

Chapter 479

1959 REPLACEMENT PART

Protection of Buildings from Fire; Electrical Safety Law

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**PROTECTION OF BUILDINGS FROM
FIRE**

479.010 Definitions for ORS 479.020 to 479.190. (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. (1) Subject to subsection (2) of this section, 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.

(2) If the approval of the State Fire Marshal is secured with respect to a particular office building, the requirements of subsection (1) of this section do not apply to such office building if it:

(a) Is constructed with two-hour fire-resistive structural elements of steel, iron, concrete or masonry; and

(b) Has incombustible fire-resistive walls and permanent partitions; and

(c) Is provided with not less than two inclosed smoke-proof stairwells with fireman's access to each floor and to the roof. [Amended by 1959 c.651 §2]

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 $\frac{5}{16}$ 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 1½ 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:

STANDPIPE TABLE

	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 minimum safety standards as defined in ORS 479.530.

(3) No part of any building which is used as a hospital, assembly hall, including theatre or moving picture house, shall be used as a garage, nor shall a hotel, lodging house, 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. [Amended by 1959 c.651 §1]

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 nonflammable 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]

479.410 [Repealed by 1959 c.406 §34]

479.420 [Repealed by 1959 c.406 §34]

479.430 [Repealed by 1959 c.406 §34]

479.440 [Amended by 1955 c.689 §1; 1957 c.429 §1; repealed by 1959 c.406 §34]

479.450 [Repealed by 1959 c.406 §34]

479.460 to 479.500 [Reserved for expansion]

ELECTRICAL SAFETY LAW

479.510 Short title. ORS 479.510 to 479.850 may be cited as the Electrical Safety Law. [1959 c.406 §1]

479.520 Purpose. The purpose of ORS 479.510 to 479.850 and subsection (5) of ORS 479.990 is to protect the health and safety of the people of Oregon from the danger of electrically caused shocks, fires and explosions and to protect property situated in Oregon from the hazard of electrically caused fires and explosions. To accomplish this purpose the Legislative Assembly intends to provide a procedure:

(1) For determining where and by whom electrical installations are being made and electrical products are being sold in this state.

(2) To assure the public that persons making electrical installations in this state are qualified by experience and training.

(3) To assure the public that electrical installations made and electrical products sold in this state meet minimum safety standards.

(4) For the administration and enforcement of ORS 479.510 to 479.850 and subsection (5) of ORS 479.990 by the Commissioner of the Bureau of Labor.

(5) By which the cost of administering and enforcing ORS 479.510 to 479.850 and subsection (5) of ORS 479.990 is defrayed by the collection of fees in connection with the issuing of labels, certificates of registration and electrical licenses and the collection of fines. [1959 c.406 §2]

479.530 Definitions for ORS 479.510 to 479.850. As used in ORS 479.510 to 479.850, unless the context requires otherwise:

(1) "Approved testing laboratory" means a testing laboratory making scientific safety tests of electrical products in its plant by testing individual samples, specimens and prototypes thereof, and maintaining an adequate system of follow-up inspections in this state of the class of electrical products tested in the laboratory and offered for sale or distributed in this state.

(2) "Board" means the Electrical Advisory Board appointed under ORS 479.810.

(3) "Certificate of registration" means a certificate issued by the Labor Commissioner to a dealer in electrical products showing that the dealer has registered.

(4) "Certified electrical product" means:

(a) An electrical product listed in the published list of Underwriters Laboratories dated May 19, 1958, and the supplements thereto through December 1958 as an approved electrical product, and which has not been decertified.

(b) An electrical product certified by the Labor Commissioner under subsection (2) of ORS 479.760 which has not been decertified.

(c) A gas using device, with electrical components, listed in the published list of American Gas Association Laboratories, dated January 1, 1959, as complying with American Standard Requirements and which has not been decertified.

(5) "Competent inspection service" means the electrical inspection service of an incorporated city with safety standards not lower than those required by ORS 479.510 to 479.850 as they apply to the type of electrical installation covered by the city ordinance.

(6) "Electrical installations" include construction, installation, maintenance and repair of electrical wiring and electrical equipment to be operated thereby, except communication and signal systems of railroad companies.

(7) "Electrical product" includes any electrical equipment, appliance, material, device or apparatus to convey or be operated by electrical current.

