

FIRE AND PANIC ACT

Act of Apr. 27, 1927, P.L. 465, No. 299

Cl. 35

AN ACT

To provide for the safety of persons employed, housed, or assembled in certain buildings and structures by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, the Department of Health, boards of school directors and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts. (Title amended Dec. 21, 1988, P.L.1315, No.168)

TABLE OF CONTENTS

Section 1. General Requirement.
Section 2. Classes of Buildings (Repealed).
Section 3. Special Requirements (Repealed).
Section 3.1. Automatic Fire Detection Devices for the Hearing Impaired (Repealed).
Section 3.2. Automatic Fire Detection Devices in Class IV Buildings (Repealed).
Section 3.3. Information Concerning Protection from Fire (Repealed).
Section 3.4. Installation of Teletypewriters.
Section 3.5. School Tobacco Control (Repealed).
Section 3.6. Standards for Class VI Buildings.
Section 4. Ways of Egress (Repealed).
Section 4.1. Fire Extinguishers (Repealed).
Section 4.2. Legislative Review of Certain Rules and Regulations (Repealed).
Section 5. Theatres, Motion Picture Theatres and Places of Public Assembly (Repealed).
Section 6. Permit for Motion Pictures (Repealed).
Section 7. Licensing of Projectionists Expect in Cities of the First and Second Class (Repealed).
Section 8. Approval of Plans (Repealed).
Section 9. Permits for use or Occupancy (Repealed).
Section 10. Discontinuance of Use (Repealed).
Section 10.1. Clean Indoor Air (Repealed).
Section 11. Failure to Submit Plans or Obtain Approval (Repealed).
Section 12. Failure to Comply with Provisions of this Act (Repealed).
Section 13. Prosecutions.
Section 14. Liability of Owner.
Section 15. Enforcement.
Section 15.1. Preemption.

Section 1. Be it enacted, &c., That,
General Requirement.--Every building enumerated in this act, erected or adapted for any of the purposes of the several classes of buildings covered by this act, shall be so constructed, equipped, operated, and maintained, with respect to type of construction and materials used, fireproofing, number and type of ways of egress, aisles and passageways, stairs and fire escapes, wall openings, exits and exit signs, doors and

doorways, shaftways and other vertical openings, emergency lighting, automatic sprinkler systems, fire alarm systems, fire drills, electrical equipment, inflammable and explosive materials, heating apparatus and fuel storage, number of occupants, ventilation, arrangement of seating and standing space, construction and equipment of stages, projection rooms, and dressing rooms, and all other fire and panic protection as to provide for the safety and health of all persons employed, accommodated, housed, or assembled therein. Whenever any building designated in this act shall, in the opinion of the Department of Labor and Industry, become dangerous to further occupancy because of structural or other defects, it shall immediately be closed to further occupancy, and a sign posted thereon to that effect. Such building shall not again be occupied until all recommendations of the department to eliminate hazardous conditions are complied with.

The Department of Labor and Industry shall have the power, and its duty shall be, to make, alter, amend, or repeal rules and regulations for carrying into effect all of the provisions of this act, applying such provisions to specific conditions, and prescribing means, methods and practices to make effective such provisions.

(1 amended May 28, 1937, P.L.1016, No.281)

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 1.

Section 2. Classes of Buildings.--(2 repealed Nov. 10, 1999, P.L.491, No.45)

Section 3. Special Requirements.--(3 repealed Nov. 10, 1999, P.L.491, No.45)

Section 3.1. Automatic Fire Detection Devices for the Hearing Impaired.--(3.1 repealed Nov. 10, 1999, P.L.491, No.45)

Section 3.2. Automatic Fire Detection Devices in Class IV Buildings.--(3.2 repealed Nov. 10, 1999, P.L.491, No.45)

Section 3.3. Information Concerning Protection from Fire.--(3.3 repealed June 23, 2016, P.L.365, No.51)

Section 3.4. Installation of Teletypewriters.--(a) Any municipality may install in its police headquarters or other location designated by the municipality a teletypewriter which will enable deaf residents of the municipality to communicate requests for assistance in emergencies to the police or other designated emergency response organizations.

(b) The Department of Labor and Industry shall reimburse municipalities for the expense of implementing subsection (a), subject to the availability of funds.

(c) The Department of Labor and Industry shall promulgate regulations to set standards for teletypewriters eligible for reimbursement under this section to be installed by municipalities, and to establish reimbursement procedure for municipalities within the limitations of subsection (b).

