

BILL

No. 22 of 1928.

An Act to Regulate the Sale and Installation of
Lightning Rods.

(Assented to _____, 1928.)

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

1. This Act may be cited as "*The Lightning Rod Act, 1928.*"

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

- (a) "Fire Commissioner" shall mean the Fire Commissioner appointed under the provisions of *The Fire Prevention Act* and shall include his deputy;
- (b) "Minister" shall mean the Provincial Treasurer and such other member of the Executive Council to whom for the time being is assigned the administration of *The Fire Prevention Act*;
- (c) "Person" shall include a firm;
- (d) "Regulations" shall mean regulations made under the authority of this Act.

3. No person shall sell or offer for sale material or apparatus intended to be used for the protection of buildings from damage by lightning, or install such apparatus upon any building, unless authorized so to do by a license obtained from the Fire Commissioner under the provisions of this Act or of the regulations.

4. The applicant for a license shall file with the Fire Commissioner—

- (a) Notice of the place where his head office outside Alberta, if any, is situated;
- (b) Notice of the place where the head office in Alberta is to be situated, with the name of the chief agent;
- (c) A detailed description of the system employed in installing such material or apparatus;
- (d) A form of guarantee agreement to be approved by the Fire Commissioner, providing that in the event of damage by lightning to property rodded by the applicant or his agent, the cost of rodding the building, including material and labour, shall be returned to the owner thereof, or the damage repaired within a reasonable time, if a claim is made within thirty days of sustaining such damage—

and shall deposit with him a sample of the material or apparatus intended to be used for the protection of buildings from damage by lightning.

5.—(1) The applicant shall file with the Fire Commissioner a bond in the penal sum of five thousand dollars with one or more sureties satisfactory to the Commissioner, or shall deposit such sum with him in approved bonds or debentures, as security for payment of any final judgment that may be recovered against him in any court of competent jurisdiction in this province under the guarantee mentioned in section 4.

(2) He shall also file a written stipulation that legal process affecting him or his agent may be served upon the Fire Commissioner and that such service shall be as valid and effective as if made personally upon him or his agent within the province.

6. The applicant shall also pay to the Fire Commissioner a license fee of fifty dollars and a tax of eighty cents on every one hundred dollars acquired from the sale of lightning rods and equipment in respect of business transacted in Alberta during the preceding year as shown by a sworn statement to be made by the applicant.

7.—(1) Upon compliance by the applicant with the foregoing requirements of this Act, the Fire Commissioner, if he approves of the material or apparatus, the system of installation and the guarantee agreement mentioned in section 4 and is satisfied that the applicant is safe and reliable as to assets and business standing and is entitled to public confidence, may grant him a license.

(2) The license shall be in such form as may be from time to time determined by the Fire Commissioner and shall expire on the thirty-first day of December in each year, but shall be renewable from year to year on payment of the prescribed fees.

(3) The license shall be subject to such limitations or restrictions as the Minister may from time to time prescribe.

(4) The license may be revoked at any time by the Fire Commissioner for non-compliance with the provisions of this Act or of the regulations, or for such other reason or reasons as may be deemed sufficient by the Fire Commissioner.

8.—(1) Upon written notice from the licensee of the appointment of a suitable person to act as his agent in this province, accompanied by a certificate of the good reputation and character of such person, signed by the mayor, overseer or reeve of the municipality of which he is a resident, the Fire Commissioner may, if satisfied that the appointee is a suitable person, issue to him a license as such agent upon the receipt of a fee of five dollars.

(2) An agent holding such a license shall sell or install only the classes or brands of rods and equipment sold or installed by the holder of the original license.

(3) Such license shall continue in force until the thirty-first day of December in the current year, but may be revoked at any time by the Fire Commissioner for non-compliance with the provisions of this Act or of the regulations; or if the holder of such license has been guilty of fraud, deceit, or dishonesty; or has demonstrated his incompetency or untrustworthiness.

(4) Such agents shall be residents of Alberta.

