 Standards.** The following standards shall be applicable to all boarding homes built or licensed after the effective date of this regulation. Boarding homes licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at the time of licensing, provided continued use does not compromise resident safety, and

the use and maintenance standards of this regulation. [Order FM-77-3, § 212-36-040, filed 12/8/77.]

**WAC 212-36-045 Construction requirements.** New construction shall comply with the 1976 Uniform Building Code - Group R, Division 1, for basic construction and the Group I exit requirements of chapter 33, plus the additional standards as contained in this regulation. [Order FM-77-3, § 212-36-045, filed 12/8/77.]

**WAC 212-36-050 Modernization or renovation.** No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction. [Order FM-77-3, § 212-36-050, filed 12/8/77.]

**WAC 212-36-055 Additions.** Any addition shall be separated from any existing nonconforming structure by a noncombustible or limited-combustible fire partition. Communications in dividing fire partitions shall occur only in corridors and shall be protected by approved self-closing doors. [Order FM-77-3, § 212-36-055, filed 12/8/77.]

**WAC 212-36-060 Mixed occupancies.** Sections of boarding homes not providing customary services such as board or domiciliary care may be classified as other occupancies, if adequately separated by fire-resistive construction and not interfering with the required means of egress from the boarding home. [Order FM-77-3, § 212-36-060, filed 12/8/77.]

**WAC 212-36-065 Design, operation.** All boarding homes shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency endangering the residents. The protection of residents from fire shall be provided by appropriate arrangement of facilities, adequate staffing and careful development of operating and maintenance procedures composed of the following: (1) Proper design, construction and separation; (2) provision for detection, alarm and evacuation; and (3) fire prevention and the planning, training and drilling in programs for the notification of fire and the safe evacuation of residents from the building. [Order FM-77-3, § 212-36-065, filed 12/8/77.]

**WAC 212-36-070 Number of exits, separation.** At least two exits, located remote from each other, shall be provided from each resident-occupied floor. Walls of corridors shall be of not less than one hour fire-resistive construction and the ceilings shall be not less than that required for a one hour fire-resistive floor or roof system in other than fully sprinklered buildings. [Order FM-77-3, § 212-36-070, filed 12/8/77.]

**WAC 212-36-075 Smoke detection.** An approved, automatic smoke detection system shall be installed in

all corridors and in each room used for sleeping purposes. Corridor detectors shall not be spaced further than thirty feet apart or more than fifteen feet from any wall. The smoke detection system shall be electrically interconnected with the fire alarm system. [Order FM-77-3, § 212-36-075, filed 12/8/77.]

**WAC 212-36-080 Fire alarm.** Every boarding home shall have an approved electrically supervised manual fire alarm system. Operation of any fire alarm activating device shall automatically, without delay, accomplish general alarm indication and sound an audible alarm throughout the building or affected portion thereof. The fire alarm system shall be so arranged to transmit an alarm automatically to the fire department legally committed to serve the area in which the boarding home is located, by the most direct and reliable method, approved by the fire chief. [Order FM-77-3, § 212-36-080, filed 12/8/77.]

**WAC 212-36-085 Fire and evacuation plan.** The administration of every boarding home shall have in effect and available to all supervisory personnel written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. [Order FM-77-3, § 212-36-085, filed 12/8/77.]

**WAC 212-36-090 Fire drills.** At least twelve fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire condition except that evacuation of residents is not required. [Order FM-77-3, § 212-36-090, filed 12/8/77.]

**WAC 212-36-095 Equipment maintenance.** Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item of equipment required by this regulation or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturer's recommendations and/or at sufficient intervals to assure reliability. Records of all tests and inspections shall be maintained for review. Tests and inspections shall be under the supervision of a responsible person. [Order FM-77-3, § 212-36-095, filed 12/8/77.]

**WAC 212-36-100 Separability.** If any provision of this regulation or tis [its] application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not offered [affected]. [Order FM-77-3, § 212-36-100, filed 12/8/77.]

**Chapter 212-40 WAC**  
**PRIVATE ESTABLISHMENTS, STANDARDS FOR**  
**FIRE PROTECTION**

**WAC**

212-40-001	Purpose.
212-40-005	Definitions.
212-40-010	Applicability.
212-40-015	Compliance.
212-40-020	Inspection.
212-40-025	Approval.
212-40-030	Right of appeal.
212-40-035	Local requirements.
212-40-040	Standards.
212-40-045	Construction requirements.
212-40-050	Modernization or renovation.
212-40-055	Additions.
212-40-060	Mixed occupancies.
212-40-065	Design, operation.
212-40-070	Smoke detection.
212-40-075	Fire alarm.
212-40-080	Sprinkler protection.
212-40-085	Occupancy limitations.
212-40-090	Fire and evacuation plan.
212-40-095	Fire drills.
212-40-100	Equipment maintenance.
212-40-105	Separability.

**WAC 212-40-001 Purpose.** The purpose of this regulation is to adopt recognized standards for the protection of life against the cause and spread of fire and fire hazards pursuant to RCW 71.12.485, with respect to all facilities to be licensed as private establishments. [Order FM-77-3, § 212-40-001, filed 12/8/77.]

**WAC 212-40-005 Definitions.** The following definitions shall apply to this regulation:

(1) "Psychiatric hospital", an institution receiving and/or caring for any insane, alleged insane, mentally ill or other incompetent person requiring psychiatric treatment.

(2) "Alcoholism treatment facility", a facility operated primarily for the treatment of alcoholism, including alcoholism receiving and detoxification, alcoholism intensive treatment, alcoholism rehabilitative services and alcoholism domiciliary service.

(3) "Alcohol detoxification services", are those services required for the care and/or treatment of persons intoxicated or incapacitated by alcohol during the period in which the system is cleared of alcohol and the individual recovers from the transitory effects of intoxication. These include screening of intoxicated persons; detoxification of intoxicated persons; counseling of alcoholics regarding their illness to stimulate motivation to obtain further treatment and referral of detoxicated alcoholics to other appropriate alcoholism treatment programs.

(4) "Alcoholism intensive inpatient treatment services", are those services provided to the detoxified alcoholic in a residential setting which include, as a minimum, limited medical evaluation and health supervision, alcoholism education, organized individual and group counseling, discharged referral to necessary supportive services, and a client follow-through program after discharge.

(5) "Alcoholism recovery house services", is the provision of alcohol-free residential setting which provides social and recreational activities for detoxicated alcoholics to aid their adjustment to normal patterns of living and their engagement in occupational training, gainful employment or other types of normal community activities.

(6) "Alcoholism long term treatment services", is long term (ninety days or more) provision of a residential care setting with personal care services for alcoholics with impaired self-maintenance capabilities who need personal guidance and assistance to maintain sobriety and optimum health status.

(7) "Licensing agency", the Washington state department of social and health services.

(8) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(9) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(10) "Fire chief", the chief of the fire department providing fire protection services to the psychiatric hospital or alcoholism treatment facility.

(11) "State Building Code Act", chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county. [Order FM-77-3, § 212-40-005, filed 12/8/77.]

**WAC 212-40-010 Applicability.** This regulation applies to all facilities licensed or subject to licensure as psychiatric hospitals or alcoholism treatment facilities by the department of social and health services. [Order FM-77-3, § 212-40-010, filed 12/8/77.]

**WAC 212-40-015 Compliance.** All facilities licensed as psychiatric hospitals or alcoholism treatment facilities shall comply with the provisions of this regulation. [Order FM-77-3, § 212-40-015, filed 12/8/77.]

**WAC 212-40-020 Inspection.** The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed to effect the corrective measures, a reinspection shall be made to determine compliance. [Order FM-77-3, § 212-40-020, filed 12/8/77.]

**WAC 212-40-025 Approval.** Upon completion of the inspection, if the facility is in reasonable compliance with the applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency. [Order FM-77-3, § 212-40-025, filed 12/8/77.]

**WAC 212-40-030 Right of appeal.** A facility aggrieved by the orders of the state fire marshal or his authorized representative may appeal to the state fire marshal within five days of the order. If the state fire marshal confirms the order, it shall remain in force. [Order FM-77-3, § 212-40-030, filed 12/8/77.]

**WAC 212-40-035 Local requirements.** All psychiatric hospitals and alcoholism treatment facilities shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official. [Order FM-77-3, § 212-40-035, filed 12/8/77.]

**WAC 212-40-040 Standards.** The following standards shall be applicable to all psychiatric hospitals and alcoholism treatment facilities built or licensed after the effective date of this regulation. Psychiatric hospitals or alcoholism treatment facilities licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at the time of licensing, provided continued use does not compromise patient or resident safety, and the use and maintenance standards of this regulation. [Order FM-77-3, § 212-40-040, filed 12/8/77.]

**WAC 212-40-045 Construction requirements.** Psychiatric hospitals or alcoholic treatment facilities providing detoxification services shall comply with the nursing home standards, chapter 212-32 WAC.

Alcoholism treatment facilities limited to intensive inpatient treatment, alcoholism recovery house services or alcoholism long term treatment services shall comply with the requirements for hotels, as found in chapter 13, Uniform Building Code 1976 Edition. Facilities currently licensed as transient accommodations wishing to qualify for intensive inpatient treatment, alcoholism recovery house services or alcoholism long term treatment services need not meet any additional requirements, if in full compliance with chapter 212-52 WAC. [Order FM-77-3, § 212-40-045, filed 12/8/77.]

**WAC 212-40-050 Modernization or renovation.** No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements of new construction. [Order FM-77-3, § 212-40-050, filed 12/8/77.]

**WAC 212-40-055 Additions.** Any addition shall be separated from any existing nonconforming structure by a noncombustible or limited-combustible fire partition. Communications in dividing fire partitions shall occur

only in corridors and shall be protected by approved self-closing doors. [Order FM-77-3, § 212-40-055, filed 12/8/77.]

**WAC 212-40-060 Mixed occupancies.** Sections of psychiatric hospitals or alcoholism treatment facilities providing medical or nursing care shall be separated from sections limited to residential care by construction having a fire-resistance rating of at least one hour. [Order FM-77-3, § 212-40-060, filed 12/8/77.]