(d) Notwithstanding the provisions of section 15, this section shall be applicable throughout this Commonwealth.

(3.4 added Dec. 21, 1988, P.L.1315, No.168)

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 3.4.

Section 3.5. School Tobacco Control.--(3.5 repealed Nov. 27, 2019, P.L.669, No.93 and Nov. 27, 2019, P.L.759, No.111)

Section 3.6. Standards for Class VI Buildings.--(a) ((a) repealed Nov. 10, 1999, P.L.491, No.45)

- (b) ((b) repealed Nov. 10, 1999, P.L.491, No.45)
- (c) ((c) repealed Nov. 10, 1999, P.L.491, No.45)
- (d) ((d) repealed Nov. 10, 1999, P.L.491, No.45)
- (e) ((e) repealed Nov. 10, 1999, P.L.491, No.45)

(f) (1) (i) As to family child-care homes, a facility licensed by the Department of Human Services as of the effective date of this section shall be permitted 12 months from the effective date of this section, or until the expiration of its current license, whichever is longer, to comply with the requirements of this section. ((i) amended July 7, 2022, P.L.468, No.42)

- (ii) ((ii) repealed Nov. 10, 1999, P.L.491, No.45)
 - (iii) ((iii) repealed Nov. 10, 1999, P.L.491, No.45)
- (2) ((2) repealed Nov. 10, 1999, P.L.491, No.45)

(f.1) The following shall apply:

(1) ((1) deleted by amendment).

(1.1) The smoke alarms required under this section shall be interconnected via hardwire, Bluetooth connectivity or any other means that allow for communication between smoke alarms for family child-care homes. The following shall apply:

(i) The activation of each smoke alarm shall result in an alarm that is audible to persons in the indoor child-care space with all intervening doors closed.

(ii) Each smoke alarm shall, at the time of installation, be approved by a testing laboratory recognized by the Occupational Safety and Health Administration of the United States Department of Labor to test and certify smoke alarms.

(2) Family child-care home operators shall maintain, in their fire drill logs, proof of purchase, including the date of purchase of the smoke alarm.

(3) A family child-care home shall:

(i) Have a smoke alarm on each floor and in the basement.

(ii) Have a portable fire extinguisher rated for class B fires in the kitchen and other cooking areas.

(iii) Meet the exiting requirements for an R-3 occupancy and licensure under 55 Pa. Code Ch. 3290 (relating to family child care homes).

((f.1) amended July 7, 2022, P.L.468, No.42)

(g) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Family child-care home" means a home other than the child's own home in which child care is provided at any one time to four (4), five (5) or six (6) children unrelated to the operator.

"Group child day-care home" (Def. deleted by amendment).

((g) amended July 7, 2022, P.L.468, No.42)

(3.6 added July 1, 1992, P.L.349, No.75)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 3.6(f)(1)(i), (f.1) and (g).

Section 4. Ways of Egress.--(4 repealed Nov. 10, 1999, P.L.491, No.45)

Section 4.1. Fire Extinguishers.--(4.1 repealed Nov. 10, 1999, P.L.491, No.45)

Section 4.2. Legislative Review of Certain Rules and Regulations.--(4.2 repealed Nov. 10, 1999, P.L.491, No.45)

Section 5. Theatres, Motion Picture Theatres and Places of Public Assembly.--(5 repealed Nov. 10, 1999, P.L.491, No.45)

Section 6. Permit for Motion Pictures.--(6 repealed Nov. 10, 1999, P.L.491, No.45)

Section 7. Licensing of Projectionists Except in Cities of the First Class and Second Class.--(7 repealed Nov. 10, 1999, P.L.491, No.45)

Section 8. Approval of Plans.--(8 repealed Nov. 10, 1999, P.L.491, No.45)

Section 9. Permits for Use or Occupancy.--(9 repealed Nov. 10, 1999, P.L.491, No.45)

Section 10. Discontinuance of Use.--(10 repealed Nov. 10, 1999, P.L.491, No.45)

Section 10.1. Clean Indoor Air.--(10.1 repealed June 13, 2008, P.L.182, No.27)

Section 11. Failure to Submit Plans or Obtain Approval.--(11 repealed Nov. 10, 1999, P.L.491, No.45)

Section 12. Failure to Comply with Provisions of this Act.--(12 repealed Nov. 10, 1999, P.L.491, No.45)

Section 13. Prosecutions.--Any person who shall violate any of the provisions of this act, or the rules and regulations of the Department of Labor and Industry, or who shall fail or refuse to observe orders for the enforcement of the said provisions or rules and regulations issued by duly authorized officers of the Department of Labor and Industry, or who shall hinder or delay or interfere with any officer charged with the enforcement of this act in the performance of his duty, shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars (\$5,000.00) and costs, or not more than three (3) months imprisonment in the county jail, or either, or both, in the discretion of the court.

