

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1240 Session of
1977

INTRODUCED BY EARLY, DECEMBER 7, 1977

REFERRED TO LABOR AND INDUSTRY, DECEMBER 7, 1977

AN ACT

1 Requiring certain sprinkler systems in hospitals, asylums and
2 convalescent and nursing homes; conferring powers on the
3 Department of Labor and Industry; providing for enforcement
4 and penalties and making repeals.

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

7 Section 1. Sprinkler systems required.

8 Sprinkler systems necessary to give proper protection from
9 fire to persons employed, assembled, lodged or housed in
10 hospitals, asylums, convalescent and nursing homes in all
11 political subdivisions shall be installed in such institutions.
12 No such systems shall be installed unless they are of a type
13 approved by the Department of Labor and Industry by regulation
14 or otherwise.

15 Section 2. Vacating institutions for noncompliance.

16 Whenever the owner of any building or structure, as described
17 in this act, shall fail to comply with the provisions of this
18 act, or the rules and regulations of the Department of Labor and
19 Industry formulated under the authority of this act, and upon

1 whom a written order shall have been served by the Department of
2 Labor and Industry to comply with the said provisions of this
3 act and the rules and regulations of the Department of Labor and
4 Industry, and who nevertheless shall have failed to comply with
5 the said written order within the time specified in the same,
6 the Department of Labor and Industry shall be authorized to
7 immediately order the building or structure to be vacated or
8 placed out of service until such time as the requirements of
9 this act and the rules and regulations of the Department of
10 Labor and Industry shall have been fully complied with.

11 Section 3. Penalties.

12 (a) Any person who shall violate any of the provisions of
13 this act, or the rules and regulations of the Department of
14 Labor and Industry, or who shall fail or refuse to observe
15 orders for the enforcement of the said provisions or rules and
16 regulations issued by duly authorized officers of the Department
17 of Labor and Industry, or who shall hinder or delay or interfere
18 with any officer charged with the enforcement of this act in the
19 performance of his duty, shall be guilty of a summary offense.

20 (b) Any person who shall fail or refuse to vacate a building
21 or portion of a building, or who shall fail to cease work in the
22 erecting, remodeling, adapting or altering of a building, or who
23 shall fail to vacate or place out of service any structure,
24 after due notice having been served upon him by an officer of
25 the Department of Labor and Industry and proper notice having
26 been placed upon the building or structure by such officer,
27 shall be liable for a penalty of \$10 a day for each day he shall
28 have so failed or refused to vacate, cease work on or place out
29 of service the building, portion of building or structure upon
30 which such notice has been placed, the said penalty to be

1 collectible in the same manner as any fine payable to the
2 Commonwealth.

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

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

17 Section 4. Repeals.

18 (a) The following acts are repealed insofar as inconsistent
19 with the provisions of this act:

20 (1) The act of June 8, 1911 (P.L.705, No.281), entitled
21 "An act creating the office of Fire Marshal, to be attached
22 to the Department of Public Safety in cities of the first
23 class; prescribing his duties and powers; and providing
24 penalties for violations of the provisions of the act; and
25 providing for the method of appointment, compensation, and
26 for the maintenance of his office."

27 (2) The act of May 13, 1915 (P.L.297, No.180), entitled
28 "A supplement to an act, entitled 'An act for the government
29 of cities of the second class,' approved the seventh day of
30 March, one thousand nine hundred and one; authorizing cities

1 of the second class, for the purpose of preventing fires, the
2 spread of fire, fire waste, and loss of life from fire, or a
3 loss of life or damage to property from unsafe or improper
4 construction or design of buildings, to enact ordinances to
5 provide for and regulate the construction, equipment,
6 arrangements, maintenance, inspection, alteration, repair,
7 and removal of buildings and premises, and appliances,
8 apparatus, and conditions in and about them; to provide for
9 the regulation of the manufacture, transportation, storage,
10 sale, and use of explosives, gases, inflammables, and
11 dangerous chemicals and substances; to prohibit the
12 manufacture of explosives and fireworks, and the
13 transportation, storage, sale, and use of nitro-glycerine;
14 imposing on the Department of Public Safety the enforcement
15 of ordinances relating thereto, and authorizing such
16 department to investigate fires; providing for the service of
17 orders made by the said department and for the appeals from
18 and reviews of certain of its orders, for the method of
19 recovering money expended by the cities in remedying
20 conditions, and the method of obtaining a lien therefor; and
21 providing that the courts of common pleas shall have
22 jurisdiction to punish witnesses for disobedience of orders
23 of the director of said department when holding
24 investigations; and repealing all laws inconsistent
25 therewith."

26 (3) The act of April 27, 1927 (P.L.465, No.299), referred
27 to as the Fire and Panic Act.

28 (b) All other acts or parts of acts inconsistent herewith
29 are repealed to the extent of such inconsistency.

30 Section 5. Effective date.

1 This act shall take effect in 90 days.