



Province of Alberta

## SAFETY CODES ACT

# ADMINISTRATIVE ITEMS REGULATION

### Alberta Regulation 16/2004

With amendments up to and including Alberta Regulation 53/2016

#### Office Consolidation

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(Consolidated up to 53/2016)

**ALBERTA REGULATION 16/2004**

**Safety Codes Act**

**ADMINISTRATIVE ITEMS REGULATION**

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**Interpretation**

1 In this Regulation,

(a) “Act” means the *Safety Codes Act*;

- (b) repealed AR 53/2016 s2;
- (c) “architectural work” means the preparation of designs for the erection of, construction of or addition to a building but does not include engineering work;
- (d) “engineering work” means the preparation of designs for electrical, mechanical and structural systems or components of buildings and includes applicable geotechnical engineering work and the design of pressure equipment;
- (e) “Fire Commissioner” means the Fire Commissioner employed by the Government within the Department of Municipal Affairs;
- (e.1) “fire service organization” means a fire service organization as defined in the *Municipal Government Act*;
- (f) “plans” include drawings;
- (g) repealed AR 53/2016 s2;
- (h) repealed AR 53/2016 s2.

AR 16/2004 s1;35/2007;68/2008;170/2012;53/2016

## General

- 2 Repealed AR 53/2016 s3.

### Safety codes officer identification

3 Identification of a person as a safety codes officer consists of an identification card that

- (a) has a photograph of the person,
- (b) is signed by the person,
- (c) states the person’s name and number of the person’s certificate of competency,
- (d) states that the person is a safety codes officer appointed under the Act,
- (e) states the discipline and competency level to which the person’s powers and duties relate,
- (f) states the expiry date of the identification card, and

- (g) purports to be signed by an Administrator.

**Safety codes officer probationary certification**

**4(1)** On receipt of an application for designation as a safety codes officer, an Administrator who is authorized to issue certificates of competency and to designate the powers that a safety codes officer may exercise may issue a probationary certificate of competency to the applicant if

- (a) the Administrator believes that the applicant's training and experience are adequate to enable the applicant to function adequately as a safety codes officer in a specific discipline, or
- (b) the applicant has partial qualifications and is diligently undertaking the process of completing qualifications to permit a certificate of competency to be issued.

**(2)** The Administrator shall not include authorization to exercise the powers under section 49 of the Act in a designation of powers for a safety codes officer who holds a probationary certificate of competency.

**(3)** A probationary certificate of competency must contain an expiry date.

**Service of orders and notices**

**5(1)** An order issued, confirmed, revoked or varied under the Act and a written notice required by the Act to be issued must be served

- (a) in the case of an individual,
  - (i) by personal service,
  - (ii) by leaving it for the individual with a person apparently at least 18 years of age at the individual's current or most usual dwelling place,
  - (iii) by sending it by registered mail to the individual's last known address, or
  - (iv) by sending it by facsimile or other form of electronic transmission to the individual's last known facsimile number or electronic address, if there is a record of so sending it,

and

- (b) in the case of a corporation,

- (i) by leaving it with a director, manager or officer of the corporation, or the president, chairperson or other head officer, by whatever name that person is known, of the corporation,
- (ii) by leaving it at the corporation's registered office,
- (iii) by sending it by registered mail to the corporation's registered office, or
- (iv) in the case of an extra-provincial corporation, by leaving it with, at the address of, or by sending it by registered mail to the address of, the corporation's attorney for service appointed as required by the *Business Corporations Act*.

(2) The Safety Codes Council, a sub-council of the Safety Codes Council, an Administrator or a safety codes officer may request the assistance of a peace officer in the service of an order.

#### **Format and content of orders**

**6** An order issued under the Act must

- (a) be mechanically written or handwritten in a legible manner, on paper,
- (b) state that it is an order,
- (c) identify the section in the Act providing the authority under which the order is issued,
- (d) identify the safety codes officer who is issuing the order and the employer of the safety codes officer,
- (e) identify the contravention, if that is the subject-matter of the order, including the section of the code, standard or body of rules that has been contravened, if applicable, and
- (f) include
  - (i) the name of the person or persons to whom the order is issued,
  - (ii) the personal or business address of the person or persons to whom the order is issued,
  - (iii) the municipal address or legal description of the property on which the thing, process or activity that is the subject-matter of the order is located,

- (iv) instructions and information regarding the procedure for requesting a review of the order by an Administrator,
- (v) the name, address, telephone and facsimile numbers of an Administrator in respect of the discipline of the safety codes officer who is issuing the order,
- (vi) instructions and information regarding the procedure for starting an appeal of the order,
- (vii) the address, telephone and facsimile numbers of the Safety Codes Council, and
- (viii) notice that non-compliance with the instructions of the order is an offence under the Act.

