

Chapter 480

Explosive and Inflammable Materials

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EXPLOSIVES

480.010 Labels for blasting powder and fuse. All blasting powder and fuse shipped into this state for use, or manufactured in this state for use in this state, shall have stamped or printed upon the outside of the original package, box, case or wrapper the date of manufacture of the contents.

480.020 Powder deemed bad; prohibition of sale. Whenever any blasting powder shows a state of disintegration or decomposition sufficient so that it remains in a soft condition in a temperature of 32 degrees Fahrenheit, or is in a state of crystallization, which is revealed by some portions being in a hard condition and surrounded by other portions in a soft condition, it shall be deemed bad and dangerous powder, and its sale and use is prohibited.

480.030 Fuse unfit for use and sale; prohibition of use. Whenever any fuse shows by its appearance to have been overheated, or if it is in a hard and brittle condition, which is seen by breaks and cracks in the wrapper around the outside of the fuse, the same shall be declared unfit for use and sale, and its use is forbidden.

480.040 Sale, exchange or possession, when unlawful. No person shall sell or exchange, or offer or expose for sale or exchange, or have in possession for use by his employees:

(1) Any blasting powder or fuse which has not been stamped or printed upon as required in ORS 480.010.

(2) Any blasting powder of which the sale and use is prohibited by ORS 480.020.

(3) Any fuse declared to be unfit for use as prohibited by ORS 480.030.

480.050 Intrastate transportation of explosives in passenger vehicle operated by common carrier. No person shall transport, carry or convey, or have transported, carried or conveyed, any dynamite, gunpowder or other like explosives, between any places in Oregon, on any car or other vehicle of any description operated by a common carrier which car or vehicle is carrying passengers for hire. However, it shall be lawful to transport on any such car or vehicle small arms, ammunition in any quantity, such fuses, torpedoes, rockets or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not ex-

ceeding a net weight of one-half pound each and not exceeding 20 samples at one time in a single car or vehicle. Such samples shall not be carried in that part of a car or vehicle which is intended for the transportation of passengers for hire. Nothing in this section shall be construed to prevent the transportation of military or naval forces, with their accompanying munitions of war, on passenger equipment, cars or vehicles.

480.060 Transportation of certain explosives prohibited. No person shall transport, carry or convey, or have transported, carried or conveyed, liquid nitroglycerine, fulminate in bulk in dry condition, or other like explosives, between any places in Oregon, on any car or other vehicle of any description operated by a common carrier in the transportation of passengers.

480.070 to 480.100 [Reserved for expansion]

FIREWORKS

480.110 Definitions for Oregon Fireworks Law. For the purposes of ORS 480.110 to 480.160, which sections may be cited as the Oregon Fireworks Law, and unless otherwise required by the context:

(1) "Fireworks" means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound, but does not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for explosion, and toy pistol paper caps which contain less than .20 grains of explosive mixture, the sale and use of which shall be permitted at all times.

(2) "Fire protection district" means any

district created under the laws of Oregon or the United States, including rural fire protection districts and any federal, state or private forest patrol areas.

480.120 Sale and use of fireworks prohibited, exceptions; enforcement. (1) No person shall sell, keep or offer for sale, expose for sale, use, explode or have exploded any fireworks within Oregon, except as follows:

(a) Sales by manufacturers and wholesalers for direct out-of-state shipment.

(b) Sales to persons or organizations having obtained a permit from the State Fire Marshal for supervised public display.

(c) Sales to railroads, boats, motor vehicle or other transportation agencies, to be used for signal, warning or illumination purposes in connection with such business.

(d) Sale or use of blank cartridges for licensed shows or theatres or for signal or ceremonial purposes in athletics or sports.

(e) Experimental purposes by a manufacturer of explosives at such places where such experiments are normally conducted.

(f) Sale of blank cartridges for use by the militia or any organization of war veterans or other organization authorized by law to parade in public a color guard armed with firearms.

(g) Sale of shells, cartridges, gunpowder or explosives for use in legally permitted firearms.

(2) Law enforcement officers of the state, county or municipality shall enforce the provisions of ORS 480.110 to 480.160.

480.130 Permit of State Fire Marshal required for use of fireworks for public display. All persons, municipalities, associations or organizations or groups of individuals desiring to discharge, fire off, explode or display fireworks for a public display, shall apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed date of the display. The State Fire Marshal, upon receipt of such application, shall determine if the proposed display will conform to law and any rules or regulations promulgated thereunder. If he finds that the applicant is qualified to conduct such display and that the proposed display is in accordance with the law and all rules and regulations, he shall issue a permit; otherwise he shall refuse to issue it.

480.140 Fireworks displays to be under supervision of police and fire department chiefs or county court. (1) Every such display

held within the boundaries of any municipality shall be under the supervision of the chiefs of police and fire departments of the municipalities in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(2) Every such display held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the county court or of a county official duly authorized by the county court, after proper inspection, shall not be hazardous to property or endanger any person.

480.150 Permits for public fireworks displays; rules and regulations; bond. The State Fire Marshal may adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other persons, organizations or groups of individuals. The governing body of any municipality, or of any county, may require a bond deemed adequate by the municipality, or the county, from any person, in a sum not less than \$500, conditioned for payment of all damages which may be caused either to a person or property by reason of the authorized display and arising from any acts of any person, his agents, employees or subcontractors.

480.160 Local regulation and effect thereon of state law. Nothing in ORS 480.110 to 480.150, nor in any permit issued thereunder, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or municipal ordinance; nor shall any city or county authorize the sale or use of any fireworks prohibited by the provisions of ORS 480.110 to 480.150.

