

Chapter 479

1955 REPLACEMENT PART

Protection of Buildings from Fire; Electrical Code

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PROTECTION OF BUILDINGS FROM FIRE

479.010 Definitions. (1) For the purpose of ORS 479.170 to 479.190 and subsection (4) of ORS 479.990:

(a) "Alter" in its various modes and tenses and its participial forms refers to an alteration as defined herein.

(b) "Alterations," as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height.

(c) "Construction" means the making, building, alteration, erection, reconstruction, rebuilding or production of a building or addition or extension thereto, or enlargement thereof, in any manner not included in the term "repair" as defined in this section.

(d) "Family" means one person living alone or a group of two or more persons living together, whether related to each other or not.

(e) "Hospital" means a building of any sort in which sick or injured persons are received or kept for medical, surgical or nursing purposes.

(f) "Occupancy" means the purpose for which a building or structure is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

(g) "Owner" includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

(h) "Private residence" means that part of a single, double or multiple dwelling house or building occupied as living or sleeping quarters by one or more family units, exclusive of any portion of such house or building devoted to commercial, processing or manufacturing use.

(i) "Public building" means a building in which persons congregate for civic, political, educational, religious, social or recreational purposes, including among others, state buildings, courthouses, schools, colleges, libraries, museums, exhibit buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theatres, skating rinks, bath houses, armories, recreation piers, grandstands and bleachers in exhibition parks or fields, and jails.

(j) "Repair" means restoration of an

existing thing to its former state, to refit, to mend, to make good. It does not include construction, reconstruction, alteration or rebuilding of a building or any part thereof.

(2) For the purposes of ORS 479.020, 479.030, 479.060, 479.080 and 479.120, "first story" is the story the ceiling of which is first above the level of the grade, the ceiling being an average distance of five feet or more above the ground surrounding the building.

(3) As used in ORS 479.100:

(a) "Private garage" is a building or portion of a building in which one or more vehicles or other self-propelled vehicles or wheeled machines using volatile inflammable liquid for fuel or power are housed or kept for private use and in which no business or industry connected with motor vehicles is carried on.

(b) "Public garage" is any garage to which the public is invited or has access to for a purpose within the scope of the business that is carried on therein, or where there are housed for rent, care, repair, demonstration, storage or sale, four or more motor vehicles or self-propelled vehicles or other wheeled machines using volatile inflammable liquid for fuel or power.

(4) As used in ORS 479.110, "picture machine" means any machine or device operated by or with the aid of electricity or other illuminant, and adapted or used to project upon a screen or other surface pictorial representations, using an inflammable film.

(5) As used in ORS 479.120, "dry cleaning" is the art, act or process of cleaning or renovating wearing or other apparel, clothes and other fabrics or textiles, where inflammable liquid is used, or cleaning of anything with inflammable liquid.

(6) For the purpose of subsections (3) and (5) of this section and ORS 479.100 to 479.120 and 479.160:

(a) "Apartment house" means any building, or portion thereof which is rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and with facilities for doing their own cooking in said building, and shall include flats, tenements and apartments.

(b) "Concrete" means, except when otherwise specifically provided, a mixture of one part of cement and not more than three parts of sand and five parts of coarse aggregate, proportioned by volume.

(c) "Fire-wall" means a wall which subdivides a building or separates buildings to restrict the spread of fire, and which starts at the foundation and extends continuously through all stories to and above the roof.

(d) "Hotel" means any building containing rooms intended to be used, or occupied, or which are used, occupied, rented or hired out to be occupied, for sleeping purposes by transient or temporary guests.

(e) "Inflammable liquids" means any liquid having a flash point below 187 degrees Fahrenheit or 86 degrees Centigrade closed cup tester.

(f) "Masonry" means plain monolithic concrete as well as that form of construction composed of stone, brick, concrete, hollow clay tile, concrete blocks or tile, or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar.