(8) "Household appliance label" includes labels for installation of farming irrigation pumps, household appliances and additions to electric wiring in residences.

(9) "Label" means a card signed by the Labor Commissioner and issued to an electrical contractor or property owner indicating that the electrical installation proposed has been tentatively approved by the Labor Commissioner as meeting the minimum safety standards.

(10) "Labor Commissioner" means the Commissioner of the Bureau of Labor or his specifically authorized deputy.

(11) "License" means an annual permit issued by the Labor Commissioner under ORS 479.630 authorizing the person whose name appears as licensee thereon to act as an electrical contractor, supervising electrician, journeyman or apprentice electrician as indicated thereon.

(12) "Minimum safety standards" means safety standards prescribed by the Labor Commissioner under ORS 479.730, except as provided in ORS 479.720.

(13) "Persons" includes individuals, corporations, associations, firms, partnerships and joint stock companies.

(14) "Serving agency" means a person principally engaged in the business of generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment.

(15) "Uncertified product" includes all electrical products which are not certified. [1959 c.406 §3]

479.540 Exemptions. (1) No person is required to obtain a license to make an electrical installation on property which is

owned by himself or a member of his immediate family, and not presently intended for sale.

(2) No electrical contractor license is required in connection with an electrical installation:

(a) Of meters and similar devices by a serving agency for measuring electricity.

(b) Of ignition or lighting systems for motor vehicles.

(c) To be made by a person on his property in connection with his business.

(d) To be made by a public utility or municipality for generation, transmission or distribution of electricity on property which it owns or manages.

(3) No person whose sole business is generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment, is required to obtain a certificate of registration or license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby.

(4) No label is required for electrical installation made within the limits of an incorporated city maintaining a competent inspection service providing the electrical installation is of a type covered by the city ordinance.

(5) No certificate of registration is required to sell, dispose of by gift or otherwise any electrical product within the limits of incorporated cities maintaining a competent inspection service and making periodical inspections of electrical stock of dealers in electrical products.

(6) No certificate of registration or license is required for temporary demonstrations.

(7) The provisions of ORS 479.510 to 479.850 shall not apply to electrical products owned by, supplied to, or to be supplied to public utilities as defined in ORS 757.005, nor to electrical installations made by or for such a public utility where the electrical installations are an integral part of the equipment of such utility.

(8) No label is required for the repair, alteration or replacement of existing electrical equipment of an industrial plant.

(9) In cases of emergency in industrial plants no label is required in advance for electrical installation made by a person licensed under subsections (2), (4) and (6) of ORS 479.630 if an application accom-

panied by appropriate fee for a label is submitted to the Labor Commissioner within five days after the commencement of such electrical work.

(10) No person is required to obtain a license or label to set in place a certified electrical product or make a connection therefrom to services and facilities other than electrical. [1959 c.406 §4]

479.550 No work on new electrical installation until label issued. Except as provided in subsections (4), (8) and (9) of ORS 479.540, no person shall work on any new electrical installation for which a label has not been issued. [1959 c.406 §5]

479.560 Issuance of label; when label becomes void. (1) The Labor Commissioner shall issue a label to:

(a) Any applicant who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, covering an electrical installation to be made on the applicant's own property.

(b) A licensed electrical contractor whose application for such an inspection label is signed by a licensed supervising electrician and is accompanied by a statement that upon completing the electrical installation the supervising electrician will promptly notify the Labor Commissioner of its location and time of completion.

(2) A label issued to an electrical contractor upon the request of his supervising electrician is void upon the end of the employment of such supervising electrician before completion of the electrical installation. [1959 c.406 §§6, 7]

479.570 Label must be countersigned before energizing or connecting electrical installation. Except in a plant or system of a public utility as defined in ORS 757.005, no electrical installation shall be energized or connected by a person who sells electricity unless a label is attached thereto which has been countersigned by either the owner of the property on which it is located or a licensed electrical contractor. [1959 c.406 §8]

479.580 to 479.600 [Reserved for expansion]

479.610 Certificate of registration required for dealer in electrical products. Except as provided in ORS 479.540, no person shall engage in the business of selling electrical products or supplies without a cer-

tificate of registration as a dealer in electrical products. No person shall, without such a certificate of registration, sell or dispose of by gift or otherwise in connection with his business an electrical product. [1959 c.406 §9]

479.620 License required of electrical contractors, supervising electricians, journeyman electricians and electrical apprentices; making of electrical installations by persons not licensed to do so prohibited. Subject to ORS 479.540, no person shall:

(1) Engage in the business of making electrical installations without an electrical contractor's license.

