

BILL

No. 21 of 1926.

An Act to Provide for the Prevention and Suppression
of Fires.

(Assented to 1926.)

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

SHORT TITLE.

1. This Act may be cited as "*The Fire Prevention Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

- (a) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (b) "Regulations" shall mean the regulations made under the authority of this Act.

OFFICIALS.

- 3.—(1) The Lieutenant Governor in Council may appoint—

- (a) a fire commissioner who shall perform the duties of the fire commissioner prescribed by this Act and such other duties as he may be directed to perform by the Minister or by regulation.
- (b) a deputy to the fire commissioner;
- (c) inspectors known to be competent and skilled in the inspection of buildings and their conditions;
- (d) such other officers, clerks and servants as may be deemed necessary for properly carrying out the provisions of this Act.

- (2) The fire commissioner, deputy fire commissioner, inspectors and such other officers, clerks and servants shall receive such salaries or other remuneration as shall be fixed by the Lieutenant Governor in Council.

- 4.—(1) The deputy fire commissioner may act in the stead of the fire commissioner in the absence of the latter from his post of duty or during illness or other physical disability, or in case of a vacancy in the office, or when ordered so to do by the fire commissioner, and when so acting, shall have all the power and authority of the fire commissioner.

(2) The deputy, when conducting an inquiry as to the cause, origin and circumstances of a fire, shall have the same powers as are given the fire commissioner by this Act or by regulation.

5. The persons mentioned in this section shall be local assistants to the fire commissioner, that is to say—

- (a) in a city, town or village which maintains a fire department, the chief of the fire department;
- (b) in any town or village or municipal district where no fire department is maintained, the mayor or reeve, provided that the fire commissioner may appoint some fit and proper person to act as local assistant instead of the mayor or reeve.

6. The fire commissioner shall enforce all laws of the Province and regulations made thereunder relative to—

- (a) the prevention of fires;
- (b) the storage, sale, and use of combustibles and explosives;
- (c) the installation and maintenance of automatic or other fire alarm systems and fire-extinguishing equipment;
- (d) the construction, maintenance and regulation of fire escapes;
- (e) the means and adequacy of exit, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theatres, amphitheatres, and all other places in which numbers of persons work, live or congregate from time to time for any purpose;
- (f) the suppression of arson and investigation of the cause, origin and circumstances of fires.

7. The fire commissioner shall have all authority and jurisdiction of a police magistrate for the arrest and punishment of all persons disturbing the peace at any fire or suspected of stealing any property whatsoever at such fire and for the purpose of the enforcement of this Act and may cause the offender or persons so suspected to be brought before him or a police magistrate to be dealt with according to law.

8. The fire commissioner, his deputy, every inspector and every other officer or person engaged in the carrying out of the provisions of this Act, shall, before entering upon the duties of his office, take an oath of allegiance and also an oath of office in the form following, that is to say:

“I,, of.....
in the Province of....., do solemnly swear
that I will truly, faithfully and impartially perform the
duties appertaining to my office of.....according
to the best of my skill and ability. So help me God.”

9. The fire commissioner, his deputy, inspectors and such other officers as may be deemed necessary for the proper carrying out of the provisions of this Act, shall, on taking the oath of office as required by law, be *ex officio* provincial constables.

10. Nothing in this Act shall render it obligatory for the fire commissioner, his deputy or inspectors to perform in cities, towns or villages such of the duties prescribed by or under the authority of this Act, relating to matters which are provided for by by-laws of the municipality, other than the investigation of or enquiry into the origin of fires.

INVESTIGATION OF FIRES BY LOCAL ASSISTANT.

11.—(1) The local assistant to the fire commissioner shall investigate or cause to be investigated in a general way the cause, 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 such fire was the result of negligence, carelessness, accident or design.

(2) Every local assistant shall, immediately after any such investigation, furnish to the fire commissioner, on a form to be supplied by the latter, a written statement of all the facts relating to the cause and origin of the fire that can be ascertained, and such further information as may be required by the form.

(3) Every local assistant shall have authority at all times, by day or night, in the performance of the duties imposed upon him by this Act, or any regulation thereunder, to enter in and upon, and to examine, any building or premises where a fire has occurred, and, if deemed necessary for the purposes of his investigation other buildings and premises adjoining or near the same.

