



Retail Fireworks Stands

Policy Date: June 9, 2005

Purpose:

Provide for a uniform method for the inspection of Retail Firework Stands, and establish a permit fee. The permit fee for all retail fireworks stands is \$100.00.

Scope:

This policy is applicable only to Retail Fireworks Stands. Each license and permit shall be issued and shall remain valid and effective for the thirteen-month period beginning on January 1 of the year in which application is made and ending January 31 of the following year.

Section I. Application Requirements

The applicant shall provide the following information:

1. A Washington State Fire Marshal Application for retail fireworks stand.
2. A Washington State Fire Marshal fireworks stand permit.
3. A Washington State Fire Marshal Fireworks Stand License.
4. A Certificate of insurance in the amount of (or greater) fifty thousand dollars, and five hundred thousand dollars for bodily injury liability for each person and occurrence, respectively, and not less than fifty thousand dollars for property damage liability for each occurrence. The Certificate of Insurance shall name Benton County as an Additional Insured.
5. A list of fireworks to be sold.
6. Site plan that shows the stand located in accordance to Table 1, and 6 [a] – [d]

Table 1 - Minimum Clearances in feet

	Buildings	Combustibles	Property Line	Parking	Public Road*	Private Way
Back of Stand	20	20	5	20	20	5
Side of Stand	20	20	5	20	20	5
Front of Stand	40 or 20**	40 or 20**	20	20	20	20

*Measured from the outer edge of the nearest traffic lane.

**If stand is equipped with 135° fusible links which will automatically close all sales doors in case of fire, or is equipped with a wire mesh screen with openings of not more than one inch which covers not less than 90% of all sales openings.

- a. The stand shall not be located more than 150 feet from a public road, private way, fire department access road, as measured by an approved route around the exterior of the stand.
- b. Any two retail fireworks stands shall be at least one hundred feet apart or shall be separated by a road, street or highway not less than thirty feet in width.
- c. Retail fireworks stands shall not be located closer than one hundred feet from any motor vehicle dispensing station, retail propane dispensing station, flammable liquid storage, or combustible liquid storage. Retail fireworks stands shall not be located closer than three hundred feet from any bulk storage of flammable or combustible liquid or gas, including bulk dispensing areas.
Exception:
 - i. Generators which use combustible fuel and which are at least twenty feet from the retail fireworks stand or the temporary fireworks storage structure shall be allowed. Generator fuel shall be limited to not more than five gallons and stored at least twenty feet from all stands.
 - ii. Fuel within the tanks of motor vehicles.
- d. Storage and manner of storage of fireworks prior to, during, and after sale dates.

Section II. Stand construction.

1. A permanent structure four hundred square feet for fireworks sales and storage shall be subject to the provisions of the International Fire Code and the International Building Code.
2. Temporary, stable structures made from wood, metal, fiberglass or other material. Any temporary fireworks retail stand greater than four hundred square feet shall meet the requirements of a permanent structure, except tents or canopies as defined in the Uniform Fire Code.
3. Tents, canopies, or structures utilizing temporary membrane material. All tents, canopies or temporary membrane materials structures shall be made from fire retardant material or treated with a fire retardant as identified in the Uniform Fire Code. Any tent, canopy or temporary membrane material structure falling within the scope of the Uniform Fire Code shall comply with those requirements. When those requirements are in conflict with other provisions of these rules, the more restrictive provisions shall apply.
4. Each temporary retail fireworks stand must have at least two exits, at least twenty-eight inches in width, located at opposite ends of the structure. Exits must remain unlocked and unobstructed during the hours of operation or when the stand is occupied.
5. Battery powered equipment, electrical equipment and electrical cords which are used in conjunction with a retail fireworks stand or a temporary storage structure or location must be listed by a recognized laboratory and used in accordance with that listing. If electrical power is supplied by an extension cord, the size of the cord, the length of the cord and the amperage and the voltage supplied shall be in compliance with the requirements of the National Electrical Code, current edition. The cord shall be protected as necessary from "drive-over" and other physical damage. No additional permits from a city or county or state official having jurisdiction shall be required for these temporary uses except as specified in subsection (5) of this section.

6. All heating units shall be listed by a recognized testing laboratory and shall be used in accordance with the listing. Heating sources shall have "tip-over" and temperature overheat protection. All heating devices shall have sealed type elements (i.e., oil filled or water filled radiator type). Open flame heating devices are prohibited.
7. Generators which use combustible fuel and which are at least twenty feet from the retail fireworks stand or the temporary fireworks storage structure shall be allowed. Generator fuel shall be limited to not more than five gallons and stored at least twenty feet from all stands.
8. Compliance with the National Electrical Code, current edition, shall be required for all new, permanent electrical installations, including temporary power drops, subject to possible permit fees.
9. Retail sales of fireworks and other products which are holiday related shall be from buildings used for no other purpose.