(2) Direct, supervise or control the making of an electrical installation without a supervising electrician's license.

(3) Make any electrical installation without a supervising or journeyman electrician's license.

(4) Perform work on an electrical installation as an apprentice electrician without an electrical apprentice's license.

(5) Permit or suffer any electrical installation on property which he owns, controls, manages or supervises to be made by a person not licensed to make such an installation. [1959 c.406 §10]

479.630 Requirements for obtaining licenses. Upon payment of the fee required by ORS 479.840, the Labor Commissioner shall issue:

(1) An electrical contractor's license to a person engaging in or carrying on a business of making electrical installations who has complied with ORS 479.510 to 479.850 and the rules issued thereunder.

(2) A general supervising electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination administered by the Labor Commissioner and who submits proof satisfactory to the Labor Commissioner that he has had at least four years of general experience installing, maintaining and repairing electrical wires and equipment as a journeyman electrician.

(3) A limited supervising electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination administered by the Labor Commissioner and who submits proof satisfactory to the Labor Commissioner that he has had

at least four years of specialized experience in a recognized branch of the electrical trade on the journeyman level. A person licensed under this subsection shall be authorized to supervise the class of electrical work included in the branch of the electrical trade and for which he has passed an examination administered by the Labor Commissioner.

(4) A general journeyman electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination administered by the Labor Commissioner and who submits proof satisfactory to the Labor Commissioner that he has had at least four years of general experience as an apprentice or its equivalent in installing, maintaining and repairing electrical wires and equipment.

(5) A limited journeyman electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination administered by the Labor Commissioner and who submits proof satisfactory to the Labor Commissioner that he has had at least four years of specialized experience as an apprentice or its equivalent in a recognized branch of the electrical trade. A person licensed under this subsection shall be authorized to perform the class of electrical work included in the branch of the electrical trade for which he has passed an examination administered by the Labor Commissioner.

(6) An apprentice electrician's license to a person who has complied with ORS chapter 660 as an electrical apprentice and who has complied with ORS 479.510 to 479.850 and the rules issued thereunder. [1959 c.406 §11]

479.640 Issue and expiration dates of licenses and certificates. All licenses and certificates of registration issued under ORS 479.510 to 479.850 shall bear the date of issuance and shall expire on the July 1 following the date of issuance. [1959 c.406 §12]

479.650 Renewal of licenses and certificates. Upon payment of the fee required by ORS 479.840, the holder of a license or certificate of registration who has complied with ORS 479.510 to 479.850 and the rules issued thereunder is entitled to renewal at the expiration thereof. [1959 c.406 §13]

479.660 Revocation, cancellation or suspension of license or certificate. The Labor Commissioner shall revoke the license of any

licensee who does not meet the minimum qualifications prescribed by ORS 479.510 to 479.850 for that license. Subject to ORS 183.430, the Labor Commissioner may summarily suspend or cancel any license or certificate of registration issued under ORS 479.510 to 479.850 if the person in whose name it was issued:

(1) Deliberately falsifies his application for the license or certificate of registration.

(2) Allows himself to be held out falsely as the person directing, supervising or making an electrical installation.

(3) Wilfully violates any provision of ORS 479.510 to 479.850 or any rule issued thereunder.

(4) Serves as a supervising electrician for more than one employer.

(5) Persistently fails promptly to notify the Labor Commissioner of the location of installations for which labels were issued on his representation that such notice would be promptly given upon completion of the installations. [1959 c.406 §14]

479.670 Maintenance of action or suit by unlicensed person prohibited. Except to appeal from an act or determination of the Labor Commissioner, no person carrying on, conducting or transacting business regulated by ORS 479.510 to 479.850 is entitled to maintain a suit or action in the courts of this state involving such business or work in connection therewith, without alleging and proving that he was licensed to perform such work or transact such business. [1959 c.406 §15]

479.680 to 479.700 [Reserved for expansion]

479.710 Electrical installations must meet minimum safety standards. Except as provided in ORS 479.540 and 479.720, no person shall make, supervise or direct the making of an electrical installation which does not meet minimum safety standards. [1959 c.406 §16(1)]