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

(5) There shall be paid to every local assistant of the fire commissioner the sum of fifty cents for each fire, reported upon by him to the satisfaction of the fire commissioner, and in addition thereto mileage at the rate of twelve cents per mile travelled to and from the place of fire.

(6) Such allowance shall be paid by the fire commissioner monthly out of the funds provided for the use of his office.

INQUIRIES.

12.—(1) The fire commissioner or his deputy, or some competent person or persons employed by him for that purpose may hold an inquiry into the cause, origin and circumstances of any fire by which property has been destroyed or damaged.

(2) Every person holding any such inquiry shall *ex officio* possess all the power, authority and jurisdiction of a judge of a district court or coroner for all purposes connected with any inquiry conducted by him under this Act, and shall have power to summon before him all persons whom he deems capable of giving information or evidence touching or concerning such fire.

(3) Such persons shall be examined under oath before the person holding the inquiry, who is hereby authorized to administer such oath, and he shall reduce their examinations into writing, either with or without the intervention of a stenographer.

13.—(1) If any person summoned to appear before the person holding any such inquiry neglects or refuses to appear at the time and place specified in the summons, then on proof of the service of such summons, either personally or by leaving the same for him at his last or most usual place of abode, the person holding the inquiry may, if the circumstances shall seem to him to justify the same, issue a warrant under his hand to bring and have the person summoned, at a time and place to be therein mentioned, before him to give evidence and answer his contempt.

(2) If the person holding the inquiry is satisfied by evidence upon oath that it is probable that any person will not attend to give evidence without being compelled to do so, then instead of issuing a summons he may, in the first instance, issue his warrant.

14. If any person on his appearance, either in obedience to such summons or by being brought by virtue of a warrant, refuses to be examined upon oath, or refuses to take such oath, or having taken such oath, refuses to answer the questions put to him, without giving any just excuse for such refusal, the person holding the inquiry may, by warrant under his hand, commit the person so refusing to a common gaol, there to remain and be imprisoned for any time not exceeding one month, unless in the meantime he consents to be examined and to answer the questions put to him.

15. The person holding the inquiry shall be entitled to command the service of one or more police officers or constables during such inquiries, and for the service of any summons or the execution of warrants issued by him.

16. Any inquiry held by or under the direction of the fire commissioner under this Act may, in his discretion, be private, and persons other than those required to be present by the provisions of this Act may be excluded from the place in which such inquiry is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

17. Witnesses summoned by any person holding an inquiry shall be entitled to receive the same fees as are now paid to witnesses under *The Criminal Code* of Canada.

18.—(1) If the fire commissioner is at any time of the opinion that there is evidence sufficient to charge any person with the crime of arson, or an attempt to commit arson, he shall at once report to the Attorney General and furnish him with all such evidence, together with the names of witnesses and all information obtained by him.

(2) Should the Attorney General prosecute the suspected person, the costs of prosecution shall be payable from the fund provided for the administration of justice.

INSPECTION OF BUILDINGS.

19. The fire commissioner, his deputy, any inspector or any local assistant shall upon complaint of any person interested, or, when he deems it necessary, without such complaint, inspect all buildings, structures or places within his jurisdiction and for such purpose may at all reasonable hours enter into and upon the same.

20.—(1) Where an inspection has been made, then if—

- (a) the building or structure is in such a condition, or is so situated, that the rapid spread of fire therefrom to other buildings or structures might reasonably be anticipated, or by reason of disrepair, age or dilapidated condition, or for any other cause, is specially liable to fire; or
- (b) the nature of the use or occupancy of the building, structure or place is such that there is a special danger of fire; or
- (c) combustible or explosive material is so kept or such other inflammable conditions exist in or about the building, structure or place as to endanger life or property; or
- (d) any special fire hazard exists in or about the building, structure or place—

the person making such inspection may in writing order that within a reasonable time, to be fixed by the order—

- (e) in cases under clause (a) the owner shall remove or destroy the building or structure, or the owner or occupier shall alter or repair the building or structure;
- (f) in cases under clause (b) the owner or occupier shall alter the use or occupancy of the building, structure or place;
- (g) in cases under clause (c) the occupier shall remove the combustible or explosive material or remedy the inflammable conditions;

(h) in cases under clause (d) the owner or occupier shall remove or take proper precautions against the special fire hazard.

