

No. 299

## AN ACT

To provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; 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 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.

## Section 1. Be it enacted, &amp;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 as to provide for the safety and health of all persons employed, accommodated, housed, or assembled therein.

Protection of safety of persons in buildings not in cities of first class, second class or second class A.

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.

Enforcement by Department of Labor and Industry.

Section 2. Classes of Building.—The following are the classes of buildings and structures which it is intended that this act shall cover:

(a) Factories of more than one story, power plants, mercantile buildings, hotels, office buildings, hospitals, asylums, public and private institutions, schools, colleges, dormitories, warehouses, and garages.

(b) Theatres and motion picture theatres.

(c) Public halls, dance halls, banquet halls, lodge halls, churches, skating rinks, armory halls, or any other auditorium not used for any of the other purposes mentioned in this act.

(d) Tenement houses, apartment houses, apartment hotels, club houses, lodging houses, and rooming houses.

(e) Grandstands, stadiums and amphitheatres, summer theatres, observation towers, exhibition and fair buildings, amusement park equipment, roof gardens and roof structures.

Section 3. Special Requirements.—It shall be the duty of the Department of Labor and Industry to for-

mulate rules and regulations for the installation of emergency lighting systems, sprinkler systems, and fire alarm systems in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give the proper protection from fire and panic to those employed, assembled, lodged, or housed therein. No such systems shall be installed unless they are of a type approved by the Department of Labor and Industry.

Section 4. Ways of Egress.—From every floor of buildings, enumerated in section 2 of this act, there shall be such ways of egress and means of escape from fire and panic as may be specified in rules and regulations of the Department of Labor and Industry: Provided, That in all buildings hereafter erected there shall be not less than two (2) ways of egress, as remote from each other as possible, and one (1) of which shall be an enclosed stair tower of fire-resistive construction: And further provided, That such ways of egress shall, throughout their entire length, be located inside of the building, Where the department finds, after proper investigation, that the provisions of this section cannot be complied with, it may direct that such means of egress be provided as will in its judgment, to better advantage enforce the intent and purpose of this section. The Department of Labor and Industry may order fire walls, or smoke barriers, or both, to be built in buildings already erected, or which may hereafter be erected, where in its judgment the erection of such fire walls or smoke barriers is necessary to the reasonable safe protection of the occupants. The ways of egress shall be free from obstruction and ready for instant use at all times. Fire escapes, now in use and hereafter erected, shall be painted at least once a year, and be kept in safe condition, and up to such standard requirements as may be specified by the Department of Labor and Industry.

Section 5. Theatres and Motion Picture Theatres.—It shall be the duty of the Department of Labor and Industry to develop and enforce regulations for stage dressing room and auditorium exits, the type and location of exit lights and signs, the width and location of aisles and the arrangement of seats, the construction and use of motion picture booths and the equipment contained therein, the construction and type of proscenium arches and curtains, drop curtains, and sky borders, and the amount, type, and location of fire preventing and extinguishing equipment for the stage dressing rooms, motion picture booths, or other parts of the building. Neither on or about the stage, audi-

torium, or galleries, nor in any other part of the buildings covered by this section, shall any inflammable or explosive oil be used or stored, except when special permission is granted by the Department of Labor and Industry and in accordance with specifications set forth by the said department. All electrical wiring and appliances in such buildings shall be installed in accordance with the rules and regulations of the Department of Labor and Industry and so maintained.

In all buildings, except schoolhouses, normal schools, academies, and colleges hereafter erected or adapted for any of the purposes designated in this section, the auditorium shall not be located above or below the ground level: Provided, That the Department of Labor and Industry shall have the power to permit the auditorium to be located above or below the ground level, when in its judgment the number, width, and arrangement of exits, the seating capacity, and the extent of use for such purposes render such auditorium free from additional hazard.

The auditoriums of schoolhouses, normal schools, academies, and colleges hereafter erected shall not be placed above the first floor level nor below the grade level.

Section 6. Permit for Motion Pictures.—Whenever any building, or portion of a building, is intended to be used for the occasional non-theatrical exhibition of motion pictures, such building or portion of building shall be approved for such use by the Department of Labor and Industry and a permit obtained before such motion picture exhibitions are held.