**WAC 212-40-065 Design, operation.** All psychiatric hospitals and alcoholism treatment facilities shall be so designed, constructed and operated as to minimize the possibility of a fire emergency endangering the residents or patients. The protection of residents or patients from fire shall be provided by appropriate arrangements of facilities, adequate staffing and careful development of operating and maintenance procedures composed of the following: (1) Proper design, construction and separation; (2) provision for detection, alarm and evacuation; and (3) fire prevention and planning, training and drilling in programs for the notification of fire and the safe evacuation of residents or patients from the building or affected fire area. [Order FM-77-3, § 212-40-065, filed 12/8/77.]

**WAC 212-40-070 Smoke detection.** An approved, automatic smoke detection system shall be installed in all corridors of psychiatric hospitals and alcoholism treatment facilities providing detoxification services. Detectors shall not be spaced further than thirty feet apart or more than fifteen feet from any wall, and shall be electrically interconnected with the fire alarm system. EXCEPTION: Where each patient sleeping room is protected by such an approved detection system and a local detector is provided at the smoke partition and horizontal exits, such corridor systems will not be required on the patient sleeping room floors.

Every room in alcoholism treatment facilities limited to intensive treatment, rehabilitative services or domiciliary service used for sleeping purposes shall be provided with smoke detectors conforming to U.B.C. Standard 43B. When activated, the detector shall provide an alarm in the sleeping room. [Order FM-77-3, § 212-40-070, filed 12/8/77.]

**WAC 212-40-075 Fire alarm.** An approved electrically supervised fire alarm system shall be installed in all psychiatric hospitals and alcoholism treatment facilities. EXCEPTION: Alcoholism treatment facilities limited to intensive inpatient treatment, alcoholism recovery house services or alcoholism long term treatment services in which each sleeping room has a direct exit to the outside and the building is not over three stories in height. [Order FM-77-3, § 212-40-075, filed 12/8/77.]

**WAC 212-40-080 Sprinkler protection.** All psychiatric hospitals and alcoholism treatment facilities providing alcohol detoxification services shall be equipped with an approved automatic sprinkler system. The main sprinkler control valve(s) shall be electrically supervised

and the system electrically interconnected with the fire alarm system. The fire department connection shall be located as directed by the fire chief. [Order FM-77-3, § 212-40-080, filed 12/8/77.]

**WAC 212-40-085 Occupancy limitations.** Occupancy of alcoholism treatment facilities providing intensive inpatient treatment, alcoholism recovery house services or alcoholism long term treatment services shall be limited to ambulatory or independently mobile persons. Independently mobile persons unable to traverse stairs shall not be housed above the first story unless the building is completely sprinklered. [Order FM-77-3, § 212-40-085, filed 12/8/77.]

**WAC 212-40-090 Fire and evacuation plan.** The administration of every psychiatric hospital or alcoholism treatment facility providing alcohol detoxification services shall have in effect and available to all supervisory personnel written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. [Order FM-77-3, § 212-40-090, filed 12/8/77.]

**WAC 212-40-095 Fire drills.** At least twelve drills shall be held every year in all psychiatric hospitals and alcoholism treatment facilities providing alcohol detoxification services. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions except that evacuation of patients is not required. [Order FM-77-3, § 212-40-095, filed 12/8/77.]

**WAC 212-40-100 Equipment maintenance.** Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item of equipment required by this regulation or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturer's recommendations and/or at sufficient intervals to assure reliability. Records of all tests and inspections shall be maintained for review. Tests and inspections shall be under the supervision of a responsible person. [Order FM-77-3, § 212-40-100, filed 12/8/77.]

**WAC 212-40-105 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-40-105, filed 12/8/77.]

## Chapter 212-44 WAC

### MATERNITY HOMES, STANDARDS FOR FIRE PROTECTION

#### WAC

212-44-001	Purpose.
212-44-005	Definitions.
212-44-010	Applicability.
212-44-015	Compliance.
212-44-020	Inspection.
212-44-025	Approval.
212-44-030	Right of appeal.
212-44-035	Local requirements.
212-44-040	Standards.
212-44-045	Construction requirements.
212-44-050	Modernization or renovation.
212-44-055	Additions.
212-44-060	Mixed occupancies.
212-44-065	Design, operation.
212-44-070	Compartmentation.
212-44-075	Smoke detection.
212-44-080	Fire alarm.
212-44-085	Sprinkler protection.
212-44-090	Fire and evacuation plan.
212-44-095	Fire drills.
212-44-100	Equipment maintenance.
212-44-105	Separability.

**WAC 212-44-001 Purpose.** The purpose of this regulation is to adopt recognized standards for the protection of life against the cause and spread of fire and fire hazards pursuant to RCW 18.46.110, with respect to all facilities to be licensed as maternity homes. [Order FM-77-3, § 212-44-001, filed 12/8/77.]

**WAC 212-44-005 Definitions.** The following definitions shall apply to this regulation:

(1) "Maternity home", means any home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: *Provided, however,* That this regulation shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(2) "Licensing agency", the Washington state department of social and health services.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Fire chief", the chief of the fire department providing fire protection services to the maternity home.

(6) "State Building Code Act", chapter 19.27 RCW, effective January 1, 1975, which establishes state-wide building and fire prevention codes and mandates enforcement by each city, town and county. [Order FM-77-3, § 212-44-005, filed 12/8/77.]



**WAC 212-44-010 Applicability.** This regulation applies to all facilities licensed or subject to licensure as maternity homes by the department of social and health services. [Order FM-77-3, § 212-44-010, filed 12/8/77.]

**WAC 212-44-015 Compliance.** All facilities licensed as maternity homes shall comply with the provisions of this regulation. [Order FM-77-3, § 212-44-015, filed 12/8/77.]

**WAC 212-44-020 Inspection.** The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed to effect the corrective measures, a reinspection shall be made to determine compliance. [Order FM-77-3, § 212-44-020, filed 12/8/77.]

**WAC 212-44-025 Approval.** Upon the completion of the inspection, if the facility is in reasonable compliance with the applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency. [Order FM-77-3, § 212-44-025, filed 12/8/77.]

**WAC 212-44-030 Right of appeal.** A facility aggrieved by the corrective orders of the state fire marshal or his authorized representative may appeal to the state fire marshal within five days of the order. If the state fire marshal confirms the order, it shall remain in force. [Order FM-77-3, § 212-44-030, filed 12/8/77.]

**WAC 212-44-035 Local requirements.** All maternity homes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code, as administered by the local building official and fire official. [Order FM-77-3, § 212-44-035, filed 12/8/77.]

**WAC 212-44-040 Standards.** The following standards shall be applicable to all maternity homes built or licensed after the effective date of this regulation. Maternity homes licensed prior to the effective date of this regulation shall be subject to the construction requirements in effect at the time of licensing, provided continued use does not compromise resident safety, and the use and maintenance standards of this regulation. [Order FM-77-3, § 212-44-040, filed 12/8/77.]

**WAC 212-44-045 Construction requirements.** Maternity homes, or portions thereof providing medical, obstetrical or nursing care shall comply with the minimum standards specified for hospitals. Maternity homes, or portions thereof, limited to residential care for women, may comply with the minimum standards specified for

boarding homes. (See chapter 212-28 WAC, Hospitals, Standards for Fire Protection, and/or chapter 212-36 WAC, Boarding homes, Standards for Fire Protection.) [Order FM-77-3, § 212-44-045, filed 12/8/77.]

**WAC 212-44-050 Modernization or renovation.** No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for construction. [Order FM-77-3, § 212-44-050, filed 12/8/77.]

**WAC 212-44-055 Additions.** Any addition shall be separated from any existing nonconforming structure by a noncombustible or limited-combustible fire partition. Communications in dividing fire partitions shall occur only in corridors and shall be protected by approved self-closing doors. [Order FM-77-3, § 212-44-055, filed 12/8/77.]

**WAC 212-44-060 Mixed occupancies.** Sections of maternity homes providing medical, obstetrical and nursing care shall be separated from sections limited to residential care by construction having a fire-resistance rating of at least one hour. [Order FM-77-3, § 212-44-060, filed 12/8/77.]

**WAC 212-44-065 Design, operation.** All maternity homes shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency endangering the residents or patients. The protection of residents or patients from fire shall be provided by appropriate arrangement of facilities, adequate staffing and careful development of operating and maintenance procedures composed of the following: (1) Proper design, construction and separation; (2) provision for detection, alarm and evacuation; and (3) fire prevention and the planning, training and drilling in programs for the notification of fire and the safe evacuation of residents or patients from the building or affected fire area. [Order FM-77-3, § 212-44-065, filed 12/8/77.]

**WAC 212-44-070 Compartmentation.** Maternity homes or portions thereof used for nursing, obstetrical or medical care shall be compartmented as for hospitals. (See WAC 212-28-075) [Order FM-77-3, § 212-44-070, filed 12/8/77.]

**WAC 212-44-075 Smoke detection.** An approved, automatic smoke detection system shall be installed in all maternity homes in accordance with WAC 212-36-080 and/or 212-28-080. [Order FM-77-3, § 212-44-075, filed 12/8/77.]

**WAC 212-44-080 Fire alarm.** Every maternity home shall have an electrically supervised manual fire alarm system. Operation of any fire alarm activating device shall automatically, without delay, accomplish general alarm indication and sound an audible alarm throughout the building or affected portion thereof. The

fire alarm system shall be so arranged to transmit an alarm automatically to the fire department legally committed to serve the area in which the maternity home is located, by the most direct and reliable method, approved by the fire chief. [Order FM-77-3, § 212-44-080, filed 12/8/77.]

**WAC 212-44-085 Sprinkler protection.** Complete, approved automatic fire extinguishing protection shall be provided throughout all portions of maternity homes providing nursing, obstetrical or medical care for patients. The main sprinkler control valve(s) shall be electrically supervised and the system electrically interconnected with the fire alarm system. The fire department connection shall be located as directed by the fire chief. [Order FM-77-3, § 212-44-085, filed 12/8/77.]

**WAC 212-44-090 Fire and evacuation plan.** The administration of every maternity home shall have in effect and available to all supervisory personnel written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. [Order FM-77-3, § 212-44-090, filed 12/8/77.]

**WAC 212-44-095 Fire drills.** At least twelve drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions except that evacuation of patients is not required. [Order FM-77-3, § 212-44-095, filed 12/8/77.]

**WAC 212-44-100 Equipment maintenance.** Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item of equipment required by this regulation or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturer's recommendation and/or at sufficient intervals to assure reliability. Records of all tests and inspections shall be maintained for review. Tests and inspections shall be under the supervision of a responsible person. [Order FM-77-3, § 212-44-100, filed 12/8/77.]

