

STATE FIRE MARSHAL LAW

Act of Apr. 27, 1927, P.L. 450, No. 291

Cl. 35

AN ACT

Relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings by owners and occupants thereof, including political subdivisions; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania State Police, and the enforcement of its orders; and prescribing penalties. (Title amended May 16, 1945, P.L.620, No.262)

Compiler's Note: Section 2104 of Act 32 of 1989 provided that Act 291 is repealed insofar as the State Fire Marshal and the Pennsylvania State Police are authorized to adopt and enforce rules and regulations governing the use, storage and sale and retention of gasoline, naphthalene, kerosene, fuel oil or other substances of like character, only to the extent Act 32, rules and regulations are inconsistent with the provisions of Act 291.

Section 1. (a) Be it enacted, &c., That the Commissioner of the Pennsylvania State Police may appoint and remove the chief of the fire department of any county, city, borough, town, or township or individual citizens as assistants to the department, and, when so appointed, shall be subject to the obligations imposed by this act and to the authority of the Pennsylvania State Police.

(b) ((b) repealed Feb. 11, 1998, P.L.58, No.15)

(c) ((c) repealed Feb. 11, 1998, P.L.58, No.15)

(1 amended Apr. 4, 1996, P.L.99, No.23)

Section 2. Each of the aforesaid assistants shall inquire into the origin, cause, and other circumstances of every fire by which any property or life has been destroyed, damaged, or endangered, occurring within the territorial limits of their respective cities, boroughs, towns or townships, and shall make every effort to determine whether such fires were of incendiary origin or the result of design, carelessness, or accident.

Upon the occurrence of any fire, such assistant shall report the same to the Pennsylvania State Police within five days after its occurrence. If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation, he shall immediately notify the Pennsylvania State Police and shall, when directed by the Pennsylvania State Police, assist in the making of such investigation. The reports of any such fire shall be made in writing, and in the manner and form prescribed by the Pennsylvania State Police, on the blanks furnished for that purpose. Such reports shall, in every case, contain a statement of: (a) All the facts relating to the cause of such fire that can be ascertained; (b) the extent of the loss and damage to each property; (c) the loss of life and personal injuries caused thereby or resulting therefrom; (d) the amount of insurance upon each property destroyed or damaged; and (e) such other information as may be required by the Pennsylvania State Police.

The assistant shall notify the closest Pennsylvania State Police installation immediately of the occurrence of any incendiary fire.

The duties hereinabove prescribed to be performed by the said assistant may be limited by the Pennsylvania State Police so as to reasonably accord with their pre-existing public duties.

Any of the aforesaid assistants who shall neglect or refuse to report to the Pennsylvania State Police, or who shall neglect or refuse to make reports or investigations of fires as provided in this section, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars, or to undergo imprisonment not exceeding thirty days, or both.

(2 amended Feb. 17, 1972, P.L.72, No.24)

Section 3. (a) The Pennsylvania State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or flammable substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so situated as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or flammable conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings.

((a) amended Feb. 17, 1972, P.L.72, No.24)

(b) If such order is made by any assistant to the Pennsylvania State Police, such owner or occupant may, within five days, appeal to the Pennsylvania State Police, which shall, within ten days, review such order and file its decision thereon, and unless by its authority the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant, who feels aggrieved by any order of the Pennsylvania State Police, or by any decision upholding or modifying any order of any of its assistants, may, within five days after the same has been made or filed by the Pennsylvania State Police, file his petition with the court of common pleas of the county where the property subject to the proceeding is located, praying a review of such order, and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require. ((b) amended Apr. 6, 1949, P.L.396, No.43)

(c) The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order

upon the owner of premises, such order may be served either by delivering to, and leaving with, the said person a true copy of the said order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address. ((c) amended May 16, 1945, P.L.620, No.262)

(d) Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the Pennsylvania State Police, or under its direction by any inspector or member of the Pennsylvania State Police, shall, upon conviction thereof under summary proceedings instituted before any magistrate, alderman, or justice of the peace in the county where such violations occur, be sentenced to pay a fine of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), and in default of the payment of such fine and costs, to be imprisoned in the county prison one day for each dollar of fine and costs unpaid. Upon conviction after 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 paid into the General Fund in the State Treasury through the Department of Revenue.

((d) amended May 16, 1945, P.L.620, No.262)

(e) The term "owner or occupant" as used in this section shall include individuals, partnerships, associations, corporations and political subdivisions. The term shall also include counties and cities with respect to buildings and premises, which they are by law required to purchase at tax sales, and which they hold as trustees for the benefit of all political subdivisions for the taxes of which the property was sold. ((e) added May 16, 1945, P.L.620, No.262)

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 Pennsylvania State Police, in addition to the investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth.

(4 amended Feb. 17, 1972, P.L.72, No.24)

Section 4.1. (4.1 repealed Feb. 11, 1998, P.L.58, No.15)

Section 5. (5 repealed Feb. 17, 1972, P.L.72, No.24)

Section 6. (6 repealed June 1, 1933, P.L.1139, No.282)

Section 7. (7 repealed Mar. 10, 1949, P.L.30, No.14)

Section 8. (8 repealed June 1, 1933, P.L.1139, No.282)

Section 9. The assistants to the Pennsylvania State Police, not receiving a salary for the performance of public duties, shall receive, upon the audit of the Pennsylvania State Police, fifty cents for each report of each separate fire reported to the Pennsylvania State Police under this act, and, in addition thereto, shall be paid the sum of fifteen cents for each mile traveled to the place of fire and, in the discretion of the Pennsylvania State Police, where an investigation has been made, a sum not to exceed three dollars (\$3.00) for each day's service spent in such investigation.

(9 amended Apr. 28, 1943, P.L.123, No.63)

Section 10. All penalties or forfeitures collected under the provisions of this act shall be paid into the General Fund in the treasury of this Commonwealth, through the Department of Revenue.

(10 amended June 29, 1937, P.L.2403, No.448)

Section 11. (11 repealed Feb. 17, 1972, P.L.72, No.24)

Section 12. (12 repealed Feb. 17, 1972, P.L.72, No.24)

Section 13. (13 repealed Feb. 17, 1972, P.L.72, No.24)

Section 14. This act shall not be construed to repeal an act of General Assembly entitled "An act to provide for the appointment of a fire marshal for Allegheny County," approved the eighteenth day of April, Anno Domini, one thousand eight hundred and sixty-four (Pamphlet Laws, four hundred and sixty-five); nor to repeal an act of the General Assembly entitled "An act 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," approved the eighth day of June, Anno Domini one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and five).

Section 15. That all rules and regulations heretofore promulgated by the State Fire Marshal, or by the Department of State Police or the Pennsylvania State Police or the Pennsylvania Motor Police, and now in force, shall continue in force until modified or abolished by the Pennsylvania State Police.

All suits, actions or proceedings, now pending under any act hereby repealed or supplied, shall not be affected, but shall be continued by the Pennsylvania State Police.

(15 amended Apr. 28, 1943, P.L.130, No.63)

Section 16. The act of the first day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and ten), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers heretofore exercised by the State Fire Marshal upon the Department of State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said department, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities, and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the department and the enforcement of its orders; and prescribing penalties"; and the act of the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred), entitled "An act to amend the first paragraph of section three of the act, approved the first day of July, one thousand nine hundred nineteen (Pamphlet Laws, seven hundred ten), entitled 'An act relating to fires and fire prevention; imposing duties and conferring powers heretofore exercised by the State Fire Marshal upon the Department of State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said department and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the department and the enforcement of its orders; and prescribing penalties,'" and all other acts or parts of acts inconsistent herewith, are hereby repealed.