

WAC 212-17-028 Definitions—General. (1) "**Citation**" means a document issued by the office of the state fire marshal pursuant to chapter 70.77 RCW to issue a civil penalty for a violation of RCW 70.77.480 through 70.77.520. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(2) "**Building**" means any structure used or intended for supporting or sheltering any use or occupancy.

(3) "**Consumer fireworks retail sales (CFRS) facility**" means a permanent or temporary structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

(4) "**Facility**" means a consumer fireworks retail sales facility, distribution facility, or manufacturing facility.

(5) "**Formal hearing**" is a hearing before a hearings officer where the laws, rules, and evidence are presented, considered, and a proposed opinion issued.

(6) "**Hazard**" means a condition which could result in fire loss, injury, or damage to a person or property.

(7) "**Hearings request**" means the written request for a formal hearing to contest a civil penalty.

(8) "**Inhabited building**" means a building regularly occupied in whole or in part as a habitation for people, or any place of religious worship, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

(9) "**International Building Code**" means the edition currently adopted by chapter 51-50 WAC.

(10) "**International Fire Code**" means the edition currently adopted by chapter 51-54A WAC.

(11) "**Magazine**" means a structure, other than an explosives manufacturing building approved for the storage of explosive materials.

(12) "**Permanent structure**" means an enclosure or shelter erected for a period of thirty days or more used for the sales, at retail or wholesale, of legal fireworks of any kind.

(13) "**Person**" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

(14) "**Private way**" means any privately owned driveway, lane, access way, or similar parcel of land essentially unobstructed from the ground to the sky which serves as access from private property to a public road.

(15) "**Public road**" means any street or alley essentially unobstructed from the ground to the sky which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

(16) "**Recognized testing laboratory**" means a nationally recognized testing laboratory approved by the state fire marshal.

(17) "**State fire marshal**" means the director of the fire protection bureau of the Washington state patrol as appointed by the chief or his or her designee.

(18) "**Temperature overheat protection**" means a device which immediately interrupts the power to the heating element of a portable

heating unit when the portable heating unit exceeds its designed operating temperature.

(19) **"Temporary power drop"** means an electrical service connection to a temporary retail fireworks stand.

(20) **"Temporary storage"** means a structure used for storage of consumer fireworks directly related to a CFRS facility and authorized under WAC 212-17-117.

(21) **"Temporary structure"** means an enclosure or shelter erected for a period of less than thirty days and not otherwise defined in the International Fire Code as a canopy.

(22) **"Tip-over protection"** means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit is tipped or tilted more than forty-five degrees from its designed operating position.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-028, filed 11/3/15, effective 1/1/16.]