lations, or their authenticity, or the fact that such rules or regulations have been duly drawn up, published, and made effective as required and provided by law.

“It is hereby declared to be the intent of the Legislature that all rules and regulations of statewide application be so published and that traffic regulations carrying penalty for violation and requiring the use of signs or markers to make them effective be not published but be officially adopted by resolution of the commission.”

Certainly this method of publishing and promulgating the rules is sufficient, because it is almost identical in scope with the method of promulgation of the acts of the legislature.

It is my opinion that the foregoing section of the statute is valid and that the rules and regulations of 1941, published and promulgated in conformity therewith, are legally in effect.

FIRE MARSHAL: Location flammable liquid storage tanks—roller skating rinks.

GASOLINE: Inflammables, location of storage tanks, skating rinks.

EXPLOSIVES: Location of storage places, skating rinks.

SKATING RINKS: Inspection and regulation of use by fire marshal.

ROLLER SKATING RINKS: Inspection—fire marshal.

December 11, 1941.

Mr. Clem Smith,
State Fire Marshal,
Indiana, Indiana.

Dear Sir:

You have asked for an opinion as to the authority to prohibit the establishment of a roller skating rink within 300 feet of a bulk storage tank under the part of the Flammable Liquids Code which, under the heading “Location of Tanks,” reads as follows:
"3. Restricted Classes of Property. No storage tank shall be less than 300 feet from any mine shaft, air or escape shaft for any mine, nor from any schoolhouse, church, hospital or public hall or place of detention by law. The distance shall be measured from near edges of tanks in all directions to near point of shaft or building.

"(a) A public hall is defined as any place which is used at any time for public meetings or the assembling of people for amusement, instruction or religious worship."

The authority to make and promulgate the above regulation is found in the following statutory provision:

"For the purpose of preventing fires and fire losses or in the interest of public safety to life and property or safety to adjoining property from fire or explosion, and for nothing else, and to the extent of such prevention and safety and no farther, the state fire marshal shall, not inconsistent with any existing law or laws of the State of Indiana, make and promulgate rules and regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, gunpowder, dynamite, crude petroleum or any of its products, explosives or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosive, including fireworks and firecrackers, and the materials and construction of receptacles and buildings to be used for any of the said purposes; rules and regulations pertaining to * * * theatres, assembly halls, garages, gymnasiums or other places of public congregation; schools, schoolhouses, sanitariums, hotels, apartment houses, rooming houses, public rooms and compartments and other public houses, places or things where or in which persons are housed, congregated, placed or gathered together; * * * and as to or in connection with any other buildings, or any other property, real or personal, or places or things, stationary or movable, finished or unfinished, occupied or unoccupied, or conditions as, in his opinion, are necessary for the public
safety to life or property, or safety to adjoining property from fire or explosion. A copy of all such rules and regulations shall be sent by the state fire marshal to all his assistants in the state, and he shall have power to enforce such rules and regulations by order thereon as is provided for the enforcement of orders of the state fire marshal.” (Sec. 20-807, Burns’ Ind. St. Ann. 1933.)

It is clear that the foregoing statute would authorize a regulation by the Fire Marshal, if in his opinion necessary for the public safety to life or property or safety to adjoining property from fire or explosion, which regulation would pertain to “theatres, assembly halls, gymnasiums or other places of public congregation” and would include a skating rink. And there could be no question but that reasonable regulations are authorized, if found necessary to prevent the establishment of such a place in dangerous proximity to tanks where bulk gasoline, oil and petroleum products are stored. Nevertheless, the regulation above quoted and now in effect does not prevent the establishment of a skating rink on account of its proximity to an already established bulk storage tank, but only deals with the establishment of storage tanks.

You next ask as to your authority to “order the closing of such a place of amusement on the grounds that it constitutes a hazard to life and property from the standpoint of fire and explosion due to the close proximity of the bulk storage plant.”

That part of the statute dealing with such authority reads as follows:

“The state fire marshal, his deputies or assistants, upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect all buildings, premises, property, conditions and things comprehended in this act within their jurisdiction.”

“Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes or exits or automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause or condition or for any other reason whatsoever is especially conducive or
liable to fire or explosion or liable to cause a fire or explosion, and which is so located or conditioned as to endanger it or other property or life; or whenever such officer shall find in or about any building or other place or property or thing any combustible or explosive matter or inflammable condition or condition of any kind dangerous to the safety of such building, place, property, or thing or to any adjoining property or to life, from fire or explosion, or shall find any other condition or thing of any nature that is liable to cause a fire or explosion or conducive to fire or explosion, he or they shall order such condition or thing to be remedied or such building or buildings, or place, property or thing to be repaired, remedied or removed and such order shall forthwith be complied with by the owner, occupant, or lessee of such premises, place, property, building or thing." (Sec. 20-807, Burns, etc., Supp. 1941.)

If you, your deputies or assistants, in the inspection of a place used as a skating rink, which it is your duty to inspect under Sec. 20-807, supra, find the location or condition of any kind dangerous to the safety of property or life, from fire or explosion, it becomes your or their duty to order such condition remedied. If the only effective remedy of such condition found to be dangerous to property or life from fire or explosion would consist of terminating the use of such building as a skating rink, the foregoing statute would authorize you, your deputies or assistants to require such use to be terminated. Such an order, of course, would be subject to review if sought, as provided in Sec. 20-807, supra. Lambert v. Smith (1939), 216 Ind. 226.