Section 7. Licensing of Projectionists.—No person shall be permitted to project any motion picture, either theatrical or non-theatrical, until he has obtained a license from the Department of Labor and Industry, after passing an examination prescribed by the said department, and no person shall be permitted in any projection room during any performance, except licensed projectionists, apprentice projectionists, the manager or owner of the theater, or authorized officials of the Department of Labor and Industry. Any license may be suspended or revoked for due cause, but no license shall be revoked until the projectionist or apprentice projectionist has been granted a hearing before the Secretary of Labor and Industry.

Section 8. Approval of Plans.—It shall be the duty of the owner, architect, or contractor of every building or structure, as described in this act, hereafter erected, adapted, remodeled, or altered, to submit to the Department of Labor and Industry for approval, architectural drawings, specifications, or other data showing compliance with the provisions of this act and

the rules and regulations of the said department which may be promulgated for the enforcement of the provisions of this act. No such building or structure shall be erected, adapted, remodeled, or altered, until such plans have been examined and approval given by the Department of Labor and Industry, and a building permit obtained in municipalities where such permit is required by ordinance.

Section 9. Permits for Use or Occupancy.—Before any building or structure hereafter erected, adapted, remodeled, or altered shall be used or opened for occupancy, the owner thereof shall notify the Department of Labor and Industry of the completion of the erection, adaption, remodeling, or alteration of the said building or structure. If the Department of Labor and Industry finds, after proper investigation, that the building or structure complies with the requirements of this act, and the rules and regulations promulgated for the enforcement of the provisions of this act, then the said department shall issue to the owner of the building or structure a permit authorizing the occupancy or use of the building or structure.

Section 10. Discontinuance of Use.—When for any reason the ways of egress required for buildings, prior used for purposes set forth in the various titles of this act, cannot be provided, or when the owner of the building has been served with a written notice by the Department of Labor and Industry to provide such ways of egress and has failed or neglected to do so within the time specified in such written notice, then that portion of the building for which such additional ways of egress are required, or the entire building as the case may be, shall be immediately vacated and a notice placed in the same by the direction of the Secretary of Labor and Industry, or his duly authorized representative, forbidding its occupation or use or the occupation or use of the portion affected until the requirements of this act have been complied with.

Section 11. Failure to Submit Plans or Obtain Approval.—Whenever the owner of any building or structure to be erected or adapted, remodeled or altered shall fail to submit plans to the Department of Labor and Industry, or, having submitted plans, shall have failed to obtain approval of such plans, and shall nevertheless proceed with the work of erecting, adapting, remodeling, or altering the said building, the Department of Labor and Industry shall serve notice on the said owner, or his contractor or his architect, to immediately cease all work on the said building or structures; and a notice shall be placed on the premises prohibiting such work being performed until the said plans have been submitted and approval given by the Department of Labor and Industry.

Section 12. Failure to Comply with Provisions of this Act.—Whenever the owner of any building or structure, as described in this act, shall fail to comply with the provisions of this act, or the rules and regulations of the Department of Labor and Industry formulated under the authority of this act, and upon whom a written order shall have been served by the Department of Labor and Industry to comply with the said provisions of this act and the rules and regulations of the Department of Labor and Industry, and who nevertheless shall have failed to comply with the said written order within the time specified in the same, the Department of Labor and Industry shall be authorized to immediately order the building or structure to be vacated or placed out of service until such time as the requirements of this act and the rules and regulations of the Department of Labor and Industry shall have been fully complied with.

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 three hundred dollars (\$300.00), or not more than three (3) months imprisonment, or either, or both, in the discretion of the court.

Penalty.

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 ten dollars (\$10) a day for each and every 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.

Penalty.

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, in third class cities, by the chief of the fire department for vio-

Form of proceedings.

lations of the portions of this act he is 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.

Disposition of fines.

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.

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.

Section 15. Enforcement.—The provisions of this act 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, second and "2A" classes, and that, in cities of the third class, the chief of the fire department 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 exits and maintenance of aisles, passageways, stairways leading to or from exits in all buildings covered by this act, and the inspection and maintenance of emergency lighting systems.

Section 16. Repealer.—The following acts are hereby repealed:

Act of May 1,  
1909 (P. L.  
346).