479.720 Certain minimum safety standards applicable until different ones adopted. Until different standards are adopted by the Labor Commissioner under ORS 479.730, the standards now used by Underwriters Laboratories for the purpose of approving electrical products and referred to in General List of Standards dated October 1958, the

standards now used by American Gas Association Laboratories for the purpose of testing gas using devices with electrical components and approved by American Standards Association, in effect on January 1, 1959, and standards adopted by the American Standards Association for electrical installations on September 4, 1956, appearing in Pamphlet NBFU—70, pages 9 through 345, under the title of National Electrical Code are considered minimum safety standards. [1959 c.406 §17]

479.730 Matters to be covered by rules of Labor Commissioner. In compliance with ORS 183.310 to 183.510 the Labor Commissioner, in consultation with the board, shall adopt reasonable rules:

(1) Establishing, altering or revoking minimum safety standards for workmanship and materials in various classifications of electrical installations.

(2) Establishing, altering or revoking minimum safety standards for design and construction of electrical products to be sold or disposed of in this state.

(3) Relating to the procedure for certifying and decertifying electrical products to be sold or disposed of in this state.

(4) Governing the application and examination for electrical licenses and certificates of registration issued under ORS 479.510 to 479.850.

(5) Governing the issuance, renewal, suspension and revocation of electrical licenses and certificates of registration issued under ORS 479.510 to 479.850.

(6) Determining the facets of electrical work recognized as distinct categories for which limited electrical licenses may be issued.

(7) Prescribing times, places and circumstances that electrical licenses, labels and certificates of registration shall be exhibited for inspection.

(8) Governing the internal organization and procedure of the Bureau of Labor for administering and enforcing ORS 479.510 to 479.850 and subsection (5) of ORS 479.990. [1959 c.406 §19]

479.740 Factors to be considered in adopting rules; incorporation of standards by reference. (1) In adopting rules under ORS 479.730 the Labor Commissioner shall consider:

(a) Technological advances in the electrical industry.

(b) The practicability of following the standards under consideration, if adopted.

(c) The probability, extent and gravity of the injury to the public or property which would result from failure to follow the standards under consideration.

(d) Safety standards followed, proposed or approved by responsible members of the electrical industry.

(2) After considering the factors in subsection (1) of this section, the Labor Commissioner may incorporate by reference proposed safety standards of the electrical industry or independent organizations. The Labor Commissioner may formulate and adopt independent safety standards if standards proposed by the industry and independent organizations are not acceptable to him. [1959 c.406 §§20, 21]

479.750 [Reserved for expansion]

479.760 Certification of electrical products. (1) Except as provided in ORS 479.540 and 479.720:

(a) No person shall sell, offer for sale or dispose of by gift or otherwise any uncertified electrical product.

(b) No electrical product shall be certified unless it meets minimum safety standards.

(2) Any person may apply to the Labor Commissioner to have an electrical product certified:

(a) By submitting a specimen, sample or prototype to the Labor Commissioner for testing within a reasonable time before the date on which certification will be required, together with a fee set by the Labor Commissioner sufficient to defray the cost of shipment and testing. Not later than six months after receipt of a specimen, prototype or sample the Labor Commissioner shall complete the required testing and give his decision certifying or rejecting the product; or

(b) By submitting satisfactory proof to the Labor Commissioner that a specimen, sample or prototype of the product requested to be certified has been inspected by an approved testing laboratory using the same standard used by the Labor Commissioner and has been found to be safe.

(3) For the purpose of making the test provided in paragraph (a) of subsection (2) of this section, the Labor Commissioner may appoint a special deputy or enter into an

appropriate contract with an approved testing laboratory. [1959 c.406 §§16 (2) and (3), 22, 23]

479.770 to 479.800 [Reserved for expansion]

479.810 Administration and enforcement; Electrical Advisory Board. (1) The Labor Commissioner shall administer and enforce ORS 479.510 to 479.850 and subsection (5) of ORS 479.990. He shall appoint an adequate staff of competent persons experienced and trained to serve as electrical inspectors. He shall appoint an Electrical Advisory Board to assist him in reviewing determinations made by his staff involving electrical installations or products and to assist in formulating rules under ORS 479.730.