(g) "Permit" means the written authority of the State Fire Marshal, to have, keep, store, use, manufacture, sell or handle certain kinds of goods or materials or to operate and maintain a certain establishment or to do any act or thing requiring a permit from the fire marshal. [Subsection (6) enacted as 1953 c.569 §1]

479.020 Fire escapes; buildings requiring them. All buildings, except private residences, erected after May 28, 1925, or any building then erected, having three stories or more where the stories above the second story are actually used, shall be equipped with not less than one standard fire escape or one exterior stairway for each 10,000 square feet of lot or ground space, or fraction thereof, occupied by the building.

479.030 Hospital escape exits. Every building erected, maintained or occupied after May 28, 1925, for hospital purposes and not of fire-proof construction or provided with adequate means of egress from the floors above the first floor, shall have sufficient means of exit other than interior stairway or elevator, whereby the inmates or other occupants of the building shall have adequate means of escape from the floors above the first floor. Such arrangement of exterior exit shall have the approval of the State Fire Marshal.

479.040 Specifications for construction of fire escapes. Fire escapes installed after May 28, 1925, on the outside of buildings shall be constructed in accordance with the

specifications prescribed in this section, any deviation from which shall only be made by permission of the State Fire Marshal. Each fire escape shall consist of balconies, stairs and fireman's ladder, as follows:

(1) Each balcony shall be not less than 12 feet long and 3 feet 8 inches wide, and have a well hole of not more than 6 feet long nor more than 2 feet 3 inches wide. The outside of the floor shall be made of 2 inch by 2 inch by $\frac{1}{4}$ inch angle iron and the corners bent on a radius of not less than 6 inches. Slats for the floor shall be $1\frac{1}{2}$ inch by $\frac{1}{4}$ inch mild steel and spaced 1 inch between slats, and reinforced by $\frac{1}{4}$ inch by 2 inch mild steel not over 3 feet apart, securely riveted to the slats. Railing for the balcony shall be not less than 30 inches high and be extended on each end and front of balcony, and shall have one top and one center rail $\frac{1}{4}$ inch by 2 inch bent to conform to platform and securely bolted to the building, and connected to floor of balcony by not less than five upright irons, $\frac{1}{4}$ inch by $\frac{1}{2}$ inch, twisted to conform to each rail and angle iron, and securely riveted thereto. Screws or lagscrews shall not be used in the construction of fire escapes.

(2) The stairs shall be made of $\frac{1}{4}$ inch by 4 inch flat mild steel bars, and the steps shall be 20 inches long and not over 10 inch rise. Stairs shall have a railing made of 1 inch pipe and be 20 inches from stairs, and securely fastened by means of 1 inch pipe supports not over 7 feet apart.

(3) The fireman's ladder shall consist of 5/16 inch by 2 inch mild steel bars for sides, and have $\frac{3}{4}$ inch round mild steel rungs, spaced not over 14 inches apart, tenoned on each end and riveted to each side of ladder. Ladders shall extend from within 14 feet of the ground to not less than 5 feet above the roof of the building. Each balcony shall be securely bolted to building and supported by means of $1\frac{1}{2}$ inch square braces, four in number, securely anchored into the wall, as may be directed by the building inspector or fire chief. Fire escapes, when finished, shall be painted with at least one coat of red lead.

479.050 When fire escapes to extend to ground. The fire escape shall extend clear to the ground or have an approved counterbalanced stairway, when the State Fire Marshal deems such to be necessary, as in the case of schools, factories, hotels, hospitals, detention homes and buildings of public assembly.

479.060 Location of fire escapes; accessibility; freedom from obstructions; buildings of three or more stories. (1) Fire escapes installed after May 28, 1925, shall be located on buildings so as to be as remote from stairways as possible.

(2) In all buildings erected after May 28, 1925, which are occupied at night for sleeping purposes and which require fire escapes, the public corridors shall extend to all fire escapes.

(3) In all buildings existing on May 28, 1925, and in all buildings erected after that date, except those covered by the regulations of subsection (2) of this section, not more than one room shall intervene between a corridor and any fire escape. Except as otherwise provided by ORS 479.070, when a room intervenes between a corridor and the fire escape, the corridor door shall have a glass panel extending from the top rail to the doorknob and the glass shall be of a kind that is easily broken. Any lock on the corridor door shall be of the night latch type which can be opened from the inside without a key. Close to the door, on the corridor side, shall be kept at all times an adequate instrument for breaking the glass, with explanatory label, subject to approval of the State Fire Marshal.

