

CHAPTER 23-13 SAFETY REGULATIONS

23-13-01. Definitions.

In this chapter, unless the context and subject matter otherwise require:

1. "Filling station" means all places of whatever character or description where gasoline, other inflammable liquids, or compressed natural gas are sold at retail for use in motor vehicles.
2. "Motor vehicle" means all vehicles, engines, machines, or mechanical contrivances which are propelled by internal combustion motors or engines.
3. "Person" means natural persons, partnerships, firms, associations, corporations, and limited liability companies.

23-13-02. Sale of motor fuels - Regulations for handling and dispensing.

No person other than the owner or operator of a filling station or a regular bona fide employee or authorized attendant of such owner or operator may fill, wholly or partly, with gasoline or other inflammable liquid at a filling station, any fuel tank of a motor vehicle or any barrel, drum, or other vessel or container, nor may any such person use, handle, or manipulate any hose, pump, pipe, or other contrivance for conveying, measuring, or handling of such liquid. Provided, however, this section does not apply to the operation of self-service motor fuel dispensing devices, provided such operation is in accordance with sections 23-13-02.1 through 23-13-02.7.

23-13-02.1. Definitions.

As used in sections 23-13-02.1 through 23-13-02.7, unless the context requires otherwise:

1. "Fire marshal" means the fire marshal of the state of North Dakota.
2. "Person" means any individual, corporation, limited liability company, company, firm, association, trust, or beneficiary thereof, but does not include any private or fraternal club or association.
3. "Self-service motor fuel dispensing facility" means any business establishment which offers for sale at retail prices motor fuels or compressed natural gas which are dispensed from self-service motor fuel or compressed natural gas dispensing units.
4. "Self-service motor fuel dispensing unit" means any system, device, or pump for dispensing motor fuels or compressed natural gas into the fuel tanks of motor vehicles which is intended to be operated by the purchaser of such motor fuel or compressed natural gas, except that such term does not include any system, device, or pump which is coin operated or currency operated.

23-13-02.2. Operation of self-service motor fuel dispensing unit.

It is lawful for any person to own, operate, or engage in the business of operating self-service motor fuel dispensing units or self-service motor fuel dispensing facilities in this state, provided such operation is in accordance with the provisions of sections 23-13-02.1 through 23-13-02.7.

23-13-02.3. Requirements for the operation of self-service motor fuel dispensing facilities.

All self-service motor fuel dispensing facilities shall be maintained and operated in accordance with the following:

1. All laws, ordinances, rules, or regulations now applicable for sale and dispensing of motor fuels shall, to the extent applicable, apply to the operation of self-service motor fuel dispensing facilities.
2. At all times during the operation of a self-service motor fuel dispensing facility, the owner, operator, employee, or authorized attendant shall be on the premises and shall supervise the operation thereof. The person attending the operation shall refuse service to anyone who appears for any reason to be unable to dispense motor fuel

safely. If, however, the filling station provides pump island service to its customers, the attendant must provide refueling services to any mobility-impaired person stopped at a self-service motor fuel dispensing unit who requests assistance and whose vehicle displays a certificate issued under section 39-01-15. No additional cost may be charged to a mobility-impaired person because of the service. This subsection does not apply to any self-service motor fuel dispensing unit equipped with a card-operated, credit card-operated, or key-operated dispensing device. Self-service motor fuel dispensing units equipped with a card-operated, credit card-operated, or key-operated dispensing device are subject to and must conform with the emergency controls, emergency contact, and fire control standards as specified by the national fire protection association. In addition, the operating instructions, warning signs, and emergency instructions specified in the standards of the national fire protection association must be conspicuously posted in the dispensing area.

3. Persons dispensing motor fuel from self-service motor fuel dispensing units shall be a qualified operator of a motor vehicle under North Dakota law. Permanent signs shall be posted on all self-service motor fuel dispensing units prohibiting their operation except by a qualified operator of a motor vehicle under North Dakota law.
4. Operating instructions for the use of self-service motor fuel dispensing units shall be conspicuously posted in the dispensing area.

23-13-02.4. Self-service units to be equipped with emergency power cutoff.

All self-service motor fuel dispensing units must be so constructed that their electrical pumping systems have an accessible switch or circuit breaker provided at a location remote from the dispensing device, including remote pumping systems, and accessible to the supervising attendant, unless an attendant is not required to be on the premises by subsection 2 of section 23-13-02.3, to shut off electrical power to the dispensing devices in the event of an emergency.