**WAC 212-44-105 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-44-105, filed 12/8/77.]

## Chapter 212-52 WAC

### TRANSIENT ACCOMMODATIONS, STANDARDS FOR FIRE PROTECTION

#### WAC

212-52-001	Purpose.
212-52-005	Definitions.
212-52-010	Applicability.
212-52-015	Compliance required.
212-52-020	Exemptions from standards.
212-52-025	Inspections, reinspections, approvals.
212-52-030	Right of appeal.
212-52-035	Suspension, revocation or denial of license.
212-52-040	Occupancy separations.
212-52-045	Hazardous areas.
212-52-050	Interior stairways.
212-52-055	Other vertical openings.
212-52-060	Interior finish.
212-52-065	Guest room protection.
212-52-070	Guest room doors.
212-52-075	Fire alarm.
212-52-080	Number of exits.
212-52-085	Access to exits.
212-52-090	Exit doors.
212-52-095	Exit signs.
212-52-100	Corridor lighting.
212-52-105	Fire extinguishers.
212-52-110	Obstructions.
212-52-115	Maintenance.
212-52-120	Emergency procedures plan.
212-52-125	Separability.

**WAC 212-52-001 Purpose.** The purpose of this regulation is to establish the minimum fire and life safety standards necessary for obtaining fire marshal approval for licensing transient accommodations. [Order FM-77-3, § 212-52-001, filed 12/8/77.]

**WAC 212-52-005 Definitions.** Transient accommodation: Transient accommodation shall mean any facility such as a hotel, motel, resort, condominium, rooming house or other place offering three or more lodging units to travelers and transient guests for periods of less than one month.

Licensing agency: Licensing agency shall mean the Washington state department of social and health services. [Order FM-77-3, § 212-52-005, filed 12/8/77.]

**WAC 212-52-010 Applicability.** This regulation applies to all transient accommodations licensed by the department of social and health services. [Order FM-77-3, § 212-52-010, filed 12/8/77.]

**WAC 212-52-015 Compliance required.** All facilities licensed as transient accommodations shall comply with the minimum fire and life safety standards as herein specified, unless the municipality where the facility is located has been exempted by the fire marshal based on having an equivalent transient accommodations regulatory program. [Order FM-77-3, § 212-52-015, filed 12/8/77.]

**WAC 212-52-020 Exemptions from standards.** (1) Upon receipt of written application for exemption, municipalities having comprehensive regulatory programs covering transient accommodations which provide fire and life safety standards equal to or equivalent to the

standards established by this regulation, may be exempted from compliance with these standards.

(2) The state fire marshal shall provide the exempted municipality with a list of transient accommodations within their jurisdiction. The exempted municipality shall certify those facilities approved for licensing as transient accommodations based on compliance with local fire and life safety requirements or written agreements necessary to bring the facility up to requirements.

(3) The state fire marshal shall review the exemption program within exempted municipalities at two year intervals. [Order FM-77-3, § 212-52-020, filed 12/8/77.]

**WAC 212-52-025 Inspections, reinspections, approvals.** (1) All transient accommodations shall be inspected by either the state fire marshal or the exempted municipality to determine the level of compliance with minimum fire and life safety standards.

(2) The names of facilities found to be in compliance with the minimum fire and life safety standards shall be forwarded to the licensing agency for licensing approval.

(3) Violations of the standards shall be noted, in writing, and a reasonable time specified for correction of deficiencies noted.

(4) Reinspections shall be accomplished as close to the specified reinspection date as practicable. Continuing violations which bear no evidence of corrective action shall be noted, and include a warning that the licensing agency shall issue a notice of license denial, revocation or suspension fifteen days hence, unless prompt corrective action is taken. [Order FM-77-3, § 212-52-025, filed 12/8/77.]

**WAC 212-52-030 Right of appeal.** Within five days after receipt thereof, any person aggrieved by the violations noted during an inspection, may appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-52-030, filed 12/8/77.]

**WAC 212-52-035 Suspension, revocation or denial of license.** (1) Upon expiration of the fifteen day period noted in WAC 212-52-025(4) above, the licensing agency shall issue a notice of license denial, suspension or revocation, unless sufficient justification for delay is submitted in a signed statement by the licensee.

(2) The fire marshal shall assist the licensing agency in the enforcement of the licensing action. [Order FM-77-3, § 212-52-035, filed 12/8/77.]

**WAC 212-52-040 Occupancy separations.** Occupancy separations shall be provided between the transient accommodation portion of the building and those other occupancies not under the same control or incidental to the transient accommodation operation. Lobbies and public dining rooms, not including cocktail lounges, shall not require a separation, if the kitchen is so separated from the dining room or the cooking appliances provided with fixed automatic extinguishing systems. [Order FM-77-3, § 212-52-040, filed 12/8/77.]

**WAC 212-52-045 Hazardous areas.** Every room containing a boiler or central heating plant, laundries, parking garages, storage rooms and other occupancies within the building which present an unusual or extreme hazard to the safety of the guests may be required to have automatic extinguishing or detection systems, if not otherwise adequately separated by fire resistive construction. [Order FM-77-3, § 212-52-045, filed 12/8/77.]

**WAC 212-52-050 Interior stairways.** Every interior stairway shall be enclosed with walls of not less than one-hour fire resistive construction. Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one-hour fire resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1 3/4 inches thick. Enclosures shall include landings between flights and any corridors, passageways or public rooms necessary for continuous exit to the exterior of the building. The stairway need not be enclosed in a continuous shaft, if cut off at each story by the fire resistive construction required for stairwell enclosures and adequate alternate exits are provided.

**EXCEPTIONS:** (1) Enclosures shall not be required in buildings not over three stories in height if automatic sprinkler protection is provided in all corridors, stairways and passageways leading to the outside exits.

(2) Enclosures shall not be required in buildings where the stairway serves only one adjacent floor, terminates at a street entrance or lobby suitably separated from the rest of the building, and the corridors, stairways and passageways are provided with automatic smoke detectors, connected to a common alarm system. [Order FM-77-3, § 212-52-050, filed 12/8/77.]

**WAC 212-52-055 Other vertical openings.** Elevators, dumbwaiters, laundry and rubbish chutes, pipe chases and other openings between floors shall be fire-stopped at each floor level or enclosed in continuous shafts, with all openings provided with self-closing or locking doors. Shafts not of fire-resistive or noncombustible construction shall be provided with an automatic sprinkler head at the top, connected to the domestic water system. [Order FM-77-3, § 212-52-055, filed 12/8/77.]

**WAC 212-52-060 Interior finish.** Ceiling and wall covering materials in corridors, stairways, passageways and other areas through which travel is necessary for continuous exit to the outside of the building shall have flame spread ratings of seventy-five or less, unless these areas are provided with automatic sprinklers.

The flame-spread rating of existing surface materials may be reduced to acceptable levels by the application of flame-retardant paints or finishes, applied according to manufacturer's recommendations. Records of date of application, product applied, and the manner and rate of application shall be maintained for verification. [Order FM-77-3, § 212-52-060, filed 12/8/77.]

**WAC 212-52-065 Guest room protection.** All transoms and openings other than doors between rooms and corridors shall be fixed, closed and covered with a minimum of three-fourths inch plywood, one-half inch gypsum wallboard or an equivalent material to provide at least one-half hour fire resistance. [Order FM-77-3, § 212-52-065, filed 12/8/77.]

**WAC 212-52-070 Guest room doors.** Guest room doors shall be self-closing and tight fitting to prevent the passage of smoke. Vision panels shall be wire glass secured with metal frames or clips. [Order FM-77-3, § 212-52-070, filed 12/8/77.]

**WAC 212-52-075 Fire alarm.** An approved electrically operated fire alarm system shall be provided throughout the guest area of all buildings except where each guest room has a direct exit to the outside and the building is not over three stories in height. Sounding devices shall be so located as to arouse all occupants of the building or section thereof endangered by fire. An alarm sending station shall be provided at the desk or other area under continuous supervision by employees. Additional sending stations shall be located at or near each required exit from each floor unless other effective means, such as automatic sprinkler protection or fire detection systems are provided for notification of fire. In all nonsprinklered buildings built or licensed after the effective date of this regulation, a corridor smoke detection system shall also be provided, connected to the alarm initiation system. [Order FM-77-3, § 212-52-075, filed 12/8/77.]

**WAC 212-52-080 Number of exits.** Not less than two exits, remote from each other, shall be provided from every floor occupied for sleeping purposes. Travel distance from any guest room to the nearest exit shall not exceed one hundred feet unless the corridors are sprinklered. Exits shall be so arranged that it is possible to go in either direction from any guest room and reach an exit, except that dead-end corridors not exceeding thirty-five feet in length from the guest room door may be permitted. Exit shall mean an interior stairway or ramp, a horizontal passageway into another building, a door leading directly outside at ground level, a door leading to an outside balcony or landing which is provided with an outside stair or an outside fire escape stairway. Existing fire escapes, consisting of balconies and ladders may be accepted, if properly maintained and all other requirements are met. [Order FM-77-3, § 212-52-080, filed 12/8/77.]

**WAC 212-52-085 Access to exits.** All exits shall be accessible from public areas or corridors without having to pass through intervening rooms. Access to fire escapes through window openings shall be permitted only if the window is replaced or altered so as to swing as a conventional door. Steps shall be provided, if the sill exceeds twelve inches in height. [Order FM-77-3, § 212-52-085, filed 12/8/77.]

**WAC 212-52-090 Exit doors.** Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort, and the unlatching shall not require more than a single operation.

All exit doors shall swing in the direction of egress, except for those serving as emergency exits only where obstruction of passageway would otherwise result. [Order FM-77-3, § 212-52-090, filed 12/8/77.]

**WAC 212-52-095 Exit signs.** At every required exit doorway and wherever otherwise required to clearly indicate the direction of egress, an exit or directional sign shall be provided. Exit signs shall be illuminated at all times during occupancy of the building. Power shall be provided by means of separate circuits or separate energy sources. [Order FM-77-3, § 212-52-095, filed 12/8/77.]

**WAC 212-52-100 Corridor lighting.** Stairways, corridors and public areas serving as required exits shall be provided with adequate illumination at all times. In multistory buildings having a guest capacity of twenty-five or more, power shall be as required for exit signs and may be combined on the same circuit. [Order FM-77-3, § 212-52-100, filed 12/8/77.]

