

"AIR RAID PRECAUTIONS ACT"

Act of Apr. 13, 1942, Special Session 1, P.L. 37, No. 14

Cl. 35

Special Session No. 1 of 1942

No. 1942-14

AN ACT

Relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Civil Defense, local and district Councils of Civil Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances, and providing penalties. (Title amended Mar. 19, 1951, P.L.37, No.5)

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. This act shall be known and may be cited as the "Air Raid Precautions Act".

Section 2. The following words and phrases shall have the meaning ascribed to them in this section:

"Attack" shall mean all conditions of hostile air raid attack.

"Drill" shall mean air raid drill and practice blackout.

"During attack or drill" shall mean immediately prior to, during and immediately subsequent to an air raid drill, practice blackout or all actual conditions of hostile air raid attack.

"Local and District Councils of Civil Defense" shall mean such councils established under the provisions of the act, approved the nineteenth day of March, one thousand nine hundred fifty-one (Pamphlet Laws 28), entitled "An act relating to the civil defense of this State and its coordination with national defense; providing for the establishment of a State Council of Civil Defense, local and district councils of civil defense, Mobile Support Units; prescribing the powers, duties and immunities thereof and of their personnel; authorizing mutual aid compacts, and providing penalties." (Def. amended Mar. 19, 1951, P.L.37, No.5)

"Municipal agencies" shall mean and include police, fire, sanitation, sewer, water, engineering and all other regular municipal agencies manned by officers and employees of a political subdivision of the Commonwealth charged with duties and responsibilities in connection with civilian protection.

"Political subdivision" shall mean any county, city, borough, incorporated town and township.

"State Council of Civil Defense" shall mean such council

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"Volunteer agencies" shall mean and include air raid wardens, auxiliary police, auxiliary firemen, bomb squads, rescue squads, medical forces, nurses' aides, repair crews, decontamination corps, demolition crews and all other civilian protection forces and services charged with duties and responsibilities in connection with civilian protection.

Section 3. (a) The State Council of Civil Defense shall during the continuance of the existing state of war between the United States and any foreign country have the power and its duty shall be to take such precautionary measures as may be necessary for the safety, defense and protection of the civilian population of the Commonwealth and property within the Commonwealth with respect to air raids. In furtherance of this power and duty the State Council of Civil Defense shall have power to adopt, promulgate and enforce rules, regulations and orders for this purpose. The State Council of Civil Defense shall cause such rules, regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable. Such rules, regulations and orders adopted by the State Council of Civil Defense shall have the same force as if they formed a part of this act. Subject to the provisions of this act, and without limiting the general power conferred above, the State Council of Civil Defense shall have the power and its duty shall be to make rules, regulations and orders regarding:

(1) The organization, recruiting, training, maintenance and operation of aircraft warning services, observation and listening posts, information and control centers, including the location thereof, and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and drills;

(2) The formulation and execution of plans for the carrying out of practice blackouts, air raid drills and warnings and of all precautionary measures under actual conditions of hostile air raids or enemy attack;

(3) The organization, recruiting, training, conduct and duties and powers of volunteer agencies;

(4) The effective screening or extinguishment of all lights and lighting devices and appliances;

(5) The conduct of civilians and the movement and cessation of pedestrian and vehicular traffic during attack or drill;

(6) The evacuation of civilian populations from dangerous or damaged areas;

(7) The mobilization and coordination of municipal and volunteer agencies and the use of the personnel and equipment of

such agencies wherever needed in the Commonwealth.

(b) Local and district Councils of Civil Defense shall have the power to adopt, promulgate and enforce rules, regulations and orders not inconsistent with rules, regulations and orders adopted by the State Council of Civil Defense with respect to the foregoing matters: Provided, however, That no rule, regulation or other order of any local or district Council of Civil Defense shall become effective unless and until it shall have received the prior approval of the State Council of Civil Defense. Each local and district Council of Civil Defense shall have available for inspection at its offices all rules, regulations and orders adopted by the State Council of Civil Defense and by such local or district Council of Civil Defense.

