

1937

c 327 Fire Guardians Act

Ontario

© Queen's Printer for Ontario, 1937

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Fire Guardians Act, RSO 1937, c 327

Repository Citation

Ontario (1937) "c 327 Fire Guardians Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 65.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/65>

CHAPTER 327.

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 within 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. 1927, c. 293, s. 1.

Tenure
of office.

2. 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 same would be likely to spread, between the 1st day of July and the 1st day of October in any year, without having first obtained permission in writing from one of the fire guardians. R.S.O. 1927, c. 293, s. 2.

Leave to be
obtained be-
fore setting
out fires.

3. Such permission 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 shall be *prima facie* evidence of negligence. R.S.O. 1927, c. 293, s. 3.

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

4. 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. 1927, c. 293, s. 4.

Inspection
by fire
guardian
before
granting
leave.

5. The council may, by 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. 1927, c. 293, s. 5.

Matters to
be provided
for in the
by-law.

6. Any person who contravenes the provisions of section 2 shall incur a penalty not exceeding \$100, recoverable on information of any resident ratepayer in the municipality before

Penalty.

Rev. Stat.,
c. 136.

a magistrate or two justices of the peace sitting together under *The Summary Convictions Act*. R.S.O. 1927, c. 293, s. 6.

Applica-
tion of
penalty.

7. The complainant shall be entitled to one-half of the penalty and the other half shall be paid over to the treasurer of the municipality. R.S.O. 1927, c. 293, s. 7.

When Act
not to
apply.

8. This Act shall not apply to any portion of Ontario which has been declared a fire district under the provisions of any Act. R.S.O. 1927, c. 293, s. 8.

Rev. Stat.,
cc. 266, 325.

(NOTE.—See also provisions of *The Municipal Act* and *The Forest Fires Prevention Act*.)