**WAC 212-52-105 Fire extinguishers.** At least one approved 2A rated fire extinguisher shall be provided in the corridor of each guest-occupied floor. Additional extinguishers shall be provided as required, to insure that one is within seventy-five feet of each guest room door. In buildings not having public corridors, extinguishers shall be provided at convenient outside locations or in plainly marked enclosures accessible at all times to guests. Additional extinguishers of a size and type commensurate with the hazard presented shall be provided as required in other areas in which a fire would affect guest safety. [Order FM-77-3, § 212-52-105, filed 12/8/77.]

**WAC 212-52-110 Obstructions.** Furniture, appliances or similar objects shall not be placed in corridors or other means of egress in such a manner as to obstruct the passageway. Exits, exit signs, fire alarms and fire extinguishers shall be easily visible and not obstructed by curtains or other decorative materials or fixtures. [Order FM-77-3, § 212-52-110, filed 12/8/77.]

**WAC 212-52-115 Maintenance.** All required alarms, fire protection systems and fire extinguishers shall be serviced at regular intervals and maintained in good operating condition at all times. Service records shall be available for inspection. Required fire doors shall be kept in a closed position at all times unless held open by approved smoke-actuated closing devices. Hardware, latches and closers shall be maintained in good working condition and openings kept free of obstructions. Corridor lighting and exit signs shall be checked daily and properly maintained. Burned-out bulbs shall be promptly replaced. Furnishings and decorations used in public areas shall be noncombustible or flame-retardant. Fire-retardant paints or solutions shall

be renewed at such intervals as necessary to maintain the necessary flame retardant properties. In rooms or areas where smoking is prohibited, plainly visible "no smoking" signs shall be posted. Where smoking is permitted, suitable ashtrays or receptacles shall be provided at convenient locations. [Order FM-77-3, § 212-52-115, filed 12/8/77.]

**WAC 212-52-120 Emergency procedures plan.** (1) Each licensed transient accommodation shall develop and maintain an emergency procedure identifying actions to be taken by the facility staff employees in the event of a fire emergency. The procedure shall indicate the actions to take by a person discovering a fire, actions to take for summoning the fire department, provisions for warning guests or others endangered by fire, procedure for using fire fighting appliances and equipment, and a procedure for evacuating the building.

(2) All staff employees shall be familiar with their specific duties as defined in the emergency procedure. Drills implementing the emergency procedures should be conducted at monthly intervals. Special emphasis should be placed on assuring that the emergency procedure can be effectively implemented when minimum staff employees are available. [Order FM-77-3, § 212-52-120, filed 12/8/77.]

**WAC 212-52-125 Separability.** If any provision of these regulations or their application to any person is held invalid, the remainder of the regulations or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-52-125, filed 12/8/77.]

### Chapter 212-56 WAC

#### GROUP HOME IN FAMILY ABODE, STANDARDS FOR FIRE PROTECTION

##### WAC

212-56-001	Purpose.
212-56-005	Definitions.
212-56-010	Applicability.
212-56-015	Compliance.
212-56-020	Inspections and approvals.
212-56-025	Right of appeal.
212-56-030	Building construction.
212-56-035	Exiting.
212-56-040	Fire extinguishers.
212-56-045	Fire alarm.
212-56-050	Fire prevention.
212-56-055	Maintenance.
212-56-060	Fire evacuation plan and staff training requirements.
212-56-065	Separability.

**WAC 212-56-001 Purpose.** The purpose of these standards is to identify the minimum levels of safety from fire necessary for obtaining state fire marshal approval for a group home for six to ten children in the family abode of the licensee. [Order FM-77-3, § 212-56-001, filed 12/8/77.]

**WAC 212-56-005 Definitions.** Definitions of specific child care agencies is contained within each category

of agency, hereafter indicated, and subject to evaluation by the state fire marshal.

(1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Group", a group is generally defined as six or more persons.

(6) "Group home", is a dwelling for the care of a group of not more than ten children and which is usually indistinguishable from nearby homes or apartments, is not part of an institutional campus, nor one of a group of child care units in one building.

(7) "Licensing agency", the licensing agency is the department of social and health services. [Order FM-77-3, § 212-56-005, filed 12/8/77.]

**WAC 212-56-010 Applicability.** These standards apply to group homes for six through ten children, located within the family abode of the licensee, which requires state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-56-010, filed 12/8/77.]

**WAC 212-56-015 Compliance.** Group homes for six through ten children, located in the family abode of the licensee, shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-56-015, filed 12/8/77.]

**WAC 212-56-020 Inspections and approvals.** (1) All group homes located in family abodes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon to determine compliance.

(3) Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-56-020, filed 12/8/77.]

**WAC 212-56-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-56-025, filed 12/8/77.]

**WAC 212-56-030 Building construction.** The building may be of any recognized construction type permitted for single family or multi family residential occupancies. [Order FM-77-3, § 212-56-030, filed 12/8/77.]

**WAC 212-56-035 Exiting.** (1) Second floors shall not be used for sleeping purposes unless provided with at least one of the following:

(a) A direct exit from each sleeping room to the outside; or

(b) Separation from first floor by a stairway enclosure which leads to the outside at ground level without having to pass through first floor intervening areas; or

(c) A direct exit to the outside from the second floor area with a smoke barrier door at the top or bottom of the interior stairway(s); or

(d) Automatic smoke detection systems in corridors, stairways and open areas; or

(e) Automatic sprinkler protection throughout the building.

(2) Third floor shall not be used for sleeping purposes unless the building is provided with complete automatic sprinkler protection.

(3) Children unable to exit unassisted shall not be housed above the first floor unless the building is provided with complete automatic sprinkler protection.

(4) Basements shall not be used for sleeping purposes unless provided with at least one exit leading directly to the outside.

(5) Sleeping rooms, unless provided with two separate doors or one door leading directly to the outside, shall have a window of sufficient size and free of obstructions to be readily available for emergency escape or rescue.

(6) No space shall be used for sleeping purposes which is accessible only by ladder, folding stairs or a trapdoor.

(7) No stove or heater shall be so located as to block escape in case of malfunction and ensuing fire. [Order FM-77-3, § 212-56-035, filed 12/8/77.]

**WAC 212-56-040 Fire extinguishers.** At least one approved fire extinguisher, suitable for fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance, or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-56-040, filed 12/8/77.]

**WAC 212-56-045 Fire alarm.** Any building not equipped with an automatic smoke detection system in corridors, stairways and open areas, or an automatic sprinkler system throughout, shall be provided with a manual fire alarm system. Sounding devices and pull

stations shall be so arranged as to be accessible and audible from all sleeping areas. EXCEPTION: Not required, if sleeping accommodations are limited to the first floor or each sleeping room has a direct exit to the outside. [Order FM-77-3, § 212-56-045, filed 12/8/77.]

**WAC 212-56-050 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

(2) Flammables or combustible materials shall not be stored in the building except as required for operation of the group home. Materials so required shall be kept in locked cabinets or rooms not accessible to occupants.

(3) All electrical devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers. [Order FM-77-3, § 212-46-050 (codified as WAC 212-56-050), filed 12/8/77.]

**WAC 212-56-055 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-56-055, filed 12/8/77.]

**WAC 212-56-060 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the action to take by the person discovering a fire and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions:

(a) Initial steps to be taken upon discovering a fire;

(b) Method of sounding an alarm on the premises, and steps to take in summoning the fire department;

(c) Actions to take in confining or controlling incipient fire pending arrival of the fire department;

(d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at

not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-56-060, filed 12/8/77.]

**WAC 212-56-065 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-56-065, filed 12/8/77.]

#### Chapter 212-57 WAC

#### GROUP HOME OTHER THAN FAMILY ABODE, STANDARDS FOR FIRE PROTECTION

##### WAC

212-57-001	Purpose.
212-57-005	Definitions.
212-57-010	Applicability.
212-57-015	Compliance.
212-57-020	Inspections and approvals.
212-57-025	Right of appeal.
212-57-030	Building construction.
212-57-035	Exiting.
212-57-040	Fire extinguishers.
212-57-045	Fire alarm.
212-57-050	Hazardous areas and building service equipment.
212-57-055	Fire prevention.
212-57-060	Maintenance.
212-57-065	Fire evacuation plan and staff training requirements.
212-57-070	Separability.

**WAC 212-57-001 Purpose.** The purpose of these standards is to identify the minimum levels of safety from fire necessary for obtaining state fire marshal approval for a group home for one to ten children located within facilities other than the family abode of the licensee. [Order FM-77-3, § 212-57-001, filed 12/8/77.]

**WAC 212-57-005 Definitions.** (1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the

administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Group", a group is generally defined as six or more persons.

(6) "Group home", is a dwelling for the care of a group of not more than ten children and which is usually indistinguishable from nearby homes or apartments, is not part of an institutional campus, nor one of a group of child care units in one building.

(7) "Licensing agency", the licensing agency is the department of social and health services. [Order FM-77-3, § 212-57-005, filed 12/8/77.]

**WAC 212-57-010 Applicability.** These standards apply to group homes for one through ten children, located in other than the family abode of the licensee, which requires state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-57-010, filed 12/8/77.]

**WAC 212-57-015 Compliance.** Group homes, for one through ten children, located within facilities other than the family abode of the licensee, shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-57-015, filed 12/8/77.]

**WAC 212-57-020 Inspections and approvals.** (1) All group homes located in other than a family abode shall comply with the applicable portions of the Uniform Building Code and Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license, or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon to determine compliance.

(3) Upon completion of the inspection or reinspection, and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-57-020, filed 12/8/77.]

**WAC 212-57-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-57-025, filed 12/8/77.]

**WAC 212-57-030 Building construction.** State fire marshal minimum standards of constructions are as follows:

(1) Buildings not over two stories in height may be of any recognized construction type if maintained to the extent that the life safety features have not been minimized.

(2) Buildings three stories in height shall be of at least one hour fire resistive construction.

NOTE: The above limitations may be increased one story if the building is provided with complete automatic sprinkler protection.

(3) Buildings over three stories in height shall be of fire-resistive construction.

(4) All vertical openings not serving as required exits shall be fire-stopped at each floor level.

(5) Corridors above the second floor shall be one hour fire resistive construction unless the entire building is provided with automatic sprinkler protection.