(4) All fire escapes, ladders, stairs, hallways and platforms shall be kept free from encumbrances or obstructions at all times.

(5) In all buildings consisting of three or more stories, except private residences, and which are occupied for sleeping purposes, all unprotected openings such as open stairways, open elevator shafts, dumbwaiters, chutes, light wells or any other unprotected opening shall be effectively enclosed in a manner subject to approval of the State Fire Marshal to prevent the dangerous spread of fire, smoke, gas or heat to corridors leading to fire escapes.

479.070 Door of occupied room used as exit for fire escape. If the opening of a fire escape is in a room that is occupied, with a door locked at times, then the door must be at least four-fifths glass easily broken. There shall also be a sign with the inscription, "Fire Escape," over the same, and also written upon the glass of the door.

479.080 Red or green lights to show location of fire escapes; fire gongs. (1) An electric red or green light shall be placed in full view of hallways showing location of fire escapes and also lettered "Fire Escape"

in black letters. Each light must be kept burning from sundown to sunrise when such building is occupied. The light must not at any time be permitted to be out of order and when out of order must be immediately repaired.

(2) All hotels, factories, workshops, schools and any other building occupied by night by more than 10 persons, if of more than one story in height, shall have in each story an electrically operated gong capable of being heard throughout the story. The gong shall be operated by any one of a number of switches, one of which shall be on each floor. The gong shall be not less than six inches in diameter and installed with not less than number 14 rubber-covered wire. [Amended by 1955 c.453 §1]

479.090 Stationary ladders; standpipe specifications; hospital requirements. (1) All buildings requiring fire escapes shall have stationary iron ladders to scuttle holes. A standpipe shall be erected with all fire escapes with hose attachments at each story with Siamese connection five feet from sidewalk, on all buildings more than three stories in height as follows:

	4-story	5-story	6- or 7-story
Size of standpipe.....	4-inch	4-inch	5-inch
Size of valves.....	2½-inch	2½-inch	2½-inch
Siamese inlet.....	2-way	3-way	4-way
Size of inlet.....	2½-inch	2½-inch	2½-inch
Roof outlet	2-way	2-way	3-way
Size of outlet.....	2½-inch	2½-inch	2½-inch

(2) Whenever a water supply is available of sufficient pressure, interior standpipes of not less than 1½ inches in size shall be installed in such building described in ORS 479.030, with valve and hose attached to standpipe on each floor, the hose to be of sufficient length to reach any part of the floor. One 2½ gallon fire extinguisher shall be installed and maintained on each floor. The extinguisher shall be kept in good working order at all times.

479.100 Garages; building regulations for public garages; permit for exhibition of automobiles; prohibited occupancies; regulations. (1) No person shall, after May 28, 1925, establish, construct or operate a public garage, as defined in ORS 479.010, unless the building has exterior walls of masonry construction, with fireproof floors, and all windows, doors or other openings abutting on adjacent property, or on a street, alley or court of less than 30 feet in width, are provided with wire glass and metal sash, approved fire doors, curtains or shutters.

However, no building occupied as a garage on May 28, 1925, shall be affected, except that the provisions relating to inspection and examination of buildings and premises shall apply to all buildings used or occupied as garages. No enlargement, extension, alteration, replacement or reconstruction of any building or any part thereof, occupied as a public garage, other than repairs, shall be made except in conformity with the provisions of ORS 479.020 to 479.100. The State Fire Marshal may issue a permit for the exhibition of automotive vehicles in buildings other than of masonry construction when such precautions and safety plans as designed and declared by the State Fire Marshal have been complied with by the applicant for such permit. The permit shall state the place and period of time for such exhibition and shall specifically provide that during such period the State Fire Marshal or his deputies shall direct all matters in regard to the safety of human life and property in such place of exhibition and its entrances and exits.

(2) All wiring shall be installed in accordance with the National Electrical Code, if within a city that has enacted an ordinance adopting the National Electric Code, otherwise, the United States Bureau of Standards Electrical Code, adopted by the State Labor Commissioner, will prevail.

