

FIRST CLASS CITIES, FIRE MARSHAL, OFFICE CREATED
Act of Jun. 8, 1911, P.L. 705, No. 281
AN ACT

Cl. 11

Creating the office of Fire Marshal, to be attached to the Department of Public Safety in cities of the first class; prescribing his duties and powers; and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office.

Compiler's Note: Section 2104 of Act 32 of 1989 provided that Act 281 is repealed insofar as it is inconsistent with Act 32.

Compiler's Note: Section 13 of Act 214 of 1990 provided that nothing in Act 214 shall be construed to repeal Act 281.

Section 1. Be it enacted, &c., That there shall be established in the Department of Public Safety, in all cities of the first class in this Commonwealth, to be known as "the Office of Fire Marshal." That the Director of Public Safety shall appoint, subject to the approval of select council, a suitable person, who shall be a citizen of the State and a qualified elector of said city, Fire Marshal, who shall devote his whole time to the duties of his office, and who shall hold office until his successor is appointed and qualified. The office of Fire Marshal shall be maintained at such place as may be designated by the Director of the Department of Public Safety: Provided, That whenever an officer of the Police Department, in any city of the first class, has heretofore been appointed as Fire Marshal, he shall continue to hold office and act as Fire Marshal, under the terms and provisions of this act, until his term of office shall have expired, or until he shall have been removed for cause by the said Director of Public Safety.

Section 2. The Director of Public Safety is hereby empowered and required to appoint such a number of assistant fire marshals as the city councils may allow, one of the said assistants to be designated as chief assistant. The duties of said chief assistant and assistants shall be to assist the Fire Marshal, and such appointees may be removed for cause by the said Director of Public Safety.

Section 3. In the event of a vacancy in the office of Fire Marshal, or during the absence or disability of that officer, the chief assistant marshal shall perform the duties of the office, or, in his absence, one of the assistants to be designated by the Director of Public Safety.

Section 4. The Director of Public Safety is hereby empowered to appoint such office assistants as the city council may allow, as being necessary for the proper and efficient conduct of his office: Provided, nevertheless, That all rules and regulations heretofore made by councils, at any city of the first class, for the regulation and conduct of the office of Fire Marshal, not inconsistent with the terms of this act, shall be valid and binding.

Section 5. The fire marshal may order the inspection of all buildings used for business or private purposes, and all buildings used for public purposes,--meetings, exhibitions, or theatrical or operatic performances, or any amusement place,-- and enforce all laws relating to the same, and no license shall be issued by the mayor until approved by the fire marshal. He and his assistant fire marshals shall have the power to enter and inspect buildings as aforesaid, including their contents and occupancies as provided under section nine of this act, and it shall be the duty of such fire marshal to report to the Director of Public Safety any faulty or dangerous condition found; and no license under the provisions of any law may be necessary, to use said buildings for any purposes herein named, shall be issued, or, if issued, shall not be available for said use, until the faulty or dangerous condition is remedied; and said fire marshal shall, if he find any temporary property, to be used in any building for scenic or spectacular purposes, is made or composed of highly combustible material, he shall forbid its being taken in said building. No gasoline pumps or gasoline standpipes shall hereafter be erected or installed in such city, unless a permit therefor has been first issued by the fire marshal, approving the location of such pumps or pipes, and the kind and character of pump or pipe so to be erected or installed.

(5 amended May 11, 1927, P.L.960, No.453)

Section 6. The Fire Marshal of every city of the first class of this Commonwealth shall make, or cause to be made, an investigation of the cause, origin, and circumstances of every fire occurring in such city, by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigations shall be begun immediately after the occurrence of such fire, and the Fire Marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fire shall forthwith notify said Fire Marshal, and shall within one week of the occurrence of fire furnish to the said Fire Marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for,--the blanks provided by said Fire Marshal. The said Fire Marshal shall keep in his office a record of all fires occurring, together with all facts, statistics, and circumstances, including the origin of the fires, which may be determined by investigations provided by this act; such records shall at all times be open to the public inspection.

Section 7. The Fire Marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony, on oath or affirmation, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced in writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or of conspiracy to defraud, or criminal conduct, in connection with such fire, he shall cause such person to be arrested and charged with such offense, or either of them, and

shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall report to the mayor, as often as such mayor shall require, the proceedings and the progress made in all prosecutions under this act, and the result of all cases which are finally disposed of.

Section 8. The Fire Marshal and the chief assistant fire marshal, and assistant fire marshals, shall each have the power to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provision of this act a subject on inquiry and investigation, and may require the production of any book, paper, or document deemed pertinent thereto by them, or either of them. Said Fire Marshal, and chief assistant fire marshal and assistant fire marshals, are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Fire Marshal, chief assistant or assistant fire marshals, or who fails or refuses to produce any book, paper, or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them, or either of them, to appear before them or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor, and, on conviction before any magistrate, be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days. Said Fire Marshal and his subordinates, or either of them, shall have the authority at all times of day and night, in the performance of the duties imposed by the provisions in this act, to enter upon and examine any building, or premises adjoining or near the same.

Section 9. The Fire Marshal, and his chief assistant and his assistants, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any said officers shall find any building which, by reason of age and dilapidated condition or for any other cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever any such officers shall find in any building or upon any premises highly combustible or explosive materials, oils, and greases, or conditions and combinations dangerous to the safety of said buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises: Provided, however, That if the said occupant or owner shall deem himself aggrieved by such order, he may appeal in writing to the Director of the Department of Public Safety within three (3) days after having received notice of the decision of the Fire Marshal, specifying in such appeal the reasons and ground therefor. The Director of Public Safety shall immediately refer such appeal to a

commission, which shall consist of the Chief of the Fire Department, the Chief of the Bureau of Building Inspection, and the Secretary of the Philadelphia Fire Underwriters' Association. Said commission shall carefully consider said appeal and make decision thereon, and its decision shall be conclusive. The decision of any two shall be the decision of the commission. Failing to comply with the orders of the authorities above specified shall be deemed guilty of keeping and maintaining a nuisance detrimental to life and property, and, on conviction before any magistrate, be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days.

Section 10. The Fire Marshal shall not engage in any other business, and he or one of his assistants shall at all times be at the office of the Fire Marshal, ready for such duties as are required by this act.

Section 11. The Fire Marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the first day of January in each year, a detailed report of his official actions to the Mayor and councils, included in the annual report.

Section 12. The Fire Marshal, his chief assistant and inspectors, may examine all buildings upon which any fire-escapes may be erected, shall see that it is kept in good order and repair, and no person shall at any time, place any incumbrance of any kind whatsoever upon any of said fire-escapes or passageways constructed or intended for the escape of persons from the premises in case of fire. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be deemed guilty of keeping and maintaining a nuisance detrimental to life and property, and on conviction before any magistrate be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days.