(6) Second floor corridors shall be one-half hour rated unless provided with automatic sprinklers or direct means of egress. [Order FM-77-3, § 212-57-030, filed 12/8/77.]

**WAC 212-57-035 Exiting.** (1) All stairwells serving as required means of egress from floors above the second shall be enclosed and provide a continuous protected passageway to the outside. EXCEPTION: Unenclosed stairwells connecting not more than three floors may be allowed provided:

(a) The building is of fire resistive construction; or

(b) The building is equipped with complete automatic sprinkler protection; or

(c) The building is equipped with an automatic smoke detection system in all means of egress and open areas.

(2) All exit doors shall be openable from the inside without the use of keys or special knowledge.

(3) Basements shall not be used for sleeping purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler. [Order FM-77-3, § 212-57-035, filed 12/8/77.]

**WAC 212-57-040 Fire extinguishers.** At least one approved fire extinguisher, suitable for fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance, or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-57-040, filed 12/8/77.]

**WAC 212-57-045 Fire alarm.** Any building not equipped with an automatic smoke detection system in corridors and open areas or an automatic sprinkler system throughout shall be provided with a manual fire alarm system. Sounding devices and pull stations shall be so arranged as to be accessible and audible from all sleeping areas. EXCEPTION: Not required in buildings three stories or less in height where each sleeping room has an exit directly to the outside. [Order FM-77-3, § 212-57-045, filed 12/8/77.]

**WAC 212-57-050 Hazardous areas and building service equipment.** (1) Heating plants, hazardous areas

and other occupancies within the building shall be protected or separated from sleeping areas. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.

(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. [Order FM-77-3, § 212-57-050, filed 12/8/77.]

**WAC 212-57-055 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

(2) Flammable or combustible materials shall not be stored in the building except as required for operation of the group home. Materials so required shall be kept in locked cabinets or rooms not accessible to occupants.

(3) All electrical devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers. [Order FM-77-3, § 212-57-055, filed 12/8/77.]

**WAC 212-57-060 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-57-060, filed 12/8/77.]

**WAC 212-57-065 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions:

(a) Initial steps to be taken upon discovering a fire.

(b) Method of sounding an alarm on the premises and steps to take in summoning the fire department.

(c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.



(d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-57-065, filed 12/8/77.]

**WAC 212-57-070 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-57-070, filed 12/8/77.]

#### Chapter 212-58 WAC

### GROUP HOME FOR DEVELOPMENTALLY DISABLED PERSONS, STANDARDS FOR FIRE PROTECTION

#### WAC

212-58-001	Purpose.
212-58-005	Definitions.
212-58-010	Applicability.
212-58-015	Compliance.
212-58-020	Inspections and approvals.
212-58-025	Right of appeal.
212-58-030	Building construction.
212-58-035	Exiting.
212-58-040	Fire extinguishers.
212-58-045	Fire alarm.
212-58-050	Hazardous areas and building service equipment.
212-58-055	Fire prevention.
212-58-060	Maintenance.
212-58-065	Fire evacuation plan and staff training requirements.
212-58-070	Separability.

**WAC 212-58-001 Purpose.** The purpose of these standards are to identify the minimum fire and life safety requirements necessary to certify a group home for developmentally disabled persons. [Order FM-77-3, § 212-58-001, filed 12/8/77.]

**WAC 212-58-005 Definitions.** (1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform

Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Group", a group is generally defined as six or more persons.

(6) A "group home for developmentally disabled persons", means a residential facility capable of serving among others, a small number of mentally and/or physically handicapped individuals (maximum of twenty) who are able to participate in a variety of jobs, sheltered workshops, day care centers, activity centers, educational facilities and/or other community-based programs. A group home is usually a single dwelling, a series of apartments or other buildings with sound structure.

(7) "Licensing agency", the licensing agency is the department of social and health services. [Order FM-77-3, § 212-58-005, filed 12/8/77.]

**WAC 212-58-010 Applicability.** These standards apply to group homes for developmentally disabled persons. [Order FM-77-3, § 212-58-010, filed 12/8/77.]

**WAC 212-58-015 Compliance.** Group homes for developmentally disabled persons shall comply with the standards contained herein. [Order FM-77-3, § 212-58-015, filed 12/8/77.]

**WAC 212-58-020 Inspections and approvals.** (1) All group homes for developmentally disabled persons shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of a request for certification or recertification of a group home for developmentally disabled persons may submit a request for inspection. The state fire marshal or his representative may accomplish an inspection of the facility to determine compliance, or continued compliance with these standards. Deficiencies noted may be identified, corrective action specified and dates agreed upon for completion of required corrections. A reinspection may be accomplished to determine compliance.

(3) Upon completion of the initial inspection or reinspection and the facility has been found to meet the requirements set forth in this standard, the results of the inspection will be forwarded to the licensing agency.

(4) Group homes for developmentally disabled persons failing to comply with the minimum fire and life safety requirements may be reported to the licensing agency. [Order FM-77-3, § 212-58-020, filed 12/8/77.]

**WAC 212-58-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-58-025, filed 12/8/77.]

**WAC 212-58-030 Building construction.** The minimum standards necessary for the certification of a group home for developmentally disabled persons are as follows:

(1) A one story building may be of any recognized construction type provided the building has been maintained to the extent that the fire and life safety features have not been minimized.

(2) Buildings two stories in height shall be of at least one hour fire resistive construction.

NOTE: The above limitations may be increased one story if the building is provided with complete automatic sprinkler protection.

(3) Buildings over two stories in height shall be of fire-resistive construction.

(4) All vertical openings not serving as required exits shall be fire-stopped at each floor level.

(5) Corridors above the first floor shall be one hour fire resistive construction unless the entire building is provided with automatic sprinkler protection or provided with direct exits from each sleeping room to the exterior. [Order FM-77-3, § 212-58-030, filed 12/8/77.]

**WAC 212-58-035 Exiting.** (1) All stairwells serving as required means of egress shall be enclosed and provide a continuous protected passageway to the outside. EXCEPTION: Unenclosed stairwells connecting not more than two floors may be allowed provided:

(a) The building is of fire resistive construction; or

(b) The building is provided with automatic sprinkler protection; or

(c) The building is provided with an automatic smoke detection system in all means of egress and open areas.

(2) All floors above the first floor level subject to occupancy by ten or more persons shall have at least two exits, remote from each other, and so arranged that it is possible to go in either direction from any occupied area and reach safety outside the building.

(3) All floors subject to occupancy by persons unable to use stairs unassisted shall have at least one exit directly to ground level or to ramps leading to ground level unless the building is provided with automatic sprinkler protection.

(4) All exit doors shall be openable from the inside without the use of keys or special knowledge.

(5) Basements shall not be used for sleeping purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler system. [Order FM-77-3, § 212-58-035, filed 12/8/77.]

**WAC 212-58-040 Fire extinguishers.** At least one approved fire extinguisher, suitable for fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance, or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-58-040, filed 12/8/77.]

**WAC 212-58-045 Fire alarm.** (1) An approved manual fire alarm system shall be provided. Sounding devices and pull stations shall be so arranged as to be

accessible and audible from all sleeping areas. Building subject to occupancy by persons with hearing handicaps shall also have visual alerting devices in addition to audible devices.

(2) Each sleeping room, unless the building is provided with automatic sprinkler protection, shall have smoke detection devices installed, connected so as to sound the alarm system in case of fire. [Order FM-77-3, § 232-58-045 (codified as WAC 212-58-045), filed 12/8/77.]

**WAC 212-58-050 Hazardous areas and building service equipment.** (1) Heating plants, hazardous areas and other occupancies within the building shall be protected or separated from sleeping areas. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.

(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. [Order FM-77-3, § 212-58-050, filed 12/8/77.]

**WAC 212-58-055 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

(2) Flammable or combustible material shall not be stored in the building except as required for operation of the facility. Materials so required shall be kept in locked cabinets or rooms not accessible to occupants.

(3) All electrical devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed metal containers.

(5) Heating and cooking appliances and other open flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in accidental ignition of children's clothing. Candles will not be used. [Order FM-77-3, § 212-58-055, filed 12/8/77.]

**WAC 212-58-060 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified

to accomplish maintenance on the appropriate system and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-58-060, filed 12/8/77.]

**WAC 212-58-065 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to the following actions:

- (a) Initial steps to be taken upon discovering a fire.
- (b) Method of sounding an alarm on the premises and steps to take in summoning the fire department.
- (c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.
- (d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-58-065, filed 12/8/77.]

**WAC 212-58-070 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-58-070, filed 12/8/77.]

**Chapter 212-59 WAC**

**MINI DAY CARE CENTER IN FAMILY ABODE,  
STANDARDS FOR FIRE PROTECTION**

**WAC**

212-59-001	Purpose.
212-59-005	Definitions.
212-59-010	Applicability.
212-59-015	Compliance.
212-59-020	Inspections and approvals.
212-59-025	Right of appeal.
212-59-030	Building construction.
212-59-035	Exiting.
212-59-040	Fire extinguishers.
212-59-045	Automatic fire detection.
212-59-050	Fire prevention.
212-59-055	Maintenance.
212-59-060	Fire evacuation plan and staff training requirements.

212-59-065 Separability.

**WAC 212-59-001 Purpose.** The purpose of these standards are to identify the minimum levels of safety from fire necessary for obtaining state fire marshal approval for a mini day care center for seven to twelve in a family abode. [Order FM-77-3, § 212-59-001, filed 12/8/77.]

**WAC 212-59-005 Definitions.** (1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Group", a group is generally defined as six or more persons.

(6) "Licensing agency", the licensing agency is the department of social and health services.

(7) "Mini day care center", in a family abode means a day care center for seven through twelve children in the family abode of the person or persons under whose direct care and supervision the child is placed. [Order FM-77-3, § 212-59-005, filed 12/8/77.]

**WAC 212-59-010 Applicability.** These standards apply to mini day care centers for seven through twelve children within the family abode of the licensee, which requires state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-59-010, filed 12/8/77.]

**WAC 212-59-015 Compliance.** Mini day care centers for seven through twelve children located in the family abode of the licensee, shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-59-015, filed 12/8/77.]

**WAC 212-59-020 Inspections and approvals.** (1) All mini day care centers located in family abodes shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon, to determine compliance.

(3) Upon completion of the inspection or reinspection, and the facility is found to be in compliance with this

standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-59-020, filed 12/8/77.]