(3) No part of any building which is used as a hotel, hospital, lodging house, assembly hall, including theatre or moving picture house, shall be used as a garage, nor shall a tenement or apartment house be so used unless the garage portion is located on the ground with a cement floor and with the floor above of fireproof construction, and with masonry walls at least 8 inches thick. The only openings that shall be permitted in the partitions or walls of the garage portion leading to other portions of the buildings shall be protected by a single self-closing kalamín or standard fire door, normally kept closed. A garage in a building with no other occupancy shall have the floors on which machines are kept or stored, either of concrete with chicken wire netting, if laid on wood, or covered with terrazzo or vitrified tile not less than one inch in thickness, or other incombustible material.

(4) There shall be at all times maintained in every such building used for the aforesaid purpose one approved fire extinguisher of 2½ gallons capacity when the floor space is 2,000 square feet or fraction

thereof, and a like extinguisher for each additional 2,000 square feet or fraction thereof.

(5) No gasoline shall be put into or taken out of any automobile in the presence of an open flame or while an engine is running.

(6) No lights of any kind other than electricity shall be used for illuminating purposes in any automobile garage when electricity is available.

(7) All electric motors not actually a part of an automobile shall be located at least four feet above the floor, unless of approved explosion-proof type.

(8) All repair shops shall be kept clean and the floor free from oily waste or rags. All such rags and waste and combustible rubbish shall be kept in metal cans or receptacles covered with tight-fitting covers.

479.110 Theaters; booth and theater building regulations; portable projectors excepted. (1) No picture machine shall be installed, maintained or operated, except in conformity with the provisions of ORS 479.110.

(2) **Specifications for Booth.** Every picture machine using inflammable films installed or operated shall be inclosed within a booth to be not less than 6 by 8 feet in size and 6 feet 6 inches high, the frame of which shall be composed of angle iron not less than 1½ inch by 1½ inch by ¼ inch, properly braced to secure rigidity, and securely riveted or bolted at the joints. Every such booth shall be sheathed and roofed with sheet iron of not less than No. 20 United States metal gage, or with ¼ inch hard asbestos board securely riveted or bolted to the angle iron frame, or 2 inches of solid metal lath and Portland cement plaster may be used. Other fireproof booths of a similar type may be approved by the State Fire Marshal.

(a) The booth shall be floored with the same material as the sides and roof, riveted to the iron frame and covered with the same incombustible material.

(b) The entrance door to the booth shall be no larger than 2 by 6 feet, of the same construction as the booth, opening at the side or back of the booth and so arranged as to close by gravity and normally kept closed. Trapdoors in the floor shall be prohibited for emergency exit purposes.

(c) There shall be not more than two openings in the booth for each machine, one for observation of the operator and one for

the operation of the machine. The opening shall not be larger than 8 by 12 inches, and shall be provided with gravity doors of the same construction as the booth, which doors shall be held open by fusible links placed in series with fine cords so arranged that one of the links is suspended directly over the film when in the slide of the apparatus.

(d) All shelves, furniture and fixtures within the booth shall be constructed of incombustible material, and no combustible material of any sort whatever shall be permitted or allowed to be within such booth, except films used in the operation of the machine.

(e) Each booth must have an opening of not less than 12 inches in diameter for ventilation, which must be flanged to carry standard conductor pipe for exhausting the hot air generated in operating the machine. Connection for ventilation shall vent to chimney or outside of building, in order to carry off hot air or explosive gases.

(3) **Protection of Films in Use.** All picture machines using inflammable films shall be equipped with incombustible magazines for receiving and delivering the films during the operation of the machine. A shutter must be provided and placed in front of the condenser of the machine, so arranged that it can be instantly closed by the operator. Films not in the magazines shall be kept in metal boxes, except in the process of re-winding, transferring or repairing. Hot carbons taken from the lamps shall be deposited in either a metal receptacle or a bucket of water.

