

Section 16. Effective Date.—This act shall become effective immediately upon its final enactment.

APPROVED—The 19th day of March, A. D. 1951.

JOHN S. FINE

No. 5

AN ACT

To amend the title of and to further amend the act, approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 37), entitled "An act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of 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," by changing the name of the State Council of Defense and the reference to certain laws.

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

"Air Raid Precautions Act."

Section 1. The title of the act, approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 37), entitled "An act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of 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," is hereby amended to read as follows:

Title, act of April 13, 1942, P. L. 37, amended.

AN ACT

Amended title.

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 cer-

tain 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.

Definitions of "Local and District Councils of Defense" and "State Council of Defense" in section 2, and sections 3, 4, 5, 6 and 8, said act, amended.

Definitions.

Section 2. The definitions of "Local and District Councils of Defense" and "State Council of Defense" in \*section two, and sections three, four, five, six and eight of the act, approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 37), are hereby amended to read as follows:

Section 2. \* \* \* \* \*

"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 and forty-one (Pamphlet Laws six)] *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."*

"State Council of *Civil Defense*" shall mean such council established under the provisions of the act, approved the [nineteenth day of March, one thousand nine hundred and forty-one (Pamphlet Laws six)] *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."*

Powers of State Council of Civil Defense.

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

Promulgation of rules, regulations and orders.

\* "sections" in original.

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:

Subjects to be covered by rules, regulations and orders.

(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.

Powers of local and district Councils of *Civil* Defense.

\* "office" in original.

Duty of local and district Councils to enforce rules of State Council of Civil Defense.

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.

State Council of Civil Defense empowered to make personnel and equipment of municipal and volunteer agencies available for duty and use in other political subdivisions.

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.

Commonwealth or any political subdivision thereof authorized to accept any offer of equipment, supplies, materials or funds from Federal government.

\*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.

Enforcement of rules, regulations and orders adopted and promulgated under this act.

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

\* "Section" in original.

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.

Section 3. Section nine of said act, as last amended by the act, approved the sixth day of May, one thousand nine hundred forty-three (Pamphlet Laws 170), is hereby further amended to read as follows:

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.

Section 4. Section eleven of said act is hereby \*  
amended to read as follows:

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

Section 5. This act shall become effective immediately upon its final enactment.

APPROVED—The 19th day of March, A. D. 1951.

JOHN S. FINE

Members of volunteer agencies given powers of peace officers for purpose of enforcing rules, etc., hereunder.

Proviso.

Section 9, said act, as last amended by act of May 6, 1943, P. L. 170, further amended.

Penalties for violating act or any rules, etc., adopted and promulgated hereunder.

Section 11, said act, amended.

Act effective immediately.

\* "further" deleted from original.