(3 amended Mar. 19, 1951, P.L.37, No.5)

Section 4. It shall be the duty of every local and district Council of Civil Defense to execute and enforce such plans, rules, regulations and orders as the State Council of Civil Defense shall adopt and promulgate. The State Council of Civil Defense is hereby authorized to designate and require agencies to aid and assist the council in the discharge of one or more of its powers and duties under this act and to grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of its functions, powers and duties.

(4 amended Mar. 19, 1951, P.L.37, No.5)

Section 5. The State Council of Civil Defense in providing for the mobilization and coordination of municipal and volunteer agencies shall have power to make the personnel and equipment of such agencies available for duty and use in any political subdivision other than the political subdivision in which such personnel and equipment are normally used, employed or act. Unless existing or future voluntary agreements between political subdivisions require otherwise, the use of personnel and equipment of any municipal agencies in any political subdivision other than the political subdivision in which they normally are used, employed or act shall be without charge or expense to such political subdivision. Whenever any part of the regular personnel of any municipal agency of any political subdivision are engaged under the provisions of this act in rendering services in another political subdivision, such personnel shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed or act.

(5 amended Mar. 19, 1951, P.L.37, No.5)

Section 6. Whenever the United States or any agency or officer thereof shall offer equipment, supplies, materials or funds for or relating to air raid defense activities to the Commonwealth or to any political subdivision thereof, the Commonwealth or political subdivision is hereby authorized to accept such offer, and the State Council of Civil Defense shall have power and its duties shall be to adopt, promulgate and enforce rules, regulations and orders for the use of such equipment, supplies, materials and funds subject to the terms of the offer and subject also to the rules and regulations of the Federal agency making the offer.

(6 amended Mar. 19, 1951, P.L.37, No.5)

Section 7. Neither the Commonwealth or any political subdivision thereof nor their agents or representatives nor any member of a municipal or volunteer agency nor any individual, partnership, association, corporation, trustee, receiver, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any law or duly promulgated rule, regulation or order relating to blackouts, air raid drills or other activities connected with the protection of the civil population from air raids or enemy attacks shall be liable for any injury or death to persons or damage to property as the result of such activity. The foregoing shall not affect the right of any person to receive benefits to which he might otherwise be entitled under the Workmen's Compensation Law, any pension law, nor the right of any member of a volunteer agency to receive any benefits or compensation under any act of Congress.

Section 8. The provisions of this act and rules, regulations and orders adopted and promulgated under the provisions of this act shall be enforced by the State Council of Civil Defense, local and district Councils of Civil Defense, political subdivisions and municipal and volunteer agencies. Subject to limitations contained in rules, regulations and orders of the State Council of Civil Defense, members of volunteer agencies shall have the powers of peace officers for the purpose of enforcing rules, regulations and orders adopted and promulgated for the purpose of enforcing this act: Provided, however, That such powers shall not be exercised or performed by them except while they are on active duty and displaying an authorized identifying badge or other insignia during an air raid drill or attack.

(8 amended Mar. 19, 1951, P.L.37, No.5)

Section 9. Any person violating any of the provisions of this act or any of the rules, regulations and orders adopted and promulgated under this act by the State Council of Civil Defense or any local or district Council of Civil Defense, or who shall fail to comply with any instructions lawfully given by any member of a municipal or volunteer agency or any person who shall without authority wear or display any official insignia authorized by the State Council of Civil Defense or a local or district Council of Civil Defense for use by members of any municipal or volunteer agency shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not exceeding two hundred dollars (\$200), or imprisonment not exceeding ninety (90) days, or both. All fines recovered under the provisions of this section shall be paid to the treasurer of the municipality or township in which the offense was committed for the use of such municipality or township.

(9 amended Mar. 19, 1951, P.L.37, No.5)

Section 10. Whoever shall knowingly and wilfully utter any false air raid alarm signal or warning or who shall simulate any official air raid signal or warning or shall wilfully break, injure or remove any mechanical warning or signal device used therefor shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or imprisonment for a term not

exceeding two (2) years, or both: Provided, however, That any air raid alarm signal or warning uttered by any person in connection with any duly authorized air raid drill or practice blackout shall not be deemed to be a false air raid alarm signal or warning within the meaning of this section.

Section 11. This act shall become effective immediately upon its final enactment and shall continue in full force and effect during the continuance of a state of war between the United States and any foreign country.

(11 amended Mar. 19, 1951, P.L.37, No.5)