

1937

c 331 Lightning Rod Act

Ontario

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CHAPTER 331.

The Lightning Rod Act.

Interpretation.

1. In this Act,—

"Regulations."

(a) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;

"Fire Marshal."

(b) In the absence of the Fire Marshal, or in case of a vacancy in the office, during such absence or vacancy the term "Fire Marshal" shall also include the Deputy Fire Marshal. R.S.O. 1927, c. 297, s. 1.

Manufacturers and others selling lightning rods shall be licensed.

2. No person or corporation shall sell or offer for sale material or apparatus intended to be used for the protection of buildings from damage by lightning, or instal upon any building or structure any apparatus intended to, or purporting to be used, for the protection of buildings from damage by lightning until authorized to do so by a license obtained from the provincial Fire Marshal under the provisions of this Act or of the regulations. R.S.O. 1927, c. 297, s. 2.

Conditions for issue of license.

3. Subject to the regulations, a license shall not be issued until the Fire Marshal has approved,—

Approval of material.

(a) of the material or apparatus intended to be used for the protection of buildings and their contents from damage by lightning;

Approval of system of installation.

(b) of the manner and system of installing such material or apparatus;

Guarantee agreement to be filed.

(c) of a guarantee agreement, to be filed with him, providing that in the event of damage by lightning to property, rodded by said person or corporation or his agent, money for the rodding of said building, including material and labour, shall be returned to the owner thereof, or the damage to said building repaired, provided, however, that claim is made within thirty days of sustaining such damage;

Fiducial standing of applicant.

and the Fire Marshal is satisfied that the applicant, after complying with the necessary requirements, is safe and reliable as to assets and business standing, and is entitled to public confidence. R.S.O. 1927, c. 297, s. 3.

4.—(1) Such person or corporation, referred to in section 2, shall file a bond with the Fire Marshal in the penal sum of \$5,000 with surety or sureties satisfactory to the Fire Marshal, for the purpose of securing the payment of any final judgment that may be recovered against such person or corporation in any court of competent jurisdiction in this Province, together with a written stipulation that legal process affecting such person or corporation or his agent served upon the Fire Marshal, shall have the same effect as if personally served upon such person or corporation or his agent within the Province.

Filing of
bond to
fulfil
guarantee.

(2) Where judgment is recovered against any person or corporation upon a guarantee agreement issued under this Act, and such judgment remains unsatisfied for sixty days after the recovery thereof, the Fire Marshal 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.

Recovery of
judgment.

(3) Service of any legal process upon any such person or corporation shall be good and valid when made in the manner described in subsection 1. R.S.O. 1927, c. 297, s. 4.

Service of
legal
process.

5.—(1) After complying with the necessary requirements as herein provided, and upon the receipt of a fee of \$50, payable to the Treasurer of Ontario, and a tax of eighty cents on every \$100 received from the sale of lightning rods and equipment in respect of business transacted in Ontario during the preceding year as shown by a sworn statement made by such person or corporation, the Fire Marshal may issue a license to such applicant, to continue in force until the 31st day of December next after the date of the issuing of same.

Payment of
fee and tax.

(2) The license may be revoked at any time by the Fire Marshal for non-compliance with the provisions of this Act or the regulations, after a hearing. R.S.O. 1927, c. 297, s. 5.

Revocation
of license.

6.—(1) Upon written notice from the licensee under this Act, of the appointment of a suitable person to act as his agent in this Province, and upon the presentation of a certificate of his good reputation and character signed by the mayor or reeve of the municipality of which he is a resident, the Fire Marshal may, if he is satisfied that the appointee is a suitable person, issue to him a license as such agent upon the receipt of a fee of \$3, payable to the Treasurer of Ontario.

Licensing
agents.

Fee.

(2) An agent holding such license is permitted thereby to sell and instal only the classes or brands of rods and equipment sold by the holder of the original license.

Restrictions as to
sale by
agents.

License only for current year. (3) Such license shall continue in force for the current year, but may be revoked at any time by the Fire Marshal for good cause, after a hearing.

Agents to be residents of Ontario. (4) Such agents shall be residents of the Province of Ontario. R.S.O. 1927, c. 297, s. 6.

License shall be exhibited upon request. **7.** Every licensee or agent shall, upon demand, exhibit his license to any mayor, reeve, fire prevention officer, district fire marshal, fire chief or police officer, and to any person to whom he sells, offers to sell or instal lightning rods or equipment and shall 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, and upon completion of the work he shall give the owner of the building a certificate in writing, duly signed, that the installation has been made in full conformity with the requirements of this Act and the regulations, and if he neglects or refuses to do so, he shall be liable to the penalty provided by this Act for acting as such agent without a license. R.S.O. 1927, c. 297, s. 7.

Copy of Act and regulations to be furnished.

Issue of certificate of installation.

Penalty.

Penalty for selling without license. **8.** Any person not licensed as provided by this Act, selling, offering for sale, or installing such lightning rods or other material, shall be liable to a fine of not over \$200, or six months' imprisonment for each offence, or both; and such penalty shall be recoverable before a magistrate or two justices of the peace under *The Summary Convictions Act*. R.S.O. 1927, c. 297, s. 8.

Rev. Stat., c. 136.

License not transferable. **9.**—(1) The licenses provided for by this Act are valid for only one person, firm or corporation, and are not transferable.

Employment of help. (2) A manufacturer or agent licensed under this Act may employ competent help to instal lightning rods, but the responsibility for the proper installation of the lightning rods rests with the manufacturer or original licensee. R.S.O. 1927, c. 297, s. 9.

Holder of guarantee agreement may bring suit. **10.** 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 clause c of section 3, against the person or corporation issuing the agreement, but every such action shall be commenced within a period of thirty days after the occurrence of the loss. R.S.O. 1927, c. 297, s. 10.

11. The license fees and taxes paid to the Treasurer of Ontario, as provided in this Act, shall be added to the special fund for the maintenance of the office of Fire Marshal and the expense incidental thereto. R.S.O. 1927, c. 297, s. 11.

Fees and taxes to be added to Fire Marshal fund.

12. The Lieutenant-Governor in Council may make regulations,—

Power to make regulations.

- (a) establishing standards and prescribing the kind of materials or apparatus to be used for 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. R.S.O. 1927, s. 297, s. 12.

13. Nothing in this Act shall apply to or affect the installation of lightning rods on any building by the owner or occupant of the building where he himself does the work or the work is performed by his employees under his direction. 1931, c. 63, s. 2.

When Act not to apply.