An act, approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and forty-six), entitled "An act regulating, requiring, and defining certain general specifications for the use and construction of permanent booths or enclosures for operating therein moving-picture machines; regulating, requiring, and defining certain general specifications for the use and construction of portable booths or enclosures for operating therein moving-picture machines; and providing for the supervision and inspection of the same by the Department of Factory Inspection of the Commonwealth of Pennsylvania; and providing penalties for the violation of

the provisions thereof; and providing that the provisions thereof shall not apply to cities of the first and second classes.”

An act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred and sixty-three), entitled “An act to amend an act, approved May first, one thousand nine hundred and nine, entitled ‘An act regulating, requiring, and defining certain general specifications for the use and construction of permanent booths or enclosures for operating therein moving-picture machines; regulating, requiring, and defining certain general specifications for the use and construction of portable booths or enclosures for operating therein moving-picture machines; and providing for the supervision and inspection of the same by the Department of Factory Inspection of the Commonwealth of Pennsylvania; and providing penalties for the violation of the provisions thereof; and providing that the provisions thereof shall not apply to cities of the first and second classes,’ providing for the promulgation of rulings by the Industrial Board of the Department of Labor and Industry; and providing for appeal to the said Industrial Board; and providing for the supervision and inspection of the said booths or enclosures by the Department of Labor and Industry of the Commonwealth of Pennsylvania; providing penalties for the violation of the provisions thereof; and providing that the provisions thereof shall not apply to cities of the first and second classes.”

Act of May 10,  
1917, (P. L.  
163).

An act, approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventeen), entitled “An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violation of the same.”

Act of May 3,  
1909 (P. L. 417).

An act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand seventy-four), entitled “An act to amend an act approved May third, one thousand nine hundred and nine, entitled ‘An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violations of the same.’”

Act of July 18,  
1917 (P. L.  
1074).

Act of June 7,  
1919 (P. L.  
406).

An act, approved the seventh day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred and six), entitled "An act to further amend sections one and two of an act, approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventeen), entitled 'An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violation of the same.'"

Act of April 20,  
1921 (P. L. 190).

An act, approved the twentieth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred and ninety), entitled "An act to amend section one of an act, approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventeen), entitled 'An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violation of the same.'"

Act of May 11,  
1921 (P. L. 505).

An act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and five), entitled "An act amending section one of the act, approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventeen), entitled 'An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violation of the same.'"

Act of May 11,  
1921 (P. L. 516).

An act, approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and sixteen), entitled "An act to amend section two of an act, approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventeen), entitled 'An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violation of the same.'"

An act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred and sixteen), entitled "An act to amend section two of an act, approved the third day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred and seventeen), entitled 'An act for the safety of persons from fire or panic in certain buildings, not in cities of the first and second classes, by providing proper exits, fire-escapes, fire-extinguishers, and other preventives of fire; by vesting jurisdiction for the enforcement of this act in the Department of Factory Inspection; and by providing proper penalties for any violation of the same.'"

Act of May 12,  
1925 (P. L. 616).

An act, approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred and seventy-two), entitled "An act regulating the openings of buildings upon, over, or under external fire-escapes."

Act of May 20,  
1913 (P. L. 272).

And all other acts or parts of acts inconsistent with this act.

Other inconsis-  
tent acts.

APPROVED—The 27th day of April, A. D. 1927

JOHN S. FISHER

No. 300

### AN ACT

To amend section forty-two of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred thirty-seven), entitled "An act relating to counties and townships and county and township officers," as amended; by permitting county treasurers to be reimbursed for necessary expenses incurred in collecting and transmitting money for the Commonwealth out of fees for fish, hunters, and dog licenses, as well as out of commissions; and providing that all commissions and fees in excess of the amounts deductible under this act shall be paid into the county treasuries.

Section 1. Be it enacted, &c., That section forty-two of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred thirty-seven), entitled "An act relating to counties and townships and county and township officers," as last amended by the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred fifty-six), entitled "An act to amend section forty-two of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred and thirty-seven), entitled 'An act relating to counties and townships and county and township officers,' by making county treasurers agents of the Commonwealth in collecting and transmitting money

County treasurers.

Section 42 of act  
of April 15, 1834  
(P. L. 537), as  
amended by act of  
May 13, 1925 (P.  
L. 656), further  
amended.