23-13-02.5. Self-service motor fuel dispensing units to be in view of attendant - Exception.

Unless an attendant is not required to be on the premises by subsection 2 of section 23-13-02.3, all self-service motor fuel dispensing facilities must, at all times, be in clear view of the attendant who must be able to communicate, by voice, with persons in the dispensing area.

23-13-02.6. Prohibited activities.

With respect to any self-service dispensing facility it is unlawful to:

1. Use, operate, or install any coin-operated or currency-operated dispensing device in any self-service motor fuel dispensing facility.
2. Provide for or use living or residential facilities or accommodations for the benefit of any owner, operator, or employee of the self-service motor fuel dispensing facilities on the premises of such facility.
3. Permit smoking of any nature, so as to constitute a hazard within the vicinity of any self-service motor fuel dispensing unit.
4. Permit the dispensing of any gasoline through self-service gasoline dispensing units to motor vehicles while the motor vehicle's engine is in operation.

23-13-02.7. Plans and specifications.

Plans and specifications for any new self-service dispensing facility must be submitted to the fire marshal for approval. This does not include conversion of existing facilities for dispensing of motor fuel to self-service dispensing facilities.

23-13-03. Penalty.

Any person who violates any provision of sections 23-13-02 through 23-13-02.7, or any rule or regulation of the fire marshal made pursuant thereto, or who, if an owner or operator of a filling station, permits such violation, is guilty of a class B misdemeanor.

23-13-03.1. Definitions.

As used in sections 23-13-03.1 through 23-13-03.5, unless the context clearly requires otherwise:

1. "Liquefied petroleum gas" means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane and isobutane), and the butylenes.
2. "Liquefied petroleum gas containers" means any pressurized containers which are designed to hold more than one hundred fifty gallons [567.81 liters] of liquefied petroleum gas.
3. "Owner" means any person who holds a written bill of sale under which title to a container was transferred or any manufacturer of a container who has not sold or transferred ownership of the container by a written bill of sale.

23-13-03.2. Liquefied petroleum gas containers - Unauthorized use - Prohibited covering of identification marks.

It is unlawful for any person except the owner or the owner's authorized agent to fill, drain, or refill a liquefied petroleum gas container; or buy, sell, offer for sale, give, take, loan, deliver, or permit to be delivered, or otherwise use a liquefied petroleum gas container if the container bears upon its surface, in plainly legible characters, the name, initials, mark, or other identifying device of the owner; nor may any person other than the owner of a liquefied petroleum container or a person so authorized by the owner, deface, erase, obliterate, cover up, or otherwise remove or conceal any name, mark, initial, or identifying device on the container.

23-13-03.3. Unauthorized possession - Presumptive evidence.

The use of a container by any person other than an authorized agent of the person whose name, mark, initial, or identifying device is or was on the container without written consent or purchase of the marked and distinguished container for the sale of liquefied petroleum gas or filling or refilling with liquefied petroleum gas, or the possession of a container by any person other than an authorized agent of the person whose name, mark, initial, or other identifying device is stamped on the container without the written consent of the owner, is presumptive evidence of the unlawful use or filling of the container.

23-13-03.4. Exemption.

Contractors engaged in construction projects for the building, replacement, or repair of roads, streets, alleys, or parking lots are exempt from the provisions of sections 23-13-03.1 through 23-13-03.5.

23-13-03.5. Penalty.

Any person who violates any provision of sections 23-13-03.1 through 23-13-03.5 is guilty of a class B misdemeanor for each separate offense.

23-13-04. Doors of public buildings - Construction.

All doors of ingress and egress in all schoolhouses and churches within the limits of any city and in all other buildings used for public assemblages of any character in this state, including theaters, public halls, city halls, courthouses, factories, hotels, and all other public buildings wherein numbers of persons are employed or are in the habit of meeting together for any purpose, must be so constructed as to conform with the requirements of the state building code as provided in chapter 54-21.3 and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36].

23-13-05. Penalty for failure to construct doors of public buildings as required.

All persons owning or having charge of any building described in section 23-13-04, including trustees and members of boards of directors and boards of education, shall see that the provisions of such section are complied with. Any person who fails to comply with the

provisions of that section, or who builds, maintains, or permits to be used any building contrary to the provisions thereof, is guilty of a class B misdemeanor.

