

No. 1980-122

AN ACT

HB 1011

Amending the act of June 18, 1941 (P.L.137, No.74), entitled "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town and township," further providing for the powers of special fire police.

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

Section 1. The title, act of June 18, 1941 (P.L.137, No.74), entitled "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town and township," is amended to read:

AN ACT

Providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, [and] township *or home rule municipality*.

Section 2. Section 1 of the act, amended August 10, 1959 (P.L.656, No.209), is amended to read:

Section 1. Any volunteer fire company in any city, borough, town, [or] township *or home rule municipality* may nominate any of its members as special fire police. All special fire police so nominated shall, before they enter upon their duties as such, be confirmed by the mayor of the city, the [burgess] *mayor* of the borough or town, [or] the chairman of the board of commissioners or supervisors of the township, *or the chief executive officer of a home rule municipality*, as the case may be. When so confirmed and sworn and displaying a badge of authority they shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires and, in addition, shall have [all] *the* police powers necessary to perform their duties when functioning as special fire police at [parades, accidents, floods, or other emergencies, or at any public function conducted by or under the auspices of any volunteer fire company, at the request of the governing body of any such municipality, and when so functioning as special fire police shall be deemed to be performing the duties of their employment.] *any function, event, or parade conducted by, and under the auspices of, any volunteer fire company, or any other event,*

function, or parade conducted by an organization other than a volunteer fire company, providing the request to perform these duties is made by the governing body of the city, borough, town, township, or home rule municipality, in which the event will be conducted, or when accidents, floods or any other emergencies require performance of such traffic-control and crowd control duties. Such duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township, or home rule municipality, police authority and thereafter subject to direction of such police authority until the emergency no longer exists. A person functioning as special fire police, and performing a duty under any of the above conditions, shall be deemed to be performing the duties of his employment. Fire police performing such duties shall be identifiable by, at minimum, the wearing of a distinctive arm band or hat or uniform or insignia. Under no circumstances shall this act be construed to grant special fire police the right and/or power to use firearms or other weapons in the exercise of special fire police powers granted hereunder.

Section 3. This act shall take effect in 60 days.

APPROVED—The 11th day of July, A. D. 1980.

DICK THORNBURGH