

1950

## c 139 Fire Guardians Act

Ontario

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## CHAPTER 139

## 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. 1937, c. 327, 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. 1937, c. 327, 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. 1937, c. 327, s. 3.

Leave not to  
be relied on  
in actions  
for neglig-  
ence.

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. 1937, c. 327, 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. 1937, c. 327, s. 5.

Matters to  
be provided  
for in the  
by-law.

6. Every person who contravenes the provisions of section 2 shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$100, recoverable on

Penalty.

information of any resident ratepayer in the municipality. R.S.O. 1937, c. 327, 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. 1937, c. 327, 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 any Act. R.S.O. 1937, c. 327, s. 8.