480.170 Oversized firecrackers prohibited. No person shall sell, offer to sell, give away or in any manner dispose of to another, fire, explode or discharge in any manner, any cannon cracker, giant cracker, or other firecracker over two and one-half inches in length, exclusive of the fuse, and over five-eighths inch in diameter.

480.180 to 480.300 [Reserved for expansion]

REGULATION OF GASOLINE DISPENSING

480.310 Definition of "Class 1 flammable liquids." As used in ORS 480.320 to 480.340, "Class 1 flammable liquids" means liquids with a flash point below 25 degrees Fahrenheit, closed cup tester.

480.320 Use of coin-operated, self-service or automatic shut-off gasoline pumps declared hazardous. The installation and use of coin-operated dispensing devices for Class 1 flammable liquids, the use of any device which permits the dispensing of Class 1 flammable liquids when the hand of the operator of the discharge nozzle is removed from the control lever, and the dispensing of Class 1 flammable liquids by self-service, are declared hazardous.

480.330 Operation of gasoline dispensing device by public prohibited. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall permit any person other than the owner, operator or employe to use or manipulate any pump, hose, pipe or other device for dispensing such liquids into the fuel tank of a motor vehicle or other retail container.

480.340 Coin-operated, self-service or automatic shut-off gasoline pumps prohibited. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 inflammable liquids are dispensed at retail, shall install or use, or permit the use of, any coin-operated dispensing device for such liquids, or any device which permits the dispensing of such liquids when the hand of the operator of the discharge nozzle is removed from the control lever, or any self-service dispensing device.

480.350 to 480.400 [Reserved for expansion]

LIQUID PETROLEUM GAS

480.410 Definition of "liquid petroleum gas." As used in ORS 480.420 to 480.450, "liquid petroleum gas" means and includes any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane or isobutane) and butylenes.

480.420 Liquid petroleum gas rules and regulations; conformity with standards of National Board of Fire Underwriters. (1) The Commissioner of the Bureau of Labor shall make, promulgate and enforce regulations establishing minimum general standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquid petroleum gases and specifying the degree of odorization of the gases.

(2) The regulations required shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and of persons using or handling such materials, and shall be in substantial conformity with the generally accepted standards of safety relating to the same matter. Regulations in substantial conformity with the published standards of the National Board of Fire Underwriters pamphlet No. 58 for the design, installation and construction of containers and equipment thereto pertaining, for the storage and handling of liquefied petroleum gases, as recommended by the National Fire Protection Association, shall be deemed to be in substantial conformity with the generally accepted standards of safety relating to the same subject matter.

480.430 Liquefied petroleum gas containers; certain uses prohibited. No person other than the owner of the container or receptacle and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered or used in any manner any liquefied petroleum gas container or receptacle for any gas or compound or for any other purpose.

480.440 Annual inspection of certain storage tanks. An installation of storage tanks of 1,000 gallons or more capacity located at dealers' plants and an installation of tanks used for delivery purposes shall be inspected annually. [Amended by 1953 c.228 §4]

480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required. (1) The Commissioner of the Bureau of Labor shall be notified by the installer of all new installations of containers or receptacles for liquid petroleum gas, including installations for private homes and apartments. The

replacement of empty containers or receptacles with other containers constructed in accordance with Interstate Commerce Commission specifications shall not be considered such new installation or change in the original installation as to require notification to the commissioner or necessitate further inspection of the installation. The Commissioner of the Bureau of Labor shall collect from the installer a fee of \$5 for the inspection of an installation of tanks of more than 500 gallons capacity and \$3 for the inspection of an installation of all tanks with a capacity of 500 gallons or less.

(2) After the initial inspection, liquid petroleum gas containers must be inspected once every 10 years except when changes have been made in the original installation. The Commissioner of the Bureau of Labor shall be notified of such changes immediately upon completion of the same.

(3) When, upon inspection of any tank with a capacity of 500 gallons or less, the new installation does not comply with the requirements of the Commissioner of the Bureau of Labor, the commissioner shall instruct the user as to what corrections are necessary for compliance with the commissioner's requirements. The user of the new installation shall, within 60 days after notification, notify the Commissioner of the Bureau of Labor that the new installation complies with his requirements. If the user so fails to notify the commissioner, or the commissioner has reason to believe that the corrections have not been made, the commissioner shall reinspect the new installation, and shall collect from the user an additional fee of \$3.

(4) No person, after notice from the Commissioner of the Bureau of Labor, shall fail to correct any improper installation

within 60 days after receiving such notice. [Amended by 1953 c.228 §4]

480.460 to 480.980 [Reserved for expansion]

PENALTIES

480.990 Penalties. (1) Violation of any provision of ORS 480.010 to 480.040 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100 for each offense.

(2) Violation of any provision of ORS 480.050 or 480.060 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for a period not to exceed six months, or both.

(3) Violation of any provision of ORS 480.110 to 480.160 is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both. Violations thereof may be prosecuted in state or municipal courts when violations occur within the municipality served thereby. Justice and district courts shall have concurrent jurisdiction with circuit courts in all proceedings arising within ORS 480.110 to 480.160.

(4) Violation of any provision of ORS 480.170 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$50.

(5) Any violation of ORS 480.320 to 480.340 is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both.

(6) Violation of any provision of ORS 480.420 to 480.450 is punishable, upon conviction, by a fine of \$25.