

**FOREST FIRES, CONTROL**

**Act of Apr. 11, 1929, P.L. 515, No. 219**

**Cl. 32**

AN ACT

For the elimination of special forest fire hazards; authorizing the Chief Forest Fire Warden, under certain circumstances, to declare any such hazard a public nuisance; providing for the abatement of the same, and for the collection of the cost of abatement; and imposing penalties.

Section 1. Be it enacted. &c., That the chief forest fire warden shall, subject to the approval of the Secretary of Forests and Waters, have the power, and it shall be his duty, to declare a public nuisance any property which, by reason of its condition or operation, is a special forest fire hazard, and, as such, endangers other property or human life. He shall notify the owner of such property, or the person responsible for the condition or operation thereof, that it has been declared a public nuisance and order him to abate it. In the case of a railroad, such notice and order shall be served upon the superintendent of the division upon which the nuisance exists.

Section 2. If any owner of such property, or the person responsible for its condition or operation, shall fail, neglect or refuse to comply with the notice and order of the chief forest fire warden requiring the abatement of such nuisance, the chief forest fire warden, or his duly authorized agent, may enter upon the property to which such notice and order relate and abate such public nuisance. The expense of such abatement shall be paid by the owner of the property, or the person responsible for the condition or operation thereof, and, if such owner or person shall fail, neglect or refuse to pay the same, it may be collected by the chief forest fire warden, in the name of the Commonwealth, in an action of assumpsit brought against such owner or person in the court of common pleas of the county in which the nuisance was located. All moneys recovered in such action shall be paid into the General Fund of the State Treasury through the Department of Revenue.

Section 3. Every owner or person refusing to comply with an order of the chief forest fire warden requiring the abatement of a nuisance under this act, shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding one hundred dollars, and, in default of the payment of such fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid. The neglect or refusal of any officer, agent, or other person acting for or employed by a corporation, and having within the scope of his employment supervision over the property declared to be a public nuisance, to comply with an order of the chief forest fire warden, issued under this act, shall be deemed to be the neglect or refusal of the corporation itself.

Every day's continuance in the nonabatement of a nuisance, after an order by the chief forest fire warden to abate the same, shall be a separate and distinct offense.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 4. The words "owner" or "person," as used in this act, shall include individuals, copartnerships, associations and corporations, and their officers, agents and employees.