Section III. Stand operations

1. A clear aisle or walkway not less than twenty-four inches wide shall be maintained inside the full length of the structure. Customers shall only be permitted inside a temporary retail fireworks stand that is greater than four hundred square feet and which meets minimum exit requirements of the International Building Code and International Fire Code.
2. Sleeping inside a retail fireworks stand or an associated temporary fireworks storage facility is prohibited.
3. The location of the nearest permanently mounted telephone must be posted inside the retail fireworks stand and persons working in the stand shall be informed of that location.
4. The local emergency telephone number shall be conspicuously posted inside the retail fireworks stand.
5. Each retail fireworks stand shall be equipped with two approved, pressurized two and one-half gallon water-type fire extinguishers.
6. No open flames nor any type of open flame equipment shall be allowed in any retail fireworks stand.
7. Retail fireworks stands shall be secured when unoccupied and not open for business if fireworks are kept in the structure during these times. Retail fireworks stands shall never be locked when occupied. The fireworks may be removed and transferred to a temporary storage structure or location approved as a part of the license and permit.
8. At least one adult person, eighteen years of age or older shall be present at all times in every retail fireworks stand during the hours of sale to the public and shall be responsible for supervision of the retail fireworks stand and its operation. No person, other than customers, under the age of sixteen shall be allowed within a retail fireworks stand when it is open to the public. Fireworks, except for prepackaged assortments, boxes, or similarly packaged containers of more than one item, whether of the same or different kind, must be displayed in a manner

which prevents the fireworks from being handled by the public or a customer without the direct intervention of the licensee or his or her representative who shall maintain visual contact.

9. Retail fireworks stands will be inspected by the Benton County Fire Marshal prior issuing the permit, and other inspections may occur on other days as warranted but there shall be no additional charge for all such inspections.
10. The cleanup of debris associated with the retail fireworks activity and the removal of all structures authorized by the license and permit shall occur on or before the last day prior to July 31, or January 10 of the following year when the fireworks are sold during the holiday season.
11. Fireworks retailers shall not knowingly sell fireworks to persons under the age of sixteen.
 - a. A sign reading "no sale of fireworks to persons under the age of sixteen years. PHOTO ID REQUIRED" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting back ground, shall be conspicuously posted on the front of each retail fireworks stand.
 - b. Sellers shall require proof of age by means of display of a driver's license or photo identification card showing date of birth issued by a public or private school, state, federal or foreign government. No other forms of identification shall be accepted.

Section IV. Fireworks prohibited

1. In addition to the fireworks prohibited by RCW 70.77.311. No person may sell, use, or possess in the unincorporated areas of Benton County under any circumstances any of the following fireworks
 - a. Helicopter or Aerial Spinner - Tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyro-technic composition. A propeller or blade is attached, which upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.
 - b. Mine or Shell - Heavy cardboard or paper tube up to 2-1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars", firecrackers, or other devices are propelled into the air. The tube remains on the ground.
 - c. Sky Rocket - Tube not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.
 - d. Missile-type Rocket - Devise similar to a sky rocket in size, composition, and effect, that uses fins rather than a stick for guidance and stability.
 - e. Firecracker or Salute - Small paper-wrapped or cardboard tube, the external dimensions of which do not exceed 1-1/2 inches in length or \square inch in diameter containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.
 - f. Chaser - Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

- g. Ground Spinner - Small device similar to a wheel in design and effect, and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.
- (h) Roman Candle - Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.
- i. Smoke Device - Tube or sphere containing pyrotechnic composition that upon ignition, produces white or colored smoke as the primary effect.
- j. Jumping Jacks - A small tube containing pyrotechnic composition that upon ignition, the tube will bounce around and produce a flash.
- k. Combination Items - Fireworks devices containing combination of two or more of the effects described in WAC 212-17-198.
- l. Any fireworks devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050.
- m. Any fireworks larger, in terms of size or amount of pyrotechnic composition, than specified in this section.

Section V. Area around the retail fireworks stand.

- 1. The minimum areas around the retail fireworks stand specified in Table 1 shall be kept free of accumulation of dry grass, dry brush and combustible debris. No parking shall be permitted within this minimum area.
- 2. No motor vehicle or trailer may be parked within twenty feet of a retail fireworks stand except when delivering, loading or unloading fireworks.
- 3. Fireworks shall not be discharged within one hundred feet of a retail fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 100 FEET" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on all four sides of the stand.
- 4. No smoking shall be allowed within the retail fireworks stand or within the minimum flagged off area. Signs reading "NO SMOKING WITHIN 20 FEET" in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, shall be conspicuously posted on all four sides of the stand.

Section VI. Dates and times allowed. See State Fireworks Law RCW 70.77.395