

Section 1001. Qualifications of Councilmen.—The councilmen shall be at least twenty-five years of age, and shall be elected by the electors at large. They shall have been residents of the city wherein they shall be elected throughout one year next before their election, and shall reside therein throughout their terms of service. No officer of the United States or of the Commonwealth of Pennsylvania (except notaries public or officers of the militia), nor any county officer, nor any officer [or employe] of any school district embraced in the territory of said city, nor any officer or employe of said city, or of any department thereof, nor any member or employe of a municipality authority of which the city is a member, shall serve as a councilman during his continuance or employment, except as hereinafter provided.

APPROVED—The 27th day of December, A. D. 1951.

JOHN S. FINE

No. 475

AN ACT

Providing for the marking of liquefied petroleum gas containers and prohibiting the refilling or use of such containers without authorization by the owner thereof; authorizing the Department of Labor and Industry, after public hearing, to prescribe uniform regulations for safety in the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquefied petroleum gases for fuel purposes and for the odorization of said gases used therewith; prohibiting the adoption by municipalities or other political subdivisions of ordinances or regulations in conflict with this act; providing for prosecutions for violations of this act by summary proceedings, and prescribing the penalty therefor.

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

Liquid fuels.

Section 1. Definitions.—As used in this act “Liquefied Petroleum Gas” shall mean and include any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane or isobutane), and butylenes.

Definitions.

“Department” shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania.

“Establishment” shall mean any room, building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind, to whomever payable, and any place of public assembly or business to which the public has access, and

shall include homes, apartments, private dwellings, or other places as designated by the department.

“Person” shall mean any individual, firm, partnership, unincorporated association, corporation, or municipality, and shall include the Commonwealth.

“Place of Public Assembly” shall mean any building or portion thereof designed, intended and used for occupation by persons for purposes of entertainment, instruction or amusement, and shall include churches.

“School” shall mean any building or portion thereof where persons assemble for purposes of education, and shall include public and private schools, academies, colleges and universities.

Wherever the singular is used in this act it shall be construed to include the plural, and whenever the masculine gender is used it shall be construed to include the feminine and neuter.

Refilling, etc., of gas containers without authority of owner prohibited.

Section 2. No person, firm or corporation, other than the owner and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered or *used, in any manner, any liquefied petroleum gas container or receptacle for any gas compound or for any other purpose.

Department of Labor and Industry to promulgate and enforce regulations for storage and handling of liquefied petroleum gases.

Section 3. The Department of Labor and Industry shall make, promulgate and enforce regulations, setting forth minimum general standards covering the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases, and specifying the odorization of said gases. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulations shall be adopted by the Department of Labor and Industry only after a public hearing thereon. It is hereby declared that regulations in substantial conformity with the published standards of the National Fire Protection Association for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Violation of act or regulations declared unlawful.

Section 4. It shall be unlawful for any person, firm, association or corporation, on and after the effective date of this act, to violate any of the provisions hereof or of the regulations of the Department of Labor and Industry made pursuant hereto.

* “use” in original.

Section 5. No municipality or any other political subdivision shall adopt or enforce any ordinance or regulation in conflict with the provisions of this act or with the regulations promulgated under section two of this act.

Adoption by municipalities, etc., of ordinances or regulations in conflict with this act prohibited.

Section 6. Prosecutions for violations of the provisions of this act or the rules and regulations of the department may be instituted by the department, and shall be in the form of summary proceedings before an alderman, magistrate or justice of the peace. Upon conviction after a hearing, the penalties herein provided for shall be imposed, and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law.

Prosecutions for violations of act to be by summary proceedings.

Section 7. Any person who shall violate any of the provisions of this act or the rules and regulations of the department, as herein provided for, shall be penalized to pay a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or, in default of payment thereof, to imprisonment for a period of not less than one (1) month nor more than three (3) months.

Penalty.

Section 8. All fines collected under this act shall be forwarded to the Department of Labor and Industry, which shall transmit the same to the State Treasury through the Department of Revenue.

Disposition of fines.

Section 9. The provisions of this act are severable, and in the event that any provisions thereof should be declared unconstitutional it is hereby declared to be the legislative intent that the remaining portions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect.

Construction and severability.

Section 10. All acts and parts of acts, general, local or special, and inconsistent with or supplied by this act, are hereby repealed, except the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1513), as amended by the act, approved the twenty-seventh day of May, one thousand nine hundred thirty-seven (Pamphlet Laws 912), the act, approved the fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1662), and the act, approved the twentieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 716). These acts shall be administered jointly as their provisions may apply.

Inconsistent acts repealed.

Exceptions: Act of May 2, 1929, P. L. 1513, as amended by act of May 27, 1937, P. L. 912, act of June 5, 1937, P. L. 1662, and act of June 20, 1947, P. L. 716, saved from repeal.

Section 11. This act shall become effective the first day of January, one thousand nine hundred fifty-two.

Act effective January 1, 1952.

APPROVED—The 27th day of December, A. D. 1951.

JOHN S. FINE