

1960

c 147 Fire Guardians Act

Ontario

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CHAPTER 147

The Fire Guardians Act

1.—(1) The council of a township may, on the petition of one-third of the ratepayers, at any meeting to be held before the 1st day of April in any year, appoint by by-law not less than two resident freeholders for each polling subdivision in the municipality to carry out the provisions of this Act. Appoint-
ment of fire
guardians

(2) The persons so appointed shall be called "fire guardians" and shall hold office until the first meeting of a new council elected after their appointment and until their successors are appointed. R.S.O. 1950, c. 139, s. 1. Tenure of
office

(3) The council may, in the by-law, make provision for payment to the fire guardians for their services and may fix a penalty to be imposed upon fire guardians refusing or neglecting to perform their duties under this Act or the by-law. R.S.O. 1950, c. 139, s. 5. Matters to
be provided
for

2. The council in any by-law passed under section 1 may provide that the period within which no person, without having first obtained permission in writing from one of the fire guardians, shall set out fire or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the fire would be likely to spread shall be between the 1st day of April and the 31st day of October in any year. 1957, c. 36, s. 1, *amended*. Restricted
period for
setting
out fires

3.—(1) No person shall, after the passing of such by-law, set out fire or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the fire would be likely to spread between the 1st day of April and the 31st day of October in any year without having first obtained permission in writing from one of the fire guardians. R.S.O. 1950, c. 139, s. 2; 1957, c. 36, s. 2, *amended*. Leave to be
obtained be-
fore setting
out fires

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100, recoverable on information of any resident ratepayer in the municipality. R.S.O. 1950, c. 139, s. 6, *revised*. Offence

Disposition
of fine

(3) The complainant is entitled to one-half of the fine and the other half shall be paid over to the treasurer of the municipality. R.S.O. 1950, c. 139, s. 7.

Leave not to
be relied on
in actions
for negli-
gence

4. The permission of a fire guardian to set out fire shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extenuation of so doing, or in mitigation of damages, but the absence of such permission is *prima facie* evidence of negligence. R.S.O. 1950, c. 139, s. 3, revised.

Inspection
by fire
guardian
before
granting
leave

5. A fire guardian on being requested to grant permission to set out fire shall examine the place at which it is intended to set out the fire and the adjacent land and the timber, trees and other property thereon, and he shall refuse such request if, in his opinion, it would not be safe to set out the fire. R.S.O. 1950, c. 139, s. 4.

Where Act
not to
apply

6. This Act does not apply in any part of Ontario that has been declared a fire district under any Act. R.S.O. 1950, c. 139, s. 8.
