

1950

## c 206 Lightning Rods Act

Ontario

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## CHAPTER 206

**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 regulations made under this Act;

(e) "Treasurer" means Treasurer of Ontario. 1948, c. 52, 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. 1948, c. 52, s. 2.**

Sellers, etc., of lightning rods to be licensed.

**3.—(1) Upon receipt of,**

(a) an application on 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;

Power to license.

(b) a licence fee computed at four-fifths of one 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 issuance 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. 1948, c. 52, 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 shall remain in force until the 31st day of December next after the date of issuance 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. 1948, c. 52, 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. 1948, c. 52, s. 5.

Duty to  
exhibit  
licence.

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

(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. 1948, c. 52, s. 6.

Certificate of  
installation.

**7.**—(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 on the prescribed form showing,

- (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.

(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. 1948, c. 52, s. 7. Disposal of copies.

8. Every person who fails to comply with this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty 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. 1948, c. 52, s. 8. Penalties for failure to comply with Act.

9.—(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 60 days from the receipt of the inspector's report or such further period as may be 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 shall 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. Non-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. 1948, c. 52, s. 9. Conforming installations.

Right to recover for loss.

**10.**—(1) Where lightning rods that were installed on a building or structure by a licenced person have been installed for less than 10 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; commencement of action.

(2) Notice of any such claim shall be given to the licensee within a period of 30 days after the loss was suffered, and the action shall be commenced not less than 60 days and not more than one year after the loss was suffered. 1948, c. 52, s. 10.

Application of licence fees.

**11.** 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. 1948, c. 52, s. 11.

Inspectors.

**12.** The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. 1948, c. 52, s. 12.

Application of Act.

**13.** This Act shall not apply to the installation of lightning rods on any 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. 1948, c. 52, s. 13.

Regulations.

**14.** The Lieutenant-Governor in Council may make 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 9,
  - (vii) the seal mentioned in subsection 2 of section 9. 1948, c. 52, s. 14.
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