

1960

c 213 Lightning Rods Act

Ontario

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CHAPTER 213

The Lightning Rods Act**1.** In this Act,Interpre-
tation

- (a) "Fire Marshal" means the Fire Marshal of Ontario;
- (b) "inspector" means an inspector appointed under this Act;
- (c) "lightning rods" means the points, cables, groundings and other apparatus installed or to be installed to protect buildings and structures from damage by lightning;
- (d) "regulations" means the regulations made under this Act;
- (e) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 206, s. 1.

2. No person shall offer for sale, sell or install lightning rods unless licensed to do so by the Fire Marshal under this Act. R.S.O. 1950, c. 206, s. 2.

Sellers, etc.,
of lightning
rods to be
licensed**3.—(1)** Upon receipt of,Power to
license

- (a) an application in the prescribed form for a licence to offer for sale, sell and install lightning rods, containing a sworn statement of the amount received from the sale of lightning rods in Ontario during the previous licence year and a statement of the specifications of the lightning rods to be offered for sale, sold and installed during the licence year;
- (b) a licence fee computed at four-fifths of 1 per cent of the amount received from the sale of lightning rods in Ontario during the preceding licence year, and in addition the sum of \$50, payable to the Treasurer; and
- (c) samples of the lightning rods to be offered for sale, sold and installed during the licence year, or such parts thereof as may be required by the Fire Marshal,

the Fire Marshal, if he is satisfied that the applicant is entitled

to public confidence, may issue to the applicant a licence to offer for sale, sell and install lightning rods, and the licence shall remain in force until the 31st day of December next after the date of issue unless it is sooner suspended or revoked.

What may
be sold, etc.

(2) No licensee under this section shall offer for sale, sell or install lightning rods other than those in respect of which the licence was issued. R.S.O. 1950, c. 206, s. 3.

Agents

4.—(1) Upon receipt of,

(a) an application on the prescribed form from a licensee under section 3 for a licence for the person named therein, who shall be a resident of Ontario, to act as an agent of such licensee, containing a statement in writing from the person named therein giving the address of his place of residence and place of business, his experience in connection with lightning rods, and his financial standing with any licensee under section 3 for whom he has acted as agent; and

(b) a licence fee of \$3 payable to the Treasurer,

the Fire Marshal, if he is satisfied that the person named is entitled to public confidence, may issue a licence to him to act as agent for the licensee, and the licence remains in force until the 31st day of December next after the date of issue unless it is sooner suspended or revoked.

What may
be sold, etc.
by agents

(2) No licensed agent shall offer for sale, sell or install lightning rods other than those in respect of which his principal is licensed. R.S.O. 1950, c. 206, s. 4.

Power to
suspend
and revoke
licences

5. The Fire Marshal may, after a hearing, suspend or revoke a licence for non-compliance with this Act or the regulations. R.S.O. 1950, c. 206, s. 5.

Notice of
revocation,
etc. of
licence

6.—(1) Where the Fire Marshal refuses to issue a licence under this Act or where the Fire Marshal suspends or revokes a licence issued under this Act, the Fire Marshal shall send notice of the refusal, suspension or revocation to the applicant or licensee, as the case may be, by registered mail addressed to him at his address as shown in the records of the Fire Marshal's office.

Appeal

(2) If the applicant or licensee, as the case may be, is dissatisfied with the decision of the Fire Marshal, he may, within ten days after receipt of the notice of the decision, apply to the judge of the county or district court of the county or district in which he resides for an order reversing the decision of the Fire Marshal.

(3) On an application under subsection 2, the judge shall hold a hearing upon such notice as he deems proper and, after hearing the applicant, the Fire Marshal and any other evidence either of them produces, he may,

Hearing

- (a) where the Fire Marshal refused to issue a licence, dismiss the application if he is not satisfied that the applicant is entitled to public confidence or order the Fire Marshal to issue the licence if he is satisfied that the applicant is entitled to public confidence; or
- (b) where the Fire Marshal suspended or revoked a licence, dismiss the application if he is not satisfied that the applicant has complied with the Act and the regulations or order the Fire Marshal to reinstate the licence if he is satisfied that the applicant has complied with the Act and the regulations. 1959, c. 52, s. 1.