**WAC 212-59-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-59-025, filed 12/8/77.]

**WAC 212-59-030 Building construction.** The building may be of any recognized construction type permitted for single or multi family residential occupancies. [Order FM-77-3, § 212-59-030, filed 12/8/77.]

**WAC 212-59-035 Exiting.** (1) Infants and/or handicapped children unable to exit unassisted shall not occupy floors or basements not having at least one exit leading directly to ground level without having to traverse stairways.

(2) Every sleeping or napping room, unless provided with two separate doors or one door leading directly to the outside, shall have a window of sufficient size and free of obstructions to be readily available for emergency escape or rescue. **EXCEPTION:** Does not apply to cubicles without doors and under continuous supervision.

(3) Every occupied area shall have access to at least one exit which does not pass through rooms or spaces subject to being locked or blocked from the opposite side.

(4) No space shall be used for day care purposes which is accessible only by ladder, folding stairs or a trapdoor.

(5) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

(6) Every closet door latch shall be such that children can open the door from inside the closet. [Order FM-77-3, § 212-59-035, filed 12/8/77.]

**WAC 212-59-040 Fire extinguishers.** At least one approved fire extinguisher suitable for use on fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-59-040, filed 12/8/77.]

**WAC 212-59-045 Automatic fire detection.** An approved single station smoke detector shall be provided, mounted on the ceiling or wall (within twelve inches of the ceiling) at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are located on an upper level, the

detector shall be placed at the center of the ceiling directly above the stairway. Detection devices, when activated, shall provide an alarm. [Order FM-77-3, § 212-59-045, filed 12/8/77.]

**WAC 212-59-050 Fire prevention.** (1) The local fire department shall be invited to visit the mini day care center at frequent intervals to become knowledgeable of the facility and to plan rescue and fire fighting procedures.

(2) Flammable or combustible materials shall be stored away from exits and in areas not accessible to children.

(3) Heating and cooking appliances, and other open flame devices capable of igniting clothing shall not be left on, unattended, or used in a manner which could result in accidental ignition of children's clothing.

(4) No stove or heater shall be so located as to block escape in case of malfunction and ensuing fire. [Order FM-77-3, § 212-59-050, filed 12/8/77.]

**WAC 212-59-055 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Automatic fire detection devices shall be tested at least annually in accordance with manufacturers instructions and a record of testing shall be maintained on the premises.

(3) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times. [Order FM-77-3, § 212-59-055, filed 12/8/77.]

**WAC 212-59-060 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire, and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions:

(a) Initial steps to be taken upon discovering a fire.

(b) Method of sounding an alarm on the premises, and steps to take in summoning the fire department. A bell or whistle may be used within facilities not equipped with a fire alarm system.

(c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.

(d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-59-060, filed 12/8/77.]

**WAC 212-59-065 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-59-065, filed 12/8/77.]

**Chapter 212-60 WAC**  
**MINI DAY CARE CENTER OTHER THAN IN**  
**FAMILY ABODE, STANDARDS FOR FIRE**  
**PROTECTION**

**WAC**

212-60-001	Purpose.
212-60-005	Definitions.
212-60-010	Applicability.
212-60-015	Compliance.
212-60-020	Inspections and approvals.
212-60-025	Right of appeal.
212-60-030	Building construction.
212-60-035	Exiting.
212-60-040	Fire extinguishers.
212-60-045	Fire alarm.
212-60-050	Hazardous areas and building service equipment.
212-60-055	Fire prevention.
212-60-060	Maintenance.
212-60-065	Fire evacuation plan and staff training requirements.
212-60-070	Separability.

**WAC 212-60-001 Purpose.** The purpose of these standards are to identify the minimum levels of safety from fire necessary for obtaining state fire marshal approval for a mini day care center for one through twelve children located in other than the family abode of the licensee. [Order FM-77-3, § 212-60-001, filed 12/8/77.]

**WAC 212-60-005 Definitions.** (1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(5) "Group", a group is generally defined as six or more persons.

(6) "Licensing agency", the licensing agency is the department of social and health services.

(7) "Mini day care center", means a day care center for the care of twelve or fewer children located in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed. [Order FM-77-3, § 212-60-005, filed 12/8/77.]

**WAC 212-60-010 Applicability.** These standards apply to mini day care centers for one through twelve children located in a facility other than the family abode of the licensee, which requires state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-60-010, filed 12/8/77.]

**WAC 212-60-015 Compliance.** Mini day care centers for one through twelve children located in a facility other than the family abode of the licensee, shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-60-015, filed 12/8/77.]

**WAC 212-60-020 Inspections and approvals.** (1) All mini day care centers located other than in the family abode shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license, or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal, a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon, to determine compliance.

(3) Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-60-020, filed 12/8/77.]

**WAC 212-60-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-60-025, filed 12/8/77.]

**WAC 212-60-030 Building construction.** (1) State fire marshal minimum standards of construction are as follows:

(a) The building may be of any recognized construction type provided the building has been maintained to the extent that the fire and life safety features have not been minimized.

(b) Buildings three stories in height shall be of at least one hour fire resistive construction.

(c) Buildings over three stories in height shall be of fire resistive construction.

NOTE 1: The above limitations may be increased one story if the building is provided with complete automatic sprinkler protection.

NOTE 2: Building limitations apply only to the uppermost floor used for day care purposes.

(2) All vertical openings not serving as required exits shall be fire-stopped at each floor level.

(3) Second floor corridors shall be one-half hour fire resistive construction unless provided with automatic sprinklers, or automatic smoke detection, or, direct means of egress from each occupied room to the outside of the building.

(4) Corridors above the second floor shall be one hour fire resistive construction unless the entire building is provided with automatic sprinkler protection.

(5) Infants and/or handicapped children shall not occupy floors above the second unless the building is of fire resistive construction or provided with complete automatic sprinkler protection. [Order FM-77-3, § 212-60-030, filed 12/8/77.]

**WAC 212-60-035 Exiting.** (1) All exit doors shall be openable from the inside without the use of keys or special knowledge.

(2) All stairwells serving as required means of egress from floors above the second shall be enclosed and provide a continuous protected passageway to the outside. EXCEPTION: Unenclosed stairwells connecting not more than three floors may be allowed if:

(a) The building is of fire resistive construction; or

(b) Provided with automatic sprinkler protection; or

(c) Provided with smoke detectors in all means of egress and open areas.

(3) All floors subject to occupancy by ten or more persons, or by infants and/or handicapped children, shall have at least two exits remote from each other, and so arranged that it is possible to go in either direction from any occupied area and reach safety outside the building. EXCEPTION: Does not apply to rooms exiting directly to the outside.

(4) Basements shall not be used for day care purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler system. [Order FM-77-3, § 212-60-035, filed 12/8/77.]

**WAC 212-60-040 Fire extinguishers.** At least one approved fire extinguisher suitable for use on fires in ordinary combustibles shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-60-040, filed 12/8/77.]

**WAC 212-60-045 Fire alarm.** An approved manual fire alarm system shall be provided if more than one floor level is used for day care purposes, and the size, arrangement and occupancy of the building is such that a fire would not in itself give adequate warning for all to

escape. [Order FM-77-3, § 212-60-045, filed 12/8/77.]

**WAC 212-60-050 Hazardous areas and building service equipment.** (1) Heating plants, hazardous areas and other occupancies within the building shall be protected or separated from the day care portion. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.

(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. [Order FM-77-3, § 212-60-050, filed 12/8/77.]

**WAC 212-60-055 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

(2) Flammable or combustible materials shall not be stored in the building, except as required for operation of the day care facility. Materials so required shall be kept in locked cabinets or rooms not accessible to children.

(3) All electrical circuits, devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

(5) Heating and cooking appliances and other open flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in an accidental ignition of children's clothing. Candles will not be used. [Order FM-77-3, § 212-60-055, filed 12/8/77.]

**WAC 212-60-060 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-60-060, filed 12/8/77.]

**WAC 212-60-065 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire, and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions:

- (a) Initial steps to be taken upon discovering a fire.
  - (b) Method of sounding an alarm on the premises, and steps to take in summoning the fire department.
  - (c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.
  - (d) Actions to take for evacuation of the building and assuring the accountability of the occupants.
- (2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.
- (3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.
- (4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-60-065, filed 12/8/77.]

**WAC 212-60-070 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-60-070, filed 12/8/77.]

### Chapter 212-61 WAC

#### DAY CARE CENTER IN FAMILY ABODE, STANDARDS FOR FIRE PROTECTION

##### WAC

212-61-001	Purpose.
212-61-005	Definitions.
212-61-010	Applicability.
212-61-015	Compliance.
212-61-020	Inspections and approvals.
212-61-025	Right of appeal.
212-61-030	Building construction.
212-61-035	Exiting.
212-61-040	Fire extinguishers.
212-61-045	Fire alarm.
212-61-050	Fire prevention.
212-61-055	Maintenance.
212-61-060	Fire evacuation plan and staff training requirements.
212-61-065	Separability.

**WAC 212-61-001 Purpose.** The purpose of these standards is to identify the minimum levels of safety

from fire necessary for obtaining state fire marshal approval for day care centers located within a family abode. [Order FM-77-3, § 212-61-001, filed 12/8/77.]

**WAC 212-61-005 Definitions.** (1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Day care center", means an agency which provides care for a group of thirteen or more children for periods of less than twenty-four hours.

(5) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the the State Building Code Act.

(6) "Group", a group is generally defined as six or more persons.

(7) "Licensing agency", the licensing agency is the department of social and health services. [Order FM-77-3, § 212-61-005, filed 12/8/77.]

**WAC 212-61-010 Applicability.** These standards apply to day care centers located within the family abode of the licensee, which requires state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-61-010, filed 12/8/77.]

**WAC 212-61-015 Compliance.** Day care centers located within the family abode of the licensee shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-61-015, filed 12/8/77.]

**WAC 212-61-020 Inspections and approvals.** (1) All day care centers located in family abodes shall comply with the applicable portions of the Uniform Building Code and Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon to determine compliance.

(3) Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-61-020, filed 12/8/77.]

**WAC 212-61-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-61-025, filed 12/8/77.]

**WAC 212-61-030 Building construction.** The building may be of any recognized construction type permitted for single family or multi family residential occupancies. [Order FM-77-3, § 212-61-030, filed 12/8/77.]

