Chapter 480

1959 REPLACEMENT PART

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 employes:

(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 exceeding 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, employes 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 or self-service gasoline pumps declared hazardous The installation and use of coin-operated dispensing devices for Class 1 flammable liquids and the dispensing of Class 1 flammable liquids by self-service, are declared hazardous. [Amended by 1959 c.73 §1]

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 or self-service gasoline pumps prohibited; automatic shut-off devices regulated. 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 install or use, or permit the use of, any coin-operated or self-service dispensing device for such liquids. 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 install or use, or permit the use of, 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, except one equipped with an automatic nozzle of a type which has been approved by the State Fire Marshal, and which has a latch-open device as an integral part of the assembly, capable of shutting off the flow of such liquids reliably when the tank is filled or when the nozzle falls or slips from the filling neck of the tank. Such automatic nozzle shall not be used for the dispensing of such liquids unless such owner, operator or employe is in the immediate vicinity of the tank being filled. [Amended by 1959 c.73 §2]

480.350 to 480.400 [Reserved for expansion]

LIQUID PETROLEUM GAS

480.410 Definitions. As used in ORS 480.420 to 480.460, "LP gas" or "liquid petroleum gas" means any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane or isobutane) and butylenes. [Amended by 1957 c.712 §1]

480.420 Liquid petroleum gas rules and regulations; conformity with standards of National Board of Fire Underwriters. (1) The State Fire Marshal 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, and shall establish standards and rules for the issuance, suspension and revocation of licenses and permits provided in ORS 480.410 to 480.460.

(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 and pamphlet No. 59 for the design, installation and construction of containers and equipment thereto pertaining, for the storage and handling of liquefied petroleum gases, including utility gas plants, as recommended by the National Fire Protection Association, and the published standards of the National Fire Protection Association pamphlet No. 52 for liquefied petroleum gas piping and appliance installations in buildings, shall be deemed to be in substantial conformity with the generally accepted standards of safety relating to the same subject matter. [Amended by 1957 c.712 §2]

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.

480.432 Licenses required. (1) No person shall engage in or work at the business of installing, extending, altering or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection with LP gas installations within the state, either as employer or individual, unless such person has received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(2) No person shall do any LP gas fitting or gas venting work, install, repair or remodel any piping or venting nor any installation, repair service, connection or disconnection of any LP gas appliance which is subject to inspection under ORS 480.410 to 480.460 unless he has received an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(3) No person shall operate any LP gas delivery equipment installed on a motorized vehicle unless he has received an LP gas truck equipment license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(4) Any person under the terms of this section who is required to have an LP gas fitter or LP gas truck equipment license is also required to have an LP gas installation license, unless he is an employe of an employer who has an LP gas installation license as provided by this section. [1957 c.712 §4]

480.434 Examination of applicants for licenses; issuance of license. The State Fire Marshal shall examine applicants for licenses required under ORS 480.410 to 480.460 as to their practical and theoretical knowledge of LP gas fittings, appliance installation and adjustment, and shall submit the applicant to some satisfactory form of practical test and if satisfied of the competency of the applicant, shall issue the appropriate license or licenses to the applicant, according to the terms of ORS 480.410 to 480.460. The examination of one member of a firm or an executive of a corporation applying for an LP gas installation license shall fulfill the requirements of this section. [1957 c.712 §5]

480.436 License fees; renewal of licenses; delinquency penalty. (1) The annual fee for the LP gas installation license shall be $25 each year.

(2) The annual fee for an LP gas fitter license or an LP gas truck equipment license shall be $2.

(3) All licenses shall be renewed on or before January 15 of each year. Unless revoked or suspended by the State Fire Marshal for failure to comply with the provisions of ORS 480.410 to 480.460, a license shall continue in force from January 15 of one year to January 15 of the succeeding year and shall not be transferable.

(4) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, the fees shall be delinquent; and a penalty equal to the amount of the fee hereby is imposed for such delinquency. [1957 c.712 §6]

480.440 Annual inspection of certain storage tanks. An installation of storage tanks located at dealers' plants and an installation of tanks used for delivery purposes shall be inspected annually. The State Fire Marshal shall collect a fee of $20 for each such plant inspection and $7.50 for each such delivery unit inspection. [Amended by 1953 c.228 §4; 1957 c.712 §7]

480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required. (1) The State Fire Marshal shall be notified prior to the tenth of each month by the installer of all new installations made during the preceding month of containers or receptacles for liquid petroleum gas, including installations for private homes and apartments. The installer shall certify on a form provided by the State Fire Marshal that all such new installations are duly and properly reported. The State Fire Marshal may require that the notification include the location and description of the installation and the name of the user. All fees due and payable shall accompany the notification. 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 State Fire Marshal or necessitate further inspection of the installation. The State Fire Marshal shall collect from the installer an installation fee

of $5 for an installation of a tank of more than 1,000 gallons capacity and $3 for an installation of a tank with a capacity of 1,000 gallons or less or all tanks at the installation if the total combined capacity is 200 gallons or less. The State Fire Marshal or his deputies or assistants shall inspect a reasonable number of such installations and maintain a record of these inspections in the office of the State Fire Marshal.

(2) After the initial installation, liquid petroleum gas containers may be inspected once every 10 years except when changes have been made in the original installation. The State Fire Marshal shall be notified of such changes in the same manner provided in this section for new installations. The State Fire Marshal shall collect from the owner a fee of $4.50 for the inspection of each container. The manner of inspection, requirement of corrections, satisfaction of such requirements and collection of fees due and payable shall be in conformity with the provisions of ORS 480.410 to 480.460 for new installations. LP gas installation licensees shall furnish a list of the locations of 10-year old installations which they service upon request of the State Fire Marshal.

(3) When, upon inspection of any tank, the new installation does not comply with the requirements of the State Fire Marshal the State Fire Marshal shall instruct the installer as to what corrections are necessary for compliance with the State Fire Marshal's requirements. The installer of the new installation shall, within the time set by the State Fire Marshal which in no case shall be more than 60 days after notification, notify the State Fire Marshal that the new installation complies with his requirements. If the installer so fails to notify the State Fire Marshal, or the State Fire Marshal has reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect the new installation and shall collect from the installer an additional fee of $3. The installer shall not be held responsible for the payment of such additional fee resulting from actions of the user which require correction to achieve compliance with the requirements of the State Fire Marshal. In such a case the user shall pay the additional fee.

(4) No person, after notice from the State Fire Marshal, shall fail to correct any improper installation within the time set by the State Fire Marshal which in no case shall be more than 60 days after receiving such notice.

(5) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify the State Fire Marshal by the tenth of the month succeeding the month a new installation is made or a change is made requiring an inspection, the fees shall be delinquent; and a penalty equal to the amount of the fee hereby is imposed for such delinquency. All fees and penalties shall be collected by the State Fire Marshal in the name of the State of Oregon in the same manner that other debts are collected. [Amended by 1953 c.228 §4; 1957 c.712 §8; part renumbered 480.460]

480.460 Disposition of fees. All fees received by the State Fire Marshal under ORS 480.410 to 480.460 shall by him be paid to the State Treasurer monthly and shall constitute and be an appropriation available for the payment of salaries and expenses of deputies and clerical and other assistants of the State Fire Marshal. [Formerly part of 480.450]

480.470 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 480.460 is punishable, upon conviction, by a fine of $25.

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