

No. 163

AN ACT

HB 1410

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," further providing for the mayor's or chief executive's emergency powers and providing penalties for violations of their exercise.

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

Section 1. Section 1203, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662), is amended to read:

Section 1203. Execution of Laws; Powers of Sheriff Conferred; *Emergency Powers.*—(a) It shall be the duty of the mayor *and the chief executive of cities adopting the city manager form of government* to be vigilant and active in causing the ordinances of the city, and the laws of the Commonwealth relating to the government of the city, to be executed and enforced.

(b) In order to enable him effectually to preserve the public peace within the city, all the powers which are devolved by the laws of this Commonwealth upon sheriffs, to prevent and suppress mobs, riots, and unlawful and tumultuous assemblies, are hereby conferred upon him. *When the mayor or chief executive considers that a state of emergency exists, he may issue his proclamation, which shall be in writing and copies of which shall be made available to all news media, and to each member of city council declaring a state of emergency for a period not to exceed five days, unless extended by action of council. In his proclamation he may prohibit, for all or any part of the city in which there is a clear and present danger to life or property through civil disorder:*

(1) *Any person being on the public streets, or in the public parks or at any other public place during the hours declared by him to be a period of curfew;*

(2) *The assembling or gathering of a group of people, in such numbers to be designated by him, upon the public streets, parks or other public places;*

(3) *The entry or departure of persons into or from any restricted area;*

(4) *The sale, purchase, or dispensing of any commodities or goods, as designated by him;*

(5) *The transportation, possession or use of gasoline, kerosene, or other combustible, flammable or explosive liquids or materials, except*

in connection with the normal operation of motor vehicles, normal home use, or legitimate commercial use;

(6) Any other such activities as he reasonably believes should be prohibited to help preserve life, health, property or the public peace.

(c) The proclamation shall describe any restricted area with particularity and shall specify the hours during which such restrictions are to be in effect.

(d) Any person violating such proclamation of emergency shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed three hundred dollars (\$300) or to undergo imprisonment not to exceed thirty days, or both.

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of December, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 163.

A handwritten signature in cursive script, appearing to read "Robert J. Kelley".

Secretary of the Commonwealth.