

CHAPTER 18-09 LIQUEFIED PETROLEUM GAS REGULATION

18-09-01. Liquefied petroleum gas defined.

The term "liquefied petroleum gas", as used in this chapter, means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butane (normal butane or isobutane), and butylenes.

18-09-02. State fire marshal to make rules.

The state fire marshal shall adopt rules setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storage, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization of said gases and the degree thereof. The rules must be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials and must be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. The rules must substantially comply with national standards for the design, installation, construction of containers, and pertinent equipment for the handling and storage of liquefied petroleum gases, such as those promulgated by the international code council and the national fire protection association.

18-09-02.1. Liquefied petroleum gas furnace or other appliance permitted in residential or commercial building.

No state agency may by rule, resolution, or ordinance prohibit the installation in the basement of any residential or commercial building of a furnace or other appliance that uses liquefied petroleum gas.

18-09-03. Penalty.

Any person violating any of the provisions of this chapter or of the regulations of the state fire marshal made pursuant to it is guilty of a class B misdemeanor.

18-09-04. Abatement.

In addition to the penalties provided in section 18-09-03, any person, firm, or corporation who violates or remains in violation of any of the provisions hereof, or of any rule or regulation promulgated by the state fire marshal hereunder, may be directed and ordered by the state fire marshal or by the fire chief of any city or township, by notice in writing setting forth the facts relating to such violation to correct said violation. Such notice in writing must be served personally upon said person or mailed by registered or certified mail to the principal office of said person, firm, or corporation or if an individual, to the individual's residence. If such order is not complied with and such violation not corrected within twenty days of the date of service of said order the state fire marshal or fire chief of any city or township shall file, in the district court of the county where such person or corporation may reside or have the person's or corporation's principal place of business or residence or where such violation occurs, a petition or complaint setting forth the facts relating to the making and serving of such order and praying for an injunction or an abatement, and the court upon notice and proper hearing shall make such determination thereof as seems necessary and proper to correct the violation and secure enforcement of said abatement order. Every order issued by the officials hereinbefore mentioned under the provisions of this section is prima facie evidence of the truth of the matters and things therein set forth. The court may issue such temporary orders pending full hearing as may seem necessary and expedient. The procedures must be as prescribed for the securing of an injunction or for the abatement of hazards in the laws of this state or under the rules and practices of the court.