(4) **Electrical Equipment.** Portable cords shall not be allowed within the booth unless the same is pertinent to proper connection to the lantern itself, and in all other respects the electrical wiring must be in accordance with the rules and requirements for electric wiring embodied in the National Electric Code, or the standards set forth by the United States Bureau of Standards which have been adopted by the State Labor Commissioner. Each lamp connected with a picture machine must be provided with a separate switch located within the booth. There shall also be two switches controlling the lights in the exhibition room, one of which shall be operated from the booth and the other so placed that it is within reach of the ticket taker or other person stationed at the entrance door. There shall be provided a separate system of lighting, controlled by switches located within easy reach of the ticket taker operating red signal lamps, and

there shall be one such lamp placed at each exit, with a sign marked "Exit" in letters not less than five inches high, the exit lights to be left burning at all times when the exhibition room is open to the public.

(5) **Care of Operating Rooms.** No waste paper, newspaper, old rags or anything of an inflammable character will be permitted in the operating rooms. The walls and floors of the operating room must be kept clean; under no circumstances shall dust be allowed to accumulate. Waste shall not be permitted in operating room; such rags as may be necessary for wiping must be kept in approved waste cans. Under no circumstances shall the operator leave the operating room without first having disconnected the current from the arc light of the machine. Smoking is positively prohibited. One 2½ gallon chemical extinguisher shall be kept just outside the booth exit.

(6) **Exits, Aisles and Seats of Theaters.** No picture machine shall be installed in any theater that does not abut directly upon a street, and in no case shall the main floor of such theater be more than four feet above or below the adjoining street level. To overcome any difference of level on the ground floor, gradients shall be employed of not over one foot in six feet; no steps shall be permitted. Exit doors must be at the level of the sidewalk. In exhibition rooms directly abutting upon one street, the booth inclosing the picture machine shall be placed at the end of the room which is opposite and farthest from the street, or on a balcony. No room is to be used as an exhibition room unless it has at least one separate and distinct exit in addition to the front exit. In exhibition rooms located at the corner and directly abutting upon two streets, or on a street and an alley, the booth inclosing the machine may be located at the end of the room opposite to and farthest from either street or alley. Every such room shall be provided with two exits, one upon each street and alley. All exits and entrances shall open directly from the exhibition room upon the street or alley or into a vestibule or lobby opening immediately into the street or alley. No exit in exhibition halls for picture machines shall be less than five feet wide and all exit doors shall be arranged to swing outward. No entrance or exit door shall be locked when the exhibition room is open to the public except by some approved form of antipanic bolt. The aggregate width in feet of such exits shall not be less than one foot to each 40 persons to be accommodated thereby. All aisles

shall lead directly to exits and all exits shall be directly accessible to aisles. No aisle shall be less than three feet wide. All seats in an exhibition hall for picture machines shall be securely fastened to the floor and shall be so arranged that no seat shall be more than six seats from an aisle.

(7) **Lighting of Theater.** Incandescent electric lights shall be used throughout for border lights, footlights and stage purposes.

(8) **Approval of Theater and Equipment Required.** No person shall be permitted to conduct the business of motion picture exhibition, as herein described, until the applicant therefor has secured from the State Fire Marshal his approval to the effect that the premises where the exhibitions are to be given and the apparatus used in connection with the exhibitions conform to the provisions of ORS 479.020 to 479.110.

(9) Nothing herein contained shall prohibit the use in public or private schools, churches, lodge rooms, assembly halls and private residences of any motion picture machine of a portable type, having an incandescent lamp for the illuminant of the projector, if equipped with a standard automatic safety shutter, and if so constructed that the lamp, motor, film reels and mechanism of the machine are inclosed in a noninflammable box, such that should the film in the machine take fire, the fire would be confined within the box; provided, however, that the room in which the machine is used is approved by the State Fire Marshal and is deemed by him to have an arrangement of windows, exits, etc., so that it is safe and adequately ventilated.