**WAC 212-61-035 Exiting.** (1) Second floors subject to occupancy by ten or more persons shall not be used for day care purposes unless provided with at least one exit leading directly to the exterior, exiting at ground level or opening onto a ramp, passageway or stairway which terminates at ground level.

(2) Third floors shall not be used for day care purposes and shall be suitably barricaded or locked to prevent entry of children.

NOTE: The above limitation may be waived, if the building is provided with complete automatic sprinkler protection.

(3) Basements shall not be used for day care purposes unless provided with at least one exit leading directly to the exterior.

(4) Infants and/or handicapped children, unable to exit unassisted, shall not occupy floors or basements not having at least one exit leading directly to ground level without having to traverse stairways.

(5) Every sleeping or napping room, unless provided with two separate doors, or one door leading directly to the outside, shall have a window of sufficient size and free of obstruction to be readily available for emergency escape or rescue. EXCEPTION: Does not apply to cubicles without doors and subject to continuous supervision.

(6) Every occupied area shall have access to at least one exit which does not pass through rooms or spaces subject to being locked or blocked from the opposite side.

(7) No space shall be used for day care purposes which is accessible only by ladder, folding stairs or a trapdoor.

(8) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

(9) Every closet door latch shall be such that children can open the door from inside the closet. [Order FM-77-3, § 212-61-035, filed 12/8/77.]

**WAC 212-61-040 Fire extinguishers.** At least one approved fire extinguisher suitable for use on fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-61-040, filed 12/8/77.]

**WAC 212-61-045 Fire alarm.** An approved manual fire alarm system shall be provided in all homes housing fifty or more children, or where the day care center is on more than one floor level. Sounding devices and pull stations shall be so arranged as to be accessible and audible from all occupied areas. Homes housing less than fifty children all on one floor level may be required to provide a fire alarm system, if the size, arrangement, or occupancy is such that a fire would not give adequate warning for all to escape. [Order FM-77-3, § 212-61-045, filed 12/8/77.]

**WAC 212-61-050 Fire prevention.** (1) The local fire department shall be requested to visit the day care center at frequent intervals to become knowledgeable of the facility and to plan rescue and fire fighting procedures.

(2) Central heating plants shall be properly maintained free of lint, grease and rubbish accumulations, and suitably isolated, enclosed or protected so as to not present a fire hazard to the home or occupants.

(3) No stove or heater shall be so located as to block escape in case of malfunction and ensuing fire. Flammable or combustible materials shall be stored away from exits and in areas not accessible to children.

(4) Heating and cooking appliances, and other open flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in accidental ignition of children's clothing. Candles will not be used.

(5) All electrical circuits, devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(6) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers. [Order FM-77-3, § 212-61-050, filed 12/8/77.]

**WAC 212-61-055 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in a building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-61-055, filed 12/8/77.]



**WAC 212-61-060 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire, and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions:

(a) Initial steps to be taken upon discovering a fire.

(b) Method of sounding an alarm on the premises, and steps to take in summoning the fire department.

(c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.

(d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-61-060, filed 12/8/77.]

**WAC 212-61-065 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-61-065, filed 12/8/77.]

## Chapter 212-62 WAC

### DAY CARE CENTER AND DAY TREATMENT PROGRAM OTHER THAN IN FAMILY ABODE, STANDARDS FOR FIRE PROTECTION

WAC	
212-62-001	Purpose.
212-62-005	Definitions.
212-62-010	Applicability.
212-62-015	Compliance.
212-62-020	Inspections and approvals.
212-62-025	Right of appeal.
212-62-030	Building construction.
212-62-035	Exiting.
212-62-040	Fire extinguishers.
212-62-045	Fire alarm.
212-62-050	Hazardous areas and building service equipment.
212-62-055	Fire prevention.
212-62-060	Maintenance.
212-62-065	Fire evacuation plan and staff training requirements.
212-62-070	Separability.

**WAC 212-62-001 Purpose.** The purpose of these standards is to identify the minimum levels of safety from fire for obtaining state fire marshal approval for day care center and day treatment program, where the agency is located within a facility other than the family abode of the licensee. [Order FM-77-3, § 212-62-001, filed 12/8/77.]

**WAC 212-62-005 Definitions.** (1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Day care center," means an agency which provides care for a group of thirteen or more children for periods of less than twenty-four hours.

(5) "Day treatment program," means an agency which provides care, supervision and appropriate therapeutic and educational services during part of the twenty-four hour day for a group of persons under the age of eighteen years.

(6) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the State Building Code Act.

(7) "Group", a group is generally defined as six or more persons.

(8) "Licensing agency", the licensing agency is the department of social and health services. [Order FM-77-3, § 212-62-005, filed 12/8/77.]

**WAC 212-62-010 Applicability.** These standards apply to day care centers and day treatment programs, located in a facility other than the family abode of the licensee, which require state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-62-010, filed 12/8/77.]

**WAC 212-62-015 Compliance.** Each day care center or day treatment program, located in a facility other than in the family abode of the licensee, shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-62-015, filed 12/8/77.]

**WAC 212-62-020 Inspections and approvals.** (1) All day care centers and day treatment programs located other than in family abodes shall comply with the applicable portions of the Uniform Building Code and Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license, or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection

shall be accomplished on or about the date agreed upon to determine compliance.

(3) Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-62-020, filed 12/8/77.]

**WAC 212-62-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-62-025, filed 12/8/77.]

**WAC 212-62-030 Building construction.** State fire marshal minimum standards of construction are as follows:

(1) The building may be of any recognized construction type provided the building has been maintained to the extent that the fire and life safety features have not been minimized.

(2) Buildings two stories in height must be of at least one hour fire resistive construction.

(3) Buildings over two stories in height must be of fire resistive construction.

NOTE 1: Above limitation in (2) may be increased one story if the building is provided with complete automatic sprinkler protection.

NOTE 2: Building limitations apply only to the uppermost floor used for day care purposes.

(4) Infants and/or handicapped children shall not occupy floors above the first, unless the building is of fire resistive construction or provided with complete automatic sprinkler protection.

(5) All vertical openings not serving as required exits shall be fire-stopped at each floor level.

(6) Corridors shall be one hour fire resistive construction unless the building is provided with automatic sprinkler protection or each room occupied for day care purposes has a direct exit to the outside. [Order FM-77-3, § 212-62-030, filed 12/8/77.]

**WAC 212-62-035 Exiting.** (1) All exit doors from the building shall swing in the direction of egress and be openable from the inside without the use of keys or special knowledge.

(2) All floors used for day care purposes shall have at least two exits, remote from each other, and so arranged that it is possible to go in either direction from any occupied area and reach safety outside the building.

(3) All stairwells serving as required means of egress shall be enclosed and provide a continuous protected passageway to the outside. **EXCEPTION:** Stairwells connecting not more than two floors may be allowed, provided:

(a) Building is provided with automatic sprinkler protection throughout; or

(b) Building is equipped with smoke detectors in all open areas and means of egress.

(4) Basements shall not be used for day care purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler system.

(5) All exit passageways above the first floor shall be illuminated at all times of occupancy. Illumination, where by other than natural light, shall be provided with a reliable power source to preclude failure in an emergency, either by way of an independent circuit or self-contained battery powered lights, so arranged that they will function automatically in case of failure of the normal lighting. [Order FM-77-3, § 212-62-035, filed 12/8/77.]

**WAC 212-62-040 Fire extinguishers.** At least one approved fire extinguisher suitable for use on fires in ordinary combustibles shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-62-040, filed 12/8/77.]

**WAC 212-62-045 Fire alarm.** An approved manually operated fire alarm system shall be provided when the license occupant load is fifty or more children. **EXCEPTION:** A fire alarm system will not be required if the following conditions exist:

(a) The licensed occupant load is less than fifty children, and

(b) Day care facility is limited to ground floor, and

(c) Each day care space has a direct exit to the outside at ground level. [Order FM-77-3, § 212-62-045, filed 12/8/77.]

**WAC 212-62-050 Hazardous areas and building service equipment.** (1) Heating plants, hazardous areas and other occupancies within the building shall be protected or separated from the day care portion. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.

(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. [Order FM-77-3, § 212-62-050, filed 12/8/77.]

**WAC 212-62-055 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

(2) Flammable or combustible materials shall not be stored in the building except as required for operation of the day care facility. Materials so required shall be kept in locked cabinets or rooms not accessible to children.

(3) All electrical circuits, devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

(5) Heating and cooking appliances and other open flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in accidental ignition of children's clothing. Candles shall not be used. [Order FM-77-3, § 212-62-055, filed 12/8/77.]

**WAC 212-62-060 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-62-060, filed 12/8/77.]

**WAC 212-62-065 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire, and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to the following actions:

- (a) Initial steps to be taken upon discovering a fire.
- (b) Method of sounding an alarm on the premises, and steps to take in summoning the fire department.
- (c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.
- (d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use

and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-62-065, filed 12/8/77.]

**WAC 212-62-070 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-62-070, filed 12/8/77.]

**Chapter 212-63 WAC**

**CHILD CARE INSTITUTIONS, STANDARDS FOR FIRE PROTECTION**

**WAC**

212-63-001	Purpose.
212-63-005	Definitions.
212-63-010	Applicability.
212-63-015	Compliance.
212-63-020	Inspections and approvals.
212-63-025	Right of appeal.
212-63-030	Building construction.
212-63-035	Exiting.
212-63-040	Fire extinguishers.
212-63-045	Fire alarm.
212-63-050	Hazardous areas and building service equipment.
212-63-055	Fire prevention.
212-63-060	Maintenance.
212-63-065	Fire evacuation plan and staff training requirements.
212-63-070	Separability.

**WAC 212-63-001 Purpose.** The purpose of these standards is to identify the minimum levels of safety from fire necessary for obtaining state fire marshal approval for child care institutions. [Order FM-77-3, § 212-63-001, filed 12/8/77.]

**WAC 212-63-005 Definitions.** Definitions of specific child care agencies is contained within each category of agency, hereafter indicated, and subject to evaluation by the state fire marshal.

- (1) "Adult", a person eighteen years of age or older.
- (2) "Child", a person under the age of eighteen years.
- (3) "Child care institution", means an agency which operates and maintains a group care facility on a twenty-four hour basis for the care of a group of eleven or more persons under the age of eighteen years (including minor children of staff residing on the premises).