(2) Any two or more orders may be combined in one order and any order may be made in the alternative or subject to such conditions as to alteration, repair or replacement of any portion of the building, structure or place, or any other condition which may be reasonable under the circumstances.

21.—(1) The order may direct either the owner or the occupier or both to comply therewith.

(2) The order may further direct by whom the cost of complying with the order is to be finally borne, and where the owner is directed to pay the cost, and by reason of his default the occupier does actually pay the cost, the latter shall have a right of action or set-off against the owner for all costs actually or necessarily incurred or paid by him in complying with the order.

(3) Where there is no occupier of any building, premises or structure, in respect of which an order is made and the owner is absent from the Province, or his whereabouts within the Province are unknown, the fire commissioner may himself carry out an order involving an expenditure of not more than one hundred dollars, and, with the approval of the Minister, any other order.

(4) The fire commissioner shall certify the costs actually and necessarily incurred in carrying out the order to the treasurer or secretary-treasurer of the municipality within which the land on which the building, premises or structure is situated, and such person shall forthwith pay the amount to the fire commissioner from the ordinary revenue of the municipality, and such amount shall thereupon form a special lien on the land in favor of the municipality, and shall for all purposes be deemed to be taxes imposed and assessed thereon, and delinquent under the provisions of the proper Municipal Act as from the date of the payment, and all the provisions of that Act shall apply to the collection and recovery thereof.

(5) "Municipality" in this section shall include a city, town, village, municipal district or improvement district, and "treasurer" shall, in the case of an improvement district, include the Deputy Minister of Municipal Affairs.

22.—(1) If the said owner or occupier deems himself aggrieved by any such order made by a person other than the fire commissioner, then in case the order is to remove material or to remedy conditions he may within forty-eight hours appeal therefrom to the fire commissioner and the cause of the complaint shall be at once investigated by the direction of the latter.

(2) If the order is not revoked by the fire commissioner, the order as originally given or as modified by him shall

be forthwith complied with by such owner or occupier, and there shall be no appeal from the order of the fire commissioner in any such matter.

23.—(1) In case the order is to alter, repair, remove or destroy, or to alter the use or occupancy, the person feeling himself aggrieved may appeal within ten days to the fire commissioner, who shall forthwith consider such order, affirm, modify or revoke the same, and cause a copy of his decision to be served upon the party appealing.

(2) If the party appealing is dissatisfied with the decision of the fire commissioner, he may, within five days of service upon him of a copy of such decision, apply by petition to the judge of the District Court of the judicial district within which the property lies, to review the same.

(3) The party appealing shall file such petition with the clerk of the District Court, and he shall within five days of such filing, or within such extended time as the judge may allow, file with the said clerk a bond in an amount to be fixed by the judge, in no case less than one hundred dollars, with at least two sufficient sureties to be approved by the judge, conditioned to pay all the costs on such appeal in case he fails to sustain the same, or such costs as may be awarded against him.

(4) Any order made by a judge under this section may be enforced under the provisions of *The Extra-curial Orders Act*.

REPORTS AND RECORDS OF FIRES.

24.—(1) Every licensed fire insurance company shall furnish to the fire commissioner on forms provided for the purpose a statement of every fire that occurs in the Province in which it is interested as insurer, showing in each case the name of the assured, his address, the location of the risk, the value of the building and contents, the amount of insurance carried and the amount of loss sustained, and every such report shall be filed in the office of the fire commissioner within seven days after the end of each calendar month.

(2) In case of a fire of suspicious origin, every insurance company interested in the property destroyed or damaged shall forthwith make a preliminary report showing the name of the owner, the occupant of the premises burned, their location, use and occupancy, the date of the fire, and such facts and circumstances as may come to its knowledge tending to establish the cause or origin of the fire.

(3) Every person, firm or corporation sustaining or claiming to have sustained a loss by fire on property in Alberta, shall report to the fire commissioner within five days after the occurrence of the fire, giving the date of the

fire, the amount of loss sustained, and such other information as may be called for by the fire commissioner. If such person, firm or corporation is insured wholly or partially in an insurance company not licensed or registered under *The Alberta Insurance Act, 1926*, he or it shall also, within ten days after complete proofs of loss are furnished to the company in which such insurance is placed, file with the fire commissioner a full statement of the amount of loss claimed from every such company.