479.120 Dry cleaning establishments; building and other regulations. (1) **Construction of Dry Cleaning Rooms.** No dry cleaning, as defined in ORS 479.010, shall, after May 28, 1925, be done for hire within Oregon except in a separate building or section thereof, cut off by a fire wall constructed of brick, stone, concrete or other fire-resisting material, any opening in which shall be protected by wire glass and metal sash, standard fire doors, curtains or shutters. Such building or section shall be not over one story, shall not exceed 16 feet in height and shall be constructed of masonry. There shall be no basement or open space beneath the floor. All doors shall have raised sills at least six inches above the highest point on the floor. All windows, doors or other openings abutting on adjacent property, a street, alley or court of width less than 30 feet, shall be provided with

wire glass and metal sash and approved fire doors, curtains or shutters. The building shall be well ventilated at or near the floor level, and no lights shall be permitted within the building or section except vapor-proof electric lights installed in accordance with the National Electric Code.

(2) **Shafting and Motors.** No motor, stove or spark-emitting device of any description shall be permitted in a room for dry cleaning. All shafting necessary for the operation of machinery of any washing, drying or distilling room shall enter the room not less than six feet above floor level.

(3) **Storage of Inflammable Liquids.** Inflammable liquids shall not be handled in open containers and all inflammable liquids shall be pumped directly into all machines. All machines shall be provided with a system of pipes whereby all inflammable liquids can be drained directly into an underground storage system. Inflammable fluids shall be removed from washing machines, stills and extractors when machines are not in actual operation. When steam is available, there shall be a steam line not less than one inch in diameter providing for fire-extinguishing purposes in the washing, drying and distilling rooms with suitable controlling valves arranged on the outside of the room. There shall also be provided one approved fire extinguisher of not less than two and one-half gallons capacity for each washing, drying and distilling room.

(4) **Smoking Prohibited.** Smoking is prohibited in any washing, drying or distilling room, and notices to that effect shall be posted in conspicuous places.

479.130 Tents or canvas-covered structures for public assembly to be flame resistant. No person shall erect, maintain or use within Oregon any tent or canvas-covered structure with the intent that such a tent or structure be used for a place of public assembly unless the tent and canvas-covered parts of the structure and all combustible decorative materials have been rendered flame resistant.

479.140 Schools; fire drills; unlocked doors and exits. The State Fire Marshal and his deputies and assistants shall require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours.

479.150 Outward-swinging doors required; revolving doors. (1) The outside doors

and other exits leading thereto, in every theater, church, school building, public hall, and every other building used for public purposes where people congregate, shall be so swung and hinged that they will open outward. Revolving doors shall not constitute any part of the door width required for exit facilities.

(2) No owner, lessee, tenant or person having control of any building enumerated in subsection (1) of this section shall fail to provide doors opening outward as required therein.

479.160 Existing nonconforming buildings; permit for use and occupancy. The owner, lessee or agent of any building established, occupied and defined, as of May 28, 1925, as coming within the provisions of ORS 479.020 to 479.120, which does not conform to the requirements of these provisions, but which, after an inspection by the State Fire Marshal, is found to be reasonably safe, or which can be made reasonably safe, shall be granted a permit by the State Fire Marshal for the continued use and occupancy of the building after the changes, if any, have been made.

479.170 Ordering repair of, or removal of material from, buildings. (1) If the State Fire Marshal, or his deputies, upon an examination or inspection finds a building or other structure which for want of proper repairs, by reason of age and dilapidated conditions, or poorly installed electric wiring and equipment, defective chimneys, defective gas connection, defective heating apparatus or for any other cause or reason, is especially liable to fire, and which is so situated or occupied as to endanger other buildings or property or human life, the officer shall order the building to be repaired and all dangerous conditions remedied.

(2) If the officer finds in any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable condition of any kind, dangerous to the safety of the buildings or premises or human life, he shall order such materials removed or remedied.

(3) The order shall be made against and served personally or by registered letter upon the owner, lessee or occupant of the building or premises. Thereupon it shall be complied with by the owner, lessee, agent or occupant within the time fixed in the order. Upon failure to comply, the State Fire Marshal may close the building or premises for use or occupancy until compliance has been made.