(4) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(5) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(6) "Group", a group is generally defined as six or more persons.

(7) "Licensing agency", the licensing agency is the department of social and health services. [Order FM-77-3, § 212-63-005, filed 12/8/77.]

**WAC 212-63-010 Applicability.** These standards apply to child care institutions requiring state fire marshal approval for licensing, in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-010 (codified as WAC 212-63-010), filed 12/8/77.]

**WAC 212-63-015 Compliance.** Each child institution subject to approval by the state fire marshal, shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-63-015, filed 12/8/77.]

**WAC 212-63-020 Inspections and approvals.** (1) All child care institutions shall comply with the applicable portions of the Uniform Building Code and Uniform Fire Code as administered and enforced by the local building and fire officials.

(2) The licensing agency, upon receipt of an application for a license or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon, to determine compliance.

(3) Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-63-020, filed 12/8/77.]

**WAC 212-63-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-63-025, filed 12/8/77.]

**WAC 212-63-030 Building construction.** State fire marshal minimum standards of construction are as follows:

(1) A one story building may be of any recognized construction type provided the building has been maintained to the extent that the fire and life safety feature have not been minimized.

(2) Buildings two stories in height shall be of at least one hour fire resistive construction.

NOTE 1: The above limitations may be increased one story if the building is provided with complete automatic sprinkler protection.

(3) Buildings over two stories in height shall be of fire resistive construction.

(4) All vertical openings not serving as required exits shall be fire-stopped at each floor level.

(5) Corridors above the first floor shall be one hour fire resistive construction unless the entire building is provided with automatic sprinkler protection or provided with direct exits from each sleeping room to the exterior. [Order FM-77-3, § 212-63-030, filed 12/8/77.]

**WAC 212-63-035 Exiting.** (1) All stairwells serving as required means of egress shall be enclosed and provide a continuous protected passageway to the outside. EXCEPTION: Unenclosed stairwells connecting not more than two floors may be allowed provided:

(a) The building is of fire resistive construction; or

(b) The building is provided with automatic sprinkler protection; or

(c) The building is equipped with an automatic smoke detection system in all means of egress and open areas.

(2) All floors above the first floor level subject to occupancy by ten or more persons shall have at least two exits, remote from each other, and so arranged that it is possible to go in either direction from any occupied area and reach safety outside the building.

(3) All exit doors shall be openable from the inside without the use of keys or special knowledge.

(4) Basements shall not be used for sleeping purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler system. [Order FM-77-3, § 212-63-035, filed 12/8/77.]

**WAC 212-63-040 Fire extinguishers.** At least one approved fire extinguisher, suitable for fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance, or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-63-040, filed 12/8/77.]

**WAC 212-63-045 Fire alarm.** An approved manual fire alarm system shall be provided. Sounding devices and pull stations shall be so arranged as to be accessible and audible from all sleeping areas. EXCEPTION: Not required in buildings three stories or less in height where each sleeping room has an exit directly to the outside. [Order FM-77-3, § 212-63-045, filed 12/8/77.]

**WAC 212-63-050 Hazardous areas and building service equipment.** (1) Heating plants, hazardous areas and other occupancies within the building shall be protected or separated from sleeping areas. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.

(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. [Order FM-77-3, § 212-63-050, filed 12/8/77.]

**WAC 212-63-055 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

(2) Flammable or combustible materials shall not be stored in the building except as required for operation of the child care institution. Materials so required shall be kept in locked cabinets and not accessible to occupants.

(3) All electrical devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers. [Order FM-77-3, § 212-63-055, filed 12/8/77.]

**WAC 212-63-060 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-63-060, filed 12/8/77.]

**WAC 212-63-065 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to the following actions:

(a) Initial steps to be taken upon discovering a fire.

(b) Method of sounding an alarm on the premises and steps to take in summoning the fire department.

(c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.

(d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-63-065, filed 12/8/77.]

**WAC 212-63-070 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-63-070, filed 12/8/77.]

## Chapter 212-64 WAC

### MATERNITY SERVICE, STANDARDS FOR FIRE PROTECTION

#### WAC

212-64-001	Purpose.
212-64-005	Definitions.
212-64-010	Applicability.
212-64-015	Compliance.
212-64-020	Inspections and approvals.
212-64-025	Right of appeal.
212-64-030	Building construction.
212-64-035	Exiting.
212-64-040	Fire extinguishers.
212-64-045	Fire alarm.
212-64-050	Hazardous areas and building service equipment.
212-64-055	Fire prevention.
212-64-060	Maintenance.
212-64-065	Fire evacuation plan and staff training requirements.
212-64-070	Separability.

**WAC 212-64-001 Purpose.** The purpose of these standards is to identify the minimum levels of safety from fire necessary for obtaining state fire marshal approval for maternity service facilities. [Order FM-77-3, § 212-64-001, filed 12/8/77.]

**WAC 212-64-005 Definitions.** Definitions of specific child care agencies is contained within each category of agency, hereafter indicated, and subject to evaluation by the state fire marshal.

(1) "Adult", a person eighteen years of age or older.

(2) "Child", a person under the age of eighteen years.

(3) "Building official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference by the State Building Code Act.

(4) "Fire official", the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference by the the State Building Code Act.

(5) "Group", a group is generally defined as six or more persons.

(6) "Licensing agency", the licensing agency is the department of social and health services.

(7) "Maternity service," means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement. [Order FM-77-3, § 212-64-005, filed 12/8/77.]

**WAC 212-64-010 Applicability.** These standards apply to any maternity service facility which requires state fire marshal approval in accordance with chapter 74.15 RCW. [Order FM-77-3, § 212-64-010, filed 12/8/77.]

**WAC 212-64-015 Compliance.** Maternity service facilities shall comply with the requirements contained in these standards. [Order FM-77-3, § 212-64-015, filed 12/8/77.]

**WAC 212-64-020 Inspections and approvals.** (1) All maternity service facilities shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code as administered and enforced by the local building and fire official.

(2) The licensing agency, upon receipt of an application for a license, or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal, a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon, to determine compliance.

(3) Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.

(4) Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency. [Order FM-77-3, § 212-64-020, filed 12/8/77.]

**WAC 212-64-025 Right of appeal.** Any person aggrieved by the requirements imposed by the state fire marshal, may within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force. [Order FM-77-3, § 212-64-025, filed 12/8/77.]

**WAC 212-64-030 Building construction.** State fire marshal minimum standards of construction are as follows:

(1) Buildings not over two stories in height may be of any recognized construction type if maintained to the extent that the life safety features have not been minimized.

(2) Buildings three stories in height shall be of at least one hour fire resistive construction.

NOTE: The above limitations may be increased one story if the building is provided with complete automatic sprinkler protection.

(3) Buildings over three stories in height shall be of fire resistive construction.

(4) Second floor corridors shall be one-half hour rated unless provided with automatic sprinklers or direct means of egress from each occupied room.

(5) Corridors above the second floor shall be one hour rated fire resistive construction unless the entire building is provided with automatic sprinkler protection.

(6) All vertical openings not serving as required exits shall be fire-stopped at each floor level. [Order FM-77-3, § 212-64-030, filed 12/8/77.]

**WAC 212-64-035 Exiting.** (1) All stairwells serving as required means of egress from floors above the second shall be enclosed and provide a continuous protected passageway to the outside. EXCEPTION: Unenclosed stairwells connecting not more than three floors may be allowed provided that:

(a) Building is of fire resistive construction; or

(b) Building is provided with complete automatic sprinkler protection; or

(c) Building is provided with smoke detectors in all open areas and means of egress.

(2) All floors above the first floor level subject to occupancy by ten or more persons shall have at least two exits, remote from each other, and so arranged that it is possible to go in either direction from any occupied area and reach safety outside the building.

(3) All exit doors shall be openable from the inside without the use of keys or special knowledge.

(4) Infants not under the personal care of the mother shall not be housed above the first floor unless the building is of fire resistive construction or provided with complete automatic sprinkler protection.

(5) Basements shall not be used for maternity care purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler system. [Order FM-77-3, § 212-64-035, filed 12/8/77.]

**WAC 212-64-040 Fire extinguishers.** At least one approved fire extinguisher suitable for use on fires in ordinary combustibles shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards. All extinguishers shall be properly maintained and staff members instructed in their use. [Order FM-77-3, § 212-64-040, filed 12/8/77.]

**WAC 212-64-045 Fire alarm.** (1) An approved manual fire alarm system shall be provided when the resident occupant load exceeds fifteen persons; except that a fire alarm system shall not be required where the building is three stories or less in height and each sleeping room has a direct exit to the outside.

(2) Nursery areas not under continuous supervision shall be provided with automatic smoke detection. [Order FM-77-3, § 212-64-045, filed 12/8/77.]

**WAC 212-64-050 Hazardous areas and building service equipment.** (1) Heating plants, hazardous areas

and other occupancies within the building shall be protected or separated from maternity care or sleeping areas. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.

(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. [Order FM-77-3, § 212-64-050, filed 12/8/77.]

**WAC 212-64-055 Fire prevention.** (1) The local fire department shall be requested to make frequent inspections for fire hazards and unsafe conditions.

or stored in closed, metal containers.

(2) Flammable or combustible materials shall not be stored in the building, except as required for operation of the maternity service facility. Materials so required shall be kept in locked cabinets or rooms set aside for that purpose.

(3) All electrical circuits, devices and appliances shall be properly maintained and not overloaded. Extension cords shall not be used as permanent wiring.

(4) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers. [Order FM-77-3, § 212-64-055, filed 12/8/77.]

**WAC 212-64-060 Maintenance.** Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times.

(2) Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.

(3) Automatic fire detection systems shall be tested at least annually, by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.

(4) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises. [Order FM-77-3, § 212-64-060, filed 12/8/77.]

**WAC 212-64-065 Fire evacuation plan and staff training requirements.** (1) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire, and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions:

(a) Initial steps to be taken upon discovering a fire.

(b) Method of sounding an alarm on the premises and steps to take in summoning the fire department.

(c) Actions to take in confining or controlling incipient fire pending arrival of the fire department.

(d) Actions to take for evacuation of the building and assuring the accountability of the occupants.

(2) All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year. [Order FM-77-3, § 212-64-065, filed 12/8/77.]

**WAC 212-64-070 Separability.** If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected. [Order FM-77-3, § 212-64-070, filed 12/8/77.]