(4) Every person, firm or corporation engaged in making adjustments of a loss or damage by fire, shall report such adjustments monthly to the fire commissioner, upon such form as may be prescribed by him, and shall file the same with the fire commissioner within seven days after the end of each calendar month.

25. The fire commissioner shall keep in his office a record of all fires occurring in the Province together with all facts, statistics and circumstances, including the origin of fires, which may be determined by the inquiry; such record shall be open to public inspection, but only after final closing of the inquiry and not before.

MAINTENANCE OF FIRE COMMISSIONER'S OFFICE.

26.—(1) For the purpose of maintaining the office of the fire commissioner and paying the expenses incident thereto, every company, whether upon the stock or mutual plan, and the attorney of every reciprocal or inter-insurance exchange transacting the business of fire insurance (including the receipt of fire premiums on automobiles) within the meaning of *The Alberta Insurance Act, 1926*, shall pay to the Provincial Treasurer in the month of March in each year, in addition to taxes and fees now required by law to be paid by such company or person, a sum equal to one-third of one per cent. of its premium receipts and assessments, less return premiums and cancellations, reckoned on its fire insurance business as reported to the Superintendent of Insurance during the preceding calendar year.

(2) From persons insuring with unlicensed companies there shall be collected a tax of one-third of one per cent. of the premium for the insurance effected.

PENALTIES.

27. Every person who—

- (a) hinders or disturbs the fire commissioner, his deputy, inspectors or a local assistant in the execution of his duties hereunder;
- (b) refuses or neglects to attend before the fire commissioner or other person holding an inquiry when summoned so to do; or

- (c) violates any of the provisions of this Act or any regulations made thereunder, for which violation no other provision is made—

shall be guilty of an offence and liable upon summary conviction to a penalty of not less than ten dollars and not more than fifty dollars.

28. Every person whose duty it is to furnish or report to the fire commissioner any statement or report referred to in this Act, and who neglects or fails to perform such duty shall be liable, upon summary conviction, to a fine not exceeding ten dollars and, in default of payment, to imprisonment for a period not exceeding one month. And every company which shall neglect or fail to furnish such statements or reports shall be liable upon summary conviction to a penalty of ten dollars for every day of such neglect or failure.

29. Any owner or occupier of buildings or premises who fails to comply with an order duly made under the authority of this Act, shall be guilty of an offence and liable upon summary conviction to a penalty of not more than twenty-five dollars for each day's neglect or failure to comply therewith.

30. Any local assistant to the fire commissioner who refuses or neglects to comply with any of the requirements of this Act, or of any regulation made thereunder, shall be guilty of an offence and liable upon summary conviction to a penalty of not more than twenty dollars.

31. Any person or company neglecting or refusing to make the payment required by section 26 of this Act shall be guilty of an offence, and liable on summary conviction to a penalty of ten dollars for each day's default in addition to the amount which should have been, but has not, been paid.

32. Every complaint or information in respect of any offence against the provisions of this Act shall be made or laid within two years from the time when the matter of the complaint or information arose.

33. All penalties collected under the provisions of this Act shall be paid into the Treasury of the Province and shall form part of the special fund mentioned under section 26.

REGULATIONS.

34. For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations, not inconsistent with the spirit of this Act, which shall have the same force and effect as if incorporated herein.

POWER TO SUSPEND.

35. The Lieutenant Governor in Council may at any time by Order in Council suspend the operation of any section or sections of this Act.

REPORT.

36. The fire commissioner shall submit annually to the Minister, on or before the first day of May of each year, a detailed report of his official actions and there shall be included in the annual report of the superintendent of insurance such portion of the said report as shall be deemed desirable for public information.

37. *The Fire Prevention Act* is hereby repealed.

38. This Act shall come into force on.....

No 21.

SIXTH SESSION
FIFTH LEGISLATURE
16 GEORGE V
1926

BILL

An Act to Provide for the Prevention
and Suppression of Fires.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID.

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1926.