Any person who shall fail or refuse to vacate a building or portion of a building, or who shall fail to cease work in the erecting, remodeling, adapting or altering of a building, or who shall fail to vacate or place out of service any structure, after due notice having been served upon him by an officer of the Department of Labor and Industry and proper notice having been placed upon the building or structure by such officer, shall be liable for a penalty of one hundred fifty dollars (\$150.00) a day for each day he shall have so failed or refused to vacate, cease work on, or place out of service the building, portion of building or structure upon which such notice has been placed, the said penalty to be collectible in the same manner as any fine payable to the Commonwealth.

Prosecutions for violations of this act, or the rules and regulations of the Department of Labor and Industry, may be instituted by the Secretary of Labor and Industry, or under his directions by any authorized representative of the said department, or by duly appointed chiefs of fire departments for violations of the portions of this act, they are especially called upon by this act to enforce, and shall be in the form of summary criminal proceedings instituted before a magistrate, alderman, or justice of the peace. Upon conviction after a hearing, the sentences provided in this act shall be imposed, and shall be final unless an appeal be taken in the manner prescribed by law.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall pay the same into the State Treasury for the use of the Commonwealth.

(13 amended Dec. 17, 1990, P.L.706, No.175)

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.

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 13.

Section 14. Liability of Owner.--In case of fire or panic occurring in any of the buildings enumerated in the foregoing sections of this act, in the absence of such safeguards and ways of egress which it is the intent and purpose of this act and the rules and regulations of the department to have provided, the owner or owners aforesaid shall be liable for damages in case of death or personal injury, the result of fire or panic in any of the said buildings, and such action for damages may be maintained by any person now authorized by law to sue as in other case of loss by death or injuries.

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 14.

Section 15. Enforcement.--The provisions of this act shall apply to every building enumerated in this act, including buildings owned, in whole or in part, by the Commonwealth, or any political subdivision thereof, and shall be enforced by the Secretary of Labor and Industry, by and through his authorized representatives: Provided, That nothing in this act shall be construed as affecting buildings in cities of the first class, second class, and second class A, or the licensing of projectionists in cities of the first class and second class, and that duly appointed chiefs of fire departments shall be equally responsible with the Secretary of Labor and Industry for the enforcement of the provisions of this act and the regulations of the Department of Labor and Industry pertaining to the removal of obstructions to and maintenance of exits, aisles, passageways, and stairways leading to or from exits in all buildings covered by this act, and the inspection and maintenance of emergency lighting systems, fire alarms and fire extinguishing apparatus.

For the purpose of enforcing the provisions of this act, all the officers charged with its enforcement shall have the power to enter any of the buildings or structures enumerated in section two of this act, and no person shall hinder or delay, or interfere with, any of the said officers in the performance of his duty, nor refuse information necessary to determine whether the provisions of this act, and the rules and regulations herein provided for, are or will be complied with.

(15 amended Jan. 14, 1952, 1951 P.L.1889, No.518)

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 15.

Section 15.1. Preemption.--(a) This act shall preempt and supersede any local ordinance or rule concerning the subject matter of sections 3.5 and 10.1 of this act.

(b) This act shall preempt and supersede any local ordinance or rule concerning the subject matter of section 10.1 of this act except that:

(1) The provisions of section 10.1 of this act shall not apply to local rules or ordinances concerning the subject matter of section 10.1 of this act which have been adopted by cities of the second class and were in effect prior to September 1, 1988.

(2) In the event that the local rule or ordinance is amended, suspended, rescinded or rendered, in whole or in part, ineffective by a court decision, the exemption shall not apply; and the city of the second class shall be subject to the provisions of section 10.1 of this act.

(15.1 added Dec. 21, 1988, P.L.1315, No.168)

Compiler's Note: Section 15.1 was repealed by the act of November 10, 1999, P.L.491, No.45. As much of section 1102(a) of Act 45 as repeals section 15.1 was itself repealed by the act of December 20, 2000, P.L.944, No.128. Because the 1999 repeal had not taken effect at the time section 2 of Act 128 of 2000 took effect, section 15.1 was saved from repeal. Therefore, notwithstanding the 1999 repeal, section 15.1 is still in effect.