479.180 Appeal from order to comply with fire prevention statutes. (1) If the owner, lessee, agent or occupant deems himself aggrieved by the order of an officer under the provisions of ORS 479.020 to 479.130 or 479.170 and desires a hearing, he may complain or appeal in writing to the State Fire Marshal within 10 days from the service of the order. The State Fire Marshal shall at once investigate the complaint, and he shall fix a time and place, not less than five and not more than 10 days thereafter, when and where the complaint will be heard by him. At the hearing he may affirm, modify, revoke or vacate the order. Unless it is revoked or vacated by the State Fire Marshal, it shall remain in force and be complied with by the owner, lessee, agent or occupant, and within the time fixed in the order or fixed by the State Fire Marshal at the hearing.

(2) If a person is aggrieved by the final order of the State Fire Marshal, as made at the hearing, he may, within 10 days thereafter, appeal to the circuit court of the county in which the property is situated, notifying the State Fire Marshal of the appeal within 10 days thereafter, which notice shall be in writing and delivered personally or by registered letter to the marshal, or left at his principal office at the state capital. The party so appealing shall, within two days after filing the appeal, file with the circuit court in which appeal is made a bond in an amount to be fixed by the court or judge, but in no case less than \$100, with two sufficient sureties possessing the qualification of bail on arrest, the bond to be approved by the court and conditioned to pay all the costs on the appeal in case the appellant fails to sustain it or it is dismissed for any cause. In the case of an appeal involving an order under ORS 479.170, the circuit court shall hear and determine the appeal within 10 days after the date of filing the same.

(3) The State Fire Marshal shall make or have made a complete transcript of the proceedings at the hearing, and certify to same, together with all the original papers filed in his office, and transmit them to the circuit court at least three days prior to the date fixed by the court for hearing when it shall be tried de novo.

479.190 Liability in damages for failure to comply with order under ORS 479.170. Anyone injured in his person or property by reason of the failure of the owner or occupant to comply with any order under ORS 479.170

not appealed from, or with any such order of the State Fire Marshal upon appeal to him, or by any fire originating in the building or premises while the order is in effect and not complied with, may recover from the owner or occupant the actual damage suffered by him.

479.200 to 479.400 [Reserved for expansion]

ELECTRICAL CODE

479.410 Inspection or disconnection of electrical wiring and equipment in buildings. The Commissioner of the Bureau of Labor may:

(1) During reasonable hours enter any building in the discharge of his official duties or for the purpose of making any inspection, reinspection or test of the installation of electric wiring, devices, appliances or equipment therein.

(2) Cut or disconnect any wire in cases of emergency where necessary for safety of life or property.

(3) Disconnect or order the disconnection of electrical service to any electric wiring, devices, appliances or equipment found to be dangerous to life or property because defective, or defectively installed, or otherwise not in conformity with the provisions of ORS 479.410 to 479.450, until such wiring, devices, appliances or equipment and their installation have been made safe as directed.

(4) Delegate such duties to any of his deputized assistants.

479.420 Installations governed by National Electrical Code and rules of Labor Commissioner; exceptions. After May 29, 1919, all installations in Oregon of wires and equipment to convey electric current, and installations of apparatus to be operated by such current, excepting communicating wires and apparatus, shall be made in substantial accord with the National Electrical Code as approved by the American Standards Association and rules and regulations promulgated by the Commissioner of the Bureau of Labor relating to such work so far as the same covers both fire and personal injury hazards, as they are compiled and published from time to time. The provisions of this section shall not apply in incorporated cities which by ordinance or building code prescribe the manner in which wires or equipment to convey electric current, and apparatus to be operated by

such current, shall be installed, if the provisions of the National Electrical Code are used as the minimum standard in the preparation of such ordinances or building codes and an inspection department is maintained and actual inspections are made. The Commissioner of the Bureau of Labor may make electrical inspections within such incorporated cities upon written request from the mayor or manager of such city. The inspections shall be made in accordance with the local ordinance or building code. Services of the inspector shall be furnished at cost, such cost to be paid monthly to the commissioner by the city requesting inspection service.