(2) The board shall consist of five or more person equally representing journeyman electricians, electrical contractors, the power and light industry and fire underwriters. A representative of the Labor Commissioner's staff of electrical inspectors shall serve ex officio as secretary of the board. The members of the board shall serve at the pleasure of the Labor Commissioner.

(3) Each member shall receive \$10 for each day during which he is actually engaged in the performance of his official duties, including necessary travel time. In addition, subject to any other applicable law regulating travel and other expenses of state officers, he shall receive his actual and necessary travel and other expenses incurred in the performance of his official duties. [1959 c.406 §18]

479.820 Duties and powers of commissioner in enforcing law. (1) The Labor Commissioner shall:

(a) Check the authenticity, appropriateness and expiration dates of licenses and certificates of registration issued under ORS 479.510 to 479.850.

(b) Inspect electrical installations and products for which a label, license or certificate of registration is required by ORS 479.510 to 479.850.

(c) Inspect labels attached to electrical installations or products for which a label is required by ORS 479.510 to 479.850.

(2) If the Labor Commissioner finds that the electrical installation or product fails to comply with minimum safety standards, he may disconnect or order the disconnection of service thereto.

(3) If the Labor Commissioner finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, he may cut or disconnect any wire necessary to remove such hazard.

(4) Upon written request of appropriate municipal personnel, the Labor Commissioner may make inspections of electrical installations and products within incorporated cities having by ordinance adopted minimum safety standards for such installations or products which meet the requirements of ORS 479.510 to 479.850. Such inspections shall be made at cost, in accordance with local municipal ordinances and building codes, payable on a monthly basis.

(5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.850 or exercising authority conferred hereby the Labor Commissioner may, during reasonable hours, enter any building, enclosure, or upon any premises where electrical work is in progress, where an electrical installation has been made or where electrical equipment or products may be located. No person shall obstruct or interfere with the Labor Commissioner in performance of any of his duties or the exercise of any authority conferred under this section. [1959 c.406 §§24, 25]

479.830 Enjoining violations. When it appears to the Labor Commissioner that any person is engaged or about to engage in an act or practice which constitutes a violation of ORS 479.510 to 479.850 or the rules issued thereunder, the Labor Commissioner may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice. [1959 c.406 §26]

479.840 Fees. Subject to ORS 479.560, 479.630 and 479.650, upon receipt of the following fee the Labor Commissioner shall issue or renew a license, label or certificate of registration applied for under ORS 479.510 to 479.850:

(1) \$75 for an electrical contractor's license for each place of business operated by the applicant.

(2) \$20 for a general or limited supervising electrician's license.

(3) \$10 for a general or limited journeyman electrician's license.

(4) \$3 for a label for household appliance, temporary service, electrical sign or outline lighting.

(5) \$4 for a label for residence wiring of not more than 1,000 square feet; \$6 for such wiring in excess of 1,000 but not more than 2,000 square feet; and \$8 for such wiring in excess of 2,000 square feet.

(6) \$5 for a label for a commercial or industrial installation of 100 amperes or less; \$10 for such an installation in excess of 100 but not more than 200 amperes; \$15 for such an installation in excess of 200 but not more than 400 amperes; and \$20 for such an installation in excess of 400 amperes.

(7) \$2 for a label covering the work necessary to correct defects found by the Labor Commissioner during an inspection of an electrical installation.

(8) \$5 for a certificate of registration for a dealer in electrical products. [1959 c.406 §27]

479.850 Disposition of receipts. All receipts from fees, charges, costs, expenses and fines provided for in ORS 479.510 to 479.850 and subsection (5) of ORS 479.990 shall be collected by the Labor Commissioner and paid into the General Fund on the first day of each month and credited to the Electrical Regulation Account created hereby. The money in the Electrical Regulation Account that is necessary for paying the expenses of administering and enforcing ORS 479.510 to 479.850 and subsection (5) of ORS 479.990 is hereby continuously appropriated for that purpose. [1959 c.406 §28]

479.860 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 479.510 to 479.850 is punishable, upon conviction, by imprisonment in the county jail for not more than 60 days, or by a fine of not more than \$100, or both. [Amended by 1959 c.406 §30; subsection (5) enacted as 1959 c.406 §29]

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 November 1, 1959.

Sam R. Haley
Legislative Counsel