23-13-06. Owner of land to fill abandoned or disused wells, shafts, and other excavations.

Any person owning or occupying lands in this state upon which is located any abandoned or disused well or shaft shall cause such well or shaft to be filled with earth or stones so as to obviate any possible menace to the safety of persons or property. Any person violating the provisions of this section is guilty of a class B misdemeanor.

23-13-07. Overseer of highways to fill wells on state and school lands - Compensation.

The overseer of highways shall cause to be filled or covered, as provided in section 23-13-06, any and all wells situated on any United States lands, state lands, or common school lands within the overseer's district. The overseer shall receive such compensation, payable out of the road and bridge fund of the township as the board of township supervisors, on presentation of the overseer's account therefor verified by oath, shall deem reasonable.

23-13-08. Failure of owner to protect mine or well - Duty of overseer.

If any individual, firm, corporation, or limited liability company owning or occupying lands neglects or refuses to comply with the provisions of section 23-13-06, the overseer of highways of the district in which the land is located shall serve a written notice on such owner or occupant, and if the owner or occupant neglects or refuses to comply with the provisions of such section, the overseer, within thirty days after having given such notice, shall cause such wells or mines to be filled or covered. The owner of such land is liable to the township for the cost of such work and the material furnished and the necessary expense incurred in collecting the same. If the owner refuses to pay such cost and expense, the board of township supervisors shall take proper proceedings to obtain judgment against the owner or occupant for the amount expended in filling or covering the same and all costs which may have accrued in obtaining judgment therefor.

23-13-09. North Dakota state safety committee - Members.

Repealed by S.L. 1971, ch. 261, § 1.

23-13-10. State safety committee - Meetings - Purpose.

Repealed by S.L. 1971, ch. 261, § 1.

23-13-11. County safety council or director.

The board of county commissioners is hereby authorized to designate a county safety council or director whose duty it is to give assistance and to cooperate with other agencies and organizations engaged in the promotion of general safety in the respective counties.

23-13-12. Handrail in toilet stalls.

Repealed by S.L. 1993, ch. 261, § 6.

23-13-13. Buildings and facilities constructed or remodeled after effective date to comply with standards.

Repealed by S.L. 1993, ch. 261, § 6.

23-13-14. Sale of metal beverage containers having detachable parts prohibited - Penalty.

No person may sell or offer for sale in this state a carbonated or noncarbonated soft drink, beer, other malt beverage, tea, or fruit or vegetable drink in liquid form and intended for human consumption contained in an individual sealed metal container designed and constructed so that a metal pull tab is detached in the process of opening the container. This section does not

prohibit the use of adhesively attached aluminized polyester film pull top seals. Violation of this section is a class B misdemeanor and each day of violation is a separate offense.

23-13-15. Smoke detection systems for residential rental property - Penalty.

1. All residential rental property with the exception of property covered by section 23-09-02.1 must be equipped with smoke detection systems or other approved alarm systems for the protection of occupants of the property. Systems must be installed and maintained in compliance with applicable national fire protection standards as defined by rules adopted by the state fire marshal. The state fire marshal and local fire departments shall provide information concerning the installation of smoke detection systems to owners of residential rental properties. A system installed in a single-family rental dwelling must be maintained and inspected by the tenant occupying the single-family rental dwelling. In other dwellings, the landlord is responsible for installation and ensuring the proper operation of the system upon the occupancy of each new tenant. The tenant is responsible for maintaining the system during the tenant's occupancy.
2. The landlord of a residential dwelling unit shall provide an approved visual smoke detection system or other visual alarm system for fire if requested in writing by a tenant who is deaf. A landlord is not subject to this subsection if the rental property of that landlord does not exceed one building and that building does not exceed four residential dwelling units.
3. Nothing in this section may be construed to alter the provisions of chapter 54-21.3 regarding smoke detection systems or alarm systems for newly constructed residences.
4. Any property owner who willfully fails to install a system as required by this section is guilty of a class B misdemeanor.

23-13-16. Aboveground storage tanks permitted - Limitations.

Subject to local zoning ordinances, a business selling petroleum products for dispensing into motor vehicles may utilize aboveground tanks with a maximum capacity not exceeding nineteen thousand gallons [71922.6 liters] for the storage of petroleum products. No business selling petroleum products for dispensing into motor vehicles may use aboveground storage tanks with an aggregate capacity of more than ninety-five thousand gallons [359613 liters] for the storage of petroleum products at one location.