7. Every person offering for sale, selling or installing lightning rods shall exhibit his licence,

Duty to exhibit license

- (a) to every person to whom he offers to sell or sells, or for whom he installs lightning rods; and
- (b) upon demand to any mayor, reeve, fire chief, district deputy fire marshal, assistant to the Fire Marshal, fire prevention officer or police officer. R.S.O. 1950, c. 206, s. 6.

8.—(1) Every person who installs lightning rods on any building or structure shall, upon completion of the work, make a certificate of installation in triplicate in the prescribed form showing,

Certificate of installation

- (a) his name, address and licence number and where he is an agent, the name, address and licence number of his principal;
- (b) the name and address of the owner of the building or structure;
- (c) the location of the building or structure;
- (d) a diagram of the building or structure marking the location of each grounding;
- (e) the nature and condition of the soil at each grounding;
- (f) the method of each grounding,

and certifying that the facts shown are true and that the installation has been made in accordance with this Act and the regulations, and, after signing, he shall present the certificate

for the signature of the owner or his agent to confirm that the nature and condition of the soil and the method of each grounding are as described.

Disposal of
copies

(2) Every person who makes a certificate of installation shall give a copy thereof to the owner or his agent and forward a copy to the Fire Marshal. R.S.O. 1950, c. 206, s. 7.

Offence

9. Every person who fails to comply with this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 or to imprisonment for a term of not more than six months for each offence, or to both fine and imprisonment. R.S.O. 1950, c. 206, s. 8.

Non-
conforming
installations

10.—(1) Where upon inspection an installation of lightning rods is found not to conform with this Act and the regulations, the licensee under section 3 who made the installation shall within sixty days from the receipt of the inspector's report or such further period as is allowed by the Fire Marshal, make such alterations or additions thereto as the inspector considers necessary to make the installation conform with this Act and the regulations, but this subsection does not apply where the installation is found not to so conform by reason of alterations or additions made thereto or to the building or structure other than by the licensee.

Conforming
installations

(2) Where upon inspection an installation of lightning rods is found to conform with this Act and the regulations, the inspector may attach a seal indicating that the installation is at the time of the inspection in conformity with this Act and the regulations. R.S.O. 1950, c. 206, s. 9.

Right to
recover for
loss

11.—(1) Where lightning rods that were installed on a building or structure by a licenced person have been installed for fewer than ten years and the owner thereof has suffered loss by reason of damage by lightning to the lightning rods, building or structure, and where no alterations or additions or repairs that affect the proper operation of the lightning rods have been made to the lightning rods or to the building or structure by persons other than the licensee, the owner may bring an action against the licensee for recovery of the amount of loss, not exceeding the total cost of the installation.

Notice of
claim,
commence-
ment of
action

(2) Notice of any such claim shall be given to the licensee within thirty days after the loss was suffered, and the action shall be commenced not fewer than sixty days and not more than one year after the loss was suffered. R.S.O. 1950, c. 206, s. 10.

Application
of license
fees

12. Licence fees paid to the Treasurer under this Act shall be added to the special fund for the maintenance of the office of the Fire Marshal. R.S.O. 1950, c. 206, s. 11.

13. The Lieutenant Governor in Council may appoint one ^{Inspectors} or more inspectors to enforce this Act and the regulations.
R.S.O. 1950, c. 206, s. 12.

14. This Act does not apply to the installation of lightning ^{Application of Act} rods on a building or structure by the owner or occupant of the building or structure where he himself does the work, or the work is done by his employee or employees under his direction. R.S.O. 1950, c. 206, s. 13.

15. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing minimum standards for lightning rods;
 - (b) governing the manner of installing lightning rods;
 - (c) designating buildings or structures or classes of buildings or structures to which this Act shall not apply;
 - (d) prescribing the form of,
 - (i) the application for a licence to offer for sale, sell and install lightning rods,
 - (ii) the licence to offer for sale, sell and install lightning rods,
 - (iii) the application for a licence to act as an agent to offer for sale, sell and install lightning rods,
 - (iv) the licence to act as agent to offer for sale, sell and install lightning rods,
 - (v) the certificate of installation of lightning rods,
 - (vi) the report of the inspector mentioned in subsection 1 of section 10,
 - (vii) the seal mentioned in subsection 2 of section 10.
- R.S.O. 1950, c. 206, s. 14.
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