#### **Determining the date when a code is published**

**6.1(1)** For the purposes of section 65(4) of the Act, the date on which an amendment or a replacement of a code, standard or body of rules is published is,

- (a) the day, month and year of publication printed or included in the amendment or replacement, if any,
- (b) if only a month and year of publication are printed or included in the amendment or replacement, the last day of that month, and
- (c) if only the year of publication is printed or included in the amendment or replacement or if no date is printed or included in the amendment or replacement, the date, assigned by the Administrator, by order, that the Administrator considers to be appropriate, considering the date when the code became available to the public.

**(2)** An order referred to in subsection (1)(c) shall be published or posted on an information system as the Administrator considers to be appropriate.

AR 53/2016 s4

#### **Information system**

**7(1)** An Administrator or the Safety Codes Council may maintain information systems respecting any or all matters under the Act.

**(2)** Entries may be made to the information system by an Administrator or the Safety Codes Council.

(3) When a person requests a search of an information system for variances or outstanding orders pursuant to section 63(3) of the Act, the information must be issued if all the applicable fees have been paid.

### **Reporting Fires, Accidents and Unsafe Conditions**

#### **Reporting and investigating fires**

**8(1)** Subject to subsection (2), if the responding officer of a fire service organization knows of a fire within the jurisdiction of the fire service organization in which a person dies or suffers an injury that requires professional medical attention or in which property is damaged or destroyed, the reporting officer must report the fire to a safety codes officer for the fire discipline.

(2) A safety codes officer for the fire discipline must investigate the cause, origin and circumstances of every fire within the safety codes officer's jurisdiction in which a person dies or suffers injury that requires professional medical attention or in which property is damaged or destroyed.

(3) This section does not apply to forest fires.

AR 16/2004 s8;53/2016

#### **Fire investigation report**

**9** A safety codes officer for the fire discipline who investigates the causes and circumstances of a fire must

- (a) within 30 days after the date of the fire started prepare and submit to the Fire Commissioner a report in a form satisfactory to the Fire Commissioner, and
- (b) immediately notify the Fire Commissioner if the safety codes officer has information that indicates the fire,
  - (i) is or may be of incendiary origin, or
  - (ii) has resulted in loss of life,

and

- (c) provide to the Fire Commissioner any further information respecting the investigation that the Fire Commissioner requests.

**No fire insurance**

**10** A person, firm or corporation that sustains a loss by fire of property in Alberta on which no insurance is in effect must, within 10 days after the occurrence of the fire, submit to the Fire Commissioner a report in a form satisfactory to the Fire Commissioner.

**Insurance companies reporting fires**

**11(1)** An insurance company licensed to undertake contracts for fire insurance in Alberta must, within 7 days after the end of every month, submit to the Fire Commissioner a report in a form satisfactory to the Fire Commissioner regarding every fire that occurred in Alberta in the previous month and in which that company is interested as insurer.

**(2)** A person who sustains loss by fire of property in Alberta that is insured wholly or partially with an insurance company not licensed or registered under the *Insurance Act* must, within 10 days after complete proofs of the loss are submitted to the company with which the insurance is placed, submit a report to the Fire Commissioner in a form satisfactory to the Fire Commissioner.

**(3)** A person engaged in making adjustments of a loss or damage by fire in Alberta must, within 7 days after the end of every month, submit to the Fire Commissioner a report in a form satisfactory to the Fire Commissioner showing the adjustments made by the adjuster in the previous month.

**(4)** A person engaged in

- (a) making adjustments of a loss or damage by fire, or
- (b) investigating a fire, other than a peace officer or a person making an investigation under section 34 of the Act,

must immediately notify the Fire Commissioner if that person has information that indicates the fire is or may be of incendiary origin.

