

1980

## c 173 Forest Fires Prevention Act

Ontario

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## CHAPTER 173

## Forest Fires Prevention Act

## INTERPRETATION

## 1. In this Act,

Interpre-  
tation

- (a) "Minister" means the Minister of Natural Resources;
- (b) "Ministry" means the Ministry of Natural Resources;
- (c) "municipality" means a city, town, village, township or improvement district;
- (d) "officer" includes a fire warden appointed under section 8 and a special officer appointed under section 9 exercising the powers of his appointment;
- (e) "owner" includes a locatee, purchaser from the Crown, assignee, lessee, occupant, purchaser, timber licensee, holder of a mining claim or location, and any person having the right to cut timber or wood upon any land;
- (f) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 179, s. 1; 1974, c. 22, s. 1.

## ADMINISTRATION

2. The administration of this Act is under the control and direction of the Minister. R.S.O. 1970, c. 179, s. 2. Administration

3.—(1) This Act applies only to fire regions. R.S.O. 1970, c. 179, s. 3 (1); 1974, c. 22, s. 2. Application of Act

(2) Nothing in this Act affects or shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1970, c. 179, s. 3 (2). Right of action for damages not affected

4. The Minister may appoint officers for carrying out this Act and the regulations. R.S.O. 1970, c. 179, s. 4. Appointment of officers

Right of officer to enter on premises

**5.**—(1) Subject to subsection (2), an officer may, for the purposes of this Act, enter into and upon any lands and premises. R.S.O. 1970, c. 179, s. 5 (1).

Entry to dwellings

(2) An officer shall not enter any place actually used as a dwelling without the consent of the occupant except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*. R.S.O. 1970, c. 179, s. 5 (2); 1973, c. 14, s. 1.

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Information to be given to officer by tourists, etc.

**6.** Every person in a forest or woodland shall, upon request, give an officer information as to his name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest or woodland from fire. R.S.O. 1970, c. 179, s. 6.

Right to summon assistance

**7.** For the purpose of controlling and extinguishing a fire, an officer may use any privately-owned equipment and may employ or summon the assistance of any male person between the ages of eighteen and sixty years, except persons providing essential services and persons physically unfit, and on private lands may take such action as he considers advisable to control and extinguish a fire. R.S.O. 1970, c. 179, s. 7.

Appointment of fire wardens

**8.** The Minister may appoint fire wardens who shall have authority to enforce such of the provisions of this Act and the regulations as are provided in the appointment in the areas specified in the appointment. R.S.O. 1970, c. 179, s. 8.

Special officers

**9.**—(1) Where the Minister considers it advisable in the interest of forest protection, he may appoint special officers who shall have authority to enforce this Act and the regulations on the land mentioned in the appointment. R.S.O. 1970, c. 179, s. 9 (1).

Salaries

(2) The owner of the land mentioned in an appointment made under subsection (1) shall reimburse