479.430 Copy of National Electrical Code to be filed and to constitute state electrical code; furnishing copies; admissible as evidence. The Commissioner of the Bureau of Labor shall obtain and keep on file in his office a copy of the latest edition of the National Electrical Code relating to the installation of wires and equipment to convey electric current and of electrical apparatus to be operated by such current, so far as the same covers fire and personal accident hazards, as promulgated and issued by such bureau, and shall have printed and certify to and deliver to all persons licensed under the provisions of ORS chapter 694 and, upon request, to the general public, at cost, copies of such code. For the purposes of ORS 479.410 to 479.450, 651.050, 651.230 and ORS chapter 694, the latest edition of the National Electrical Code as on file in the office of the commissioner on July 1 of each year shall constitute the state electrical code for the following fiscal year. A printed copy of such code, certified to as such by the commissioner shall be received in any court of the state as conclusive evidence of the contents of the original on file in the office of the Commissioner of the Bureau of Labor upon the date named in the certified copy.

479.440 Label showing installation according to code required. Individuals, firms, cooperatives, corporations or municipalities selling electricity shall not be permitted to connect with or energize any electrical installation except in the plants of public utilities as defined by the statutes of Oregon, unless the owner or a licensed electrical contractor has attached thereto a label furnished by the Bureau of Labor indicating that the installation has been made in accordance with the state electrical code. But such installation shall be subject to final approval by the Commissioner of the Bureau of Labor or his

authorized deputy. The labels shall be furnished upon payment to the Commissioner of the Bureau of Labor of a fee of \$2 each. Applications for such labels from an electrical contractor must bear the signature of a duly licensed supervising electrician. The labels when used must also bear such signature. Applications from a property owner must contain a certification stating that the person making the application is in fact the owner of the property and that the installation will be made by him or a member of his immediate family, whose name shall be given. [Amended by 1955 c.689 §1]

479.450 Sale of unapproved electrical products prohibited; approval and provisional approval. (1) No person shall sell, offer for sale, or dispose of by gift or otherwise, any electrical products to be used in any installation covered by the provisions of the state electrical code, unless such electrical products are approved as herein provided, except the materials, devices, appliances, apparatus or equipment used or to be used by a public utility in or in connection with the rendering of its authorized service to the public.

(2) The term "approved" when applying to design and construction of electrical products (materials, devices, fittings, appliances and equipment) as used herein shall mean products which:

(a) Do not conflict with the requirements of the state electrical code;

(b) Conform to a standard acceptable to the Commissioner of the Bureau of Labor; and

(c) Are periodically certified and listed as so conforming by competent organizations properly equipped and qualified for experimental testing, inspections of the run of products at factories and service-value determination through field inspections.

(3) Electrical products which are not so certified or listed, but which are deemed safe by the Commissioner of the Bureau of Labor, may be approved provisionally, but such provisional approval shall not be given for types of products which are regularly certified or listed, as described above, and shall apply only to the stock of products actually inspected.

(4) Approved equipment may, at the discretion of the Commissioner of the Bureau of Labor, include equipment assembled from materials, devices, fittings and appliances which are individually approved, certified or listed, as provided above, but such equipment must be disposed of only upon the approval of the commissioner.

479.460 to 479.980 [Reserved for expansion]

PENALTIES

479.990 Penalties. (1) Violation of any provision of ORS 479.020 to 479.130 or 479.160, or failure, neglect or refusal to comply with any requirements in these sections, is punishable, upon conviction, by a fine of not more than \$50. Each day's violation of or failure to comply with these provisions shall be deemed a separate offense.

(2) Violation of any provision of ORS 479.130 is punishable, upon conviction, by a fine of not more than \$50. Each day's violation shall be deemed a separate offense.

(3) Violation of ORS 479.150 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than 10 days nor more than six months, or both. Each day of failure to comply with the provisions of ORS 479.150 shall be deemed a separate offense.

(4) Any owner or occupant of any building or premises who fails to comply with any order provided for in ORS 479.170 and not appealed from, or with any such order of the State Fire Marshal upon appeal to him, shall be punished by a fine of not less than \$10 nor more than \$50 for each day's neglect. Actions therefor shall be brought in the name of the state by the Attorney General or district attorney in any court of competent jurisdiction in the county where the building or premises are located. All penalties, fees or forfeitures collected under the provisions of this subsection shall be paid into the State Treasury.

(5) Violation of any provision of ORS 479.420 to 479.450 is punishable, upon conviction, by a fine of not more than \$100 or by imprisonment in the county jail for 60 days, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