**Reporting in the gas discipline**

**12(1)** Subject to subsection (2), a person who knows of

- (a) a fatality involving a gas installation or gas equipment,
- (b) property damage estimated to exceed \$250, if it is caused by a fire or explosion, or
- (c) an accident involving a gas installation or gas equipment where the accident results in injury to a person that requires professional medical attention,

must notify a safety codes officer for the gas discipline of the circumstances and details of the accident and provide the safety codes officer with any other information that the safety codes officer requests and the safety codes officer must notify an Administrator for the gas discipline of the accident.

(2) Subsection (1) does not apply to a person who knows or has reasonable grounds to believe that the accident has been reported to a safety codes officer for the gas discipline.

#### **Reporting in the plumbing discipline**

**13** An operator of a public water supply system who knows of an accident or an unsafe condition related to the supply or use of the public water supply system must, as soon as practicable, notify an Administrator for the plumbing discipline.

#### **Reporting in the private sewage disposal discipline**

**14** A person who knows of an accident or unsafe condition related to the use of a private sewage disposal system must, as soon as practicable, notify an Administrator for the plumbing discipline.

#### **Reporting in the electrical discipline**

**15(1)** Subject to subsection (2), any person who knows of

- (a) an accident to a person, a fatal accident to livestock or a power line contact involving an electrical installation or electrical equipment, or
- (b) a fire of electrical origin or suspected electrical origin

must, as soon as practicable, report the accident, contact or fire to an Administrator for the electrical discipline or to a safety codes officer and the safety codes officer must notify an Administrator for the electrical discipline.

(2) Subsection (1) does not apply to a person who knows or has reasonable grounds to believe that the accident, contact or fire has already been reported to a safety codes officer or an Administrator for the electrical discipline.

(3) After an accident described in subsection (1), no person shall remove or interfere with anything in, on or about the place where the accident occurred until permission has been granted by a safety codes officer for the electrical discipline, unless it is necessary to do so to prevent death or injury, to protect property or to restore service.

**Reporting in the elevating devices discipline**

- 16** An owner of an elevating device or an owner's agent must
- (a) notify an Administrator for the elevating devices discipline or a safety codes officer and the safety codes officer must notify an Administrator for the elevating devices discipline as soon as practicable after an accident involving the elevating device that results in death or serious injury to a person or damage to equipment, and
  - (b) if requested by an Administrator for the elevating devices discipline, submit, as soon as practicable, a full written report of any accident involving the elevating device that results in death or serious injury to a person or damage to equipment.

**17** Repealed AR 49/2006 s47.

**Seals and Stamps****Complex projects**

**18(1)** If, in the opinion of a safety codes officer, the size or complexity of a project may give rise to special safety concerns, the safety codes officer may require that all plans and specifications, or any part of them, for the project's

- (a) buildings,
- (b) electrical systems,
- (c) elevating devices,
- (d) gas systems,
- (e) plumbing and private sewage disposal systems, or
- (f) repealed AR 49/2006 s47;
- (g) fire protection systems and equipment,

be imprinted with a seal or stamp affixed in accordance with the *Engineering and Geoscience Professions Act* for engineering work, or the *Architects Act* for architectural work.

**(2)** If, in the opinion of a safety codes officer, the size or complexity of a project may give rise to special safety concerns, the safety codes officer may require that the construction of any or all of the project's

- (a) buildings,

- (b) electrical systems,
- (c) elevating devices,
- (d) gas systems,
- (e) plumbing and private sewage disposal systems, or
- (f) repealed AR 49/2006 s47;
- (g) fire protection systems and equipment,

be reviewed during construction in accordance with the *Engineering and Geoscience Professions Act* for engineering work, or the *Architects Act* for architectural work.

AR 16/2004 s18;49/2006;53/2016

**19** Repealed AR 49/2006 s47.

#### **Design of amusement rides**

**20** A safety codes officer may accept plans for the design of amusement rides with a seal affixed by an engineer who is registered in any jurisdiction.

**21 to 24** Repealed AR 53/2016 s7.

### **Repeals and Coming into Force**

#### **Repeals**

**25** The following regulations are repealed:

- (a) the *Administrative Items Regulation* (AR 83/94);
- (b) the *Administration and Information Systems Regulation* (AR 55/95).

**26** Repealed AR 53/2016 s9.

#### **Coming into force**

**27** This Regulation comes into force on April 1, 2004.









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