

1970 Bill 33

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 33

An Act to amend The Fire Prevention Act

THE PROVINCIAL SECRETARY

First Reading

Second Reading

Third Reading

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1970

An Act to amend The Fire Prevention Act

(Assented to _____, 1970)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Fire Prevention Act* is hereby amended.
2. Section 5 is amended by adding the following subsection:
 - (3) A local assistant
 - (a) shall perform such duties as are required of him by this Act, and
 - (b) may within the jurisdiction for which he is appointed administer this Act and regulations but shall commence no proceedings to enforce the Act or regulations unless he obtains the consent of the fire commissioner.
3. Section 6, subsection (3) is amended by adding after the words "the fire commissioner" the words "or his deputy or an inspector".
4. Section 6a is amended by striking out the word "and" at the end of clause (b), by adding the word "and" at the end of clause (c) and by adding the following clause:
 - (d) encourage and assist in the preparation and establishment of courses in fire fighting and fire prevention.
5. Section 11 is struck out and the following section is substituted:
 11. (1) The fire commissioner, his deputy, an inspector or a local assistant shall investigate or cause to be investigated the origin and circumstances of every fire by which

Explanatory Notes

1. This Bill will amend chapter 115 of the Revised Statutes.

2. Section 5, subsection (2) reads:

(2) The fire commissioner may appoint some fit and proper person as local assistant in a municipality or part of a municipality.

3. Section 6, subsection (3) presently reads:

(3) Where an emergency arises from a fire hazard or from a risk of explosion that causes the fire commissioner to be apprehensive of imminent and serious danger to life or property, or of a panic, he may forthwith take such steps as he thinks advisable to remove the hazard or risk and he may cause the evacuation of any building or area and he may call upon the police or fire prevention authorities having jurisdiction to assist him.

4. Section 6a, clause (c) reads:

- 6a. The fire commissioner may,
- (a) establish, maintain and operate a central fire college for training of fire department officers,
 - (b) establish and operate regional fire schools for the training of fire officers or fire fighters, and
 - (c) provide travelling inspectors and instructors to assist municipal councils and fire chiefs in training of fire fighters.

5. Section 11 presently reads:

11. (1) The local assistants to the fire commissioner shall investigate or cause to be investigated in a general way the origin and circumstances of every fire, occurring within the limits of their respective jurisdictions, by which property has been destroyed or damaged, with a special view to ascertaining whether the fire was the result of negligence, carelessness, accident or design.

(2) A local assistant who makes or causes to be made an investigation under subsection (1) shall

- (a) when he finds
 - (i) that a fire has been caused by negligence or design,
 - (ii) that loss of life has resulted from fire, or
 - (iii) that property in the Province on which no insurance is in effect has been destroyed by fire,

or

(b) when requested to do so by the fire commissioner, immediately following such investigation furnish to the fire commissioner on a form supplied by the fire commissioner all facts relating to the cause and origin of the fire.

(3) A local assistant, in the performance of the duties imposed upon him by this Act or by the regulations, may at all times by day or night enter in and upon and examine a building or any premises where a fire has occurred, and if deemed necessary for the purposes of his investigation, enter in and upon and examine other buildings and premises adjoining or near the first mentioned building or premises.

(4) A similar investigation may be held by the fire commissioner or by a person deputed by him to hold such an investigation, and the investigation may be either in lieu of or in addition to an investigation by a local assistant.

(5) In conducting an investigation the fire commissioner or a person deputed by him to hold the investigation has all the powers of the local assistant.

- (a) any person has lost his life or suffered injury, or
- (b) property has been destroyed or damaged.

(2) Where

- (a) a local assistant making an investigation pursuant to subsection (1) finds that
 - (i) the fire has been caused by negligence or design, or
 - (ii) any person lost his life as a result of the fire, or
 - (iii) property in respect of which no contract of insurance was in effect was damaged or destroyed,
 or
- (b) a local assistant is instructed to do so by the fire commissioner or his deputy

he shall

- (c) complete the form prescribed in the regulations setting out the facts relating to the fire, its cause and its origin, and
- (d) send the completed form to the fire commissioner immediately following the investigation.