9.—(1) Every licensee, whether principal or agent shall—

- (a) upon demand exhibit his license to any official of the Fire Commissioner's office or of the Alberta Provincial Police and to any mayor, overseer or reeve or any local assistant to the Fire Commissioner, and to any person to or for whom he sells or installs, or offers to sell or install lightning rods or equipment;
- (b) furnish a copy of this Act and the regulations regarding the standardization and installation of lightning rods to every person to whom he sells such lightning rods and equipment;
- (c) upon completion of the work give the owner of the building a certificate in writing, duly signed, that the installation has been made in conformity with the requirements of this Act and the regulations, along with a guarantee agreement in the form approved by the Fire Commissioner—

and in case of his neglecting or refusing to comply with any of the foregoing provisions he shall be liable to the penalty provided by section 10 for selling, offering for sale or installing lightning rods or other material without a license.

(2) In addition to such penalty, a licensee who fails to give an agreement as required by clause (c) of subsection (1) shall be liable to the same extent as he would have been had he given such an agreement.

10.—(1) Any person not licensed as provided by this Act, selling, offering for sale or installing lightning rods or other material, shall be guilty of an offence and liable upon summary conviction before a Justice of the Peace, to a penalty of not less than one hundred dollars and not more than two hundred dollars, in either case with or without costs for each such offence.

(2) In any prosecution under this Act, whenever it appears that the defendant or accused has done any act or has been guilty of any act of omission in respect of which were he or it not duly licensed he or it would be liable to some penalty under this Act or the regulations, it shall be incumbent upon the defendant or accused to prove that he or it is duly licensed.

(3) Any prosecution for any offence against any of the provisions or regulations of or under this Act, shall be commenced within two years of the commission of the said offence.

11.—(1) A license issued under this Act is valid for only one individual, firm or corporation, and is not transferable.

(2) A licensed manufacturer or agent under this Act may employ competent help to install lightning rods, but the responsibility for the proper installation of the lightning rods shall rest with the manufacturer or original licensee.

12. Where the holder of any guarantee agreement issued under the provisions of this Act deems that he has suffered loss by lightning as a result of installation in contravention of this Act or the regulations, he may bring an action for the recovery of the amount of such loss as provided for in sections 4 and 9, against the person issuing the agreement, but every such action shall be commenced within a period of sixty days after the occurrence of the loss.

13.—(1) Where judgment is recovered against any person upon a guarantee agreement issued under this Act, and such judgment remains unsatisfied for sixty days after the recovery thereof, the Fire Commissioner may bring action upon the bond for the payment of such judgment and the costs payable thereunder and may pay and satisfy the amount of the judgment out of any sum recovered upon such bond.

(2) Service of any legal process upon any such person shall be good and valid when made in the manner described in subsection (2) of section 5.

14. All license fees, taxes and penalties payable under this Act shall be added to the special fund for the maintenance of the office of the Fire Commissioner and the expenses incidental thereto under section 26 of *The Fire Prevention Act*.

15. The Lieutenant Governor in Council may make regulations—

- (a) establishing standards and prescribing the kind of materials or apparatus to be used in the protection of buildings and their contents from damage by lightning;
- (b) respecting the manner and system of installing such material or apparatus;
- (c) generally for the enforcement and better carrying out of the provisions of this Act.

16.—(1) The Fire Commissioner or his inspectors may, upon complaint of any person interested, or, when he deems it expedient, without such complaint, inspect any installation

of lightning rods, and for such purpose may at all reasonable hours enter into and upon any buildings or premises so equipped.

(2) Whenever the Fire Commissioner or his inspectors find that such installation is not in accordance with the regulations, he may order the licensee or agent to make alterations so that the installation shall be in accordance with such regulations and such order shall be complied with within thirty days from date of notification.

17. This Act shall come into force upon.....

No. 22.

SECOND SESSION
SIXTH LEGISLATURE
18 GEORGE V
1928

B I L L

An Act to Regulate the Sale and In-
stallation of Lightning Rods

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID.

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1928