(3) Where he considers it necessary for the purposes of an investigation pursuant to subsection (1), the fire commissioner, his deputy, an inspector or a local assistant may at any time of day or night and without warrant enter in or upon

- (a) the building or premises where the fire occurred, and
- (b) any other building or premises adjoining or near to the building or premises where the fire occurred.

(4) The fire commissioner, his deputy, or an inspector may make an investigation in addition to or in lieu of an investigation made by a local assistant.

(5) The fire commissioner, his deputy, an inspector or a local assistant may

- (a) close a building in which a fire has occurred and prohibit any person other than a police officer in the execution of his duty from entering or remaining in the building until such time as the investigation of the fire is completed, and
- (b) remove from a building or premises and retain for the purposes of the investigation or any subsequent proceedings any thing that in his opinion is material to the investigation.

6. Section 11*a* is struck out.

7. Section 17 is struck out.

8. Section 21 is amended by adding the following subsection:

(4) A copy of an order made pursuant to section 20 shall be delivered to the person to whom it is directed by

- (a) handing it to him, or
- (b) if he cannot be found, handing it to a responsible person of the apparent age of 21 years or more at the usual place of abode or business of the person to whom it is directed, or
- (c) where he is not a resident of Alberta, by sending it to him by registered mail at his last known address.

9. Section 41 is amended

(a) as to subsection (1) by adding the following clauses after clause (f) :

- (f1) prescribing forms and returns for the purposes of the Act,
- (f2) prescribing fees to be paid to witnesses and interpreters, and

(b) by adding the following subsection:

(4) Where a municipality has a by-law on the same subject as any regulation passed pursuant to this section and the regulation contains more restrictive provisions than those in the by-law, the provisions of the regulation prevail.

10. The following section is added after section 42:

43. The Minister may

- (a) appoint one or more committees to advise him on any matter relating to fire prevention and fire protection, and
- (b) authorize the payment of travel and subsistence allowances to members of such committees.

11. This Act comes into force on the day upon which it is assented to.

6. Section 11a reads:

11a. (1) The fire commissioner, an inspector or the local assistant, may prohibit any person from entering or remaining in a building damaged by fire until such time as the investigation of the fire is completed.

(2) Subsection (1) does not apply to a police officer acting in the course of his duties.

7. Section 17 reads:

17. Witnesses summoned by a person holding an inquiry are entitled to receive the same fees as are paid to witnesses under Part XXIV of the Criminal Code.

8. Section 21, subsection (1) presently reads:

21. (1) The order shall direct,

- (a) in cases under clause (a) of section 20,
 - (i) that the owner remove or destroy the building or structure, or
 - (ii) that the owner or occupier alter or repair the building or structure,
- (b) in cases under clause (b) of section 20, that the owner or occupier alter the use or occupancy of the building, structure or place,
- (c) in cases under clause (c) of section 20, that the occupier remove the combustible or explosive material or remedy the inflammable conditions,
- (d) in cases under clause (d) of section 20, that the owner or occupier remove or take proper precautions against the special fire hazard,
- (e) in cases under clause (e) of section 20, that the owner or occupier
 - (i) install an approved automatic or other approved fire alarm system and approved fire extinguishing equipment suitable to the use and occupancy of the building or structure, or
 - (ii) change the existing fire alarm system and change or supplement the fire extinguishing equipment to provide reasonable protection from fire to the persons occupying the building or structure,
- or
- (f) in cases under clause (f) of section 20, that the owner install and maintain in good repair fire escapes and exits suitable to and sufficient for the type and class of building or structure, and that the means of access thereto be by doors opening outward.

9. Section 41, subsection (1), clause (f) reads:

41. (1) The Lieutenant Governor in Council may make regulations for carrying out the purposes of this Act, including matters in respect of which no express or only partial or imperfect provision has been made in this Act or any other Act of the Province and without restricting the generality of the foregoing may make regulations,

- (f) providing for licensing and control of the manufacture, sale, servicing and recharging of fire extinguishers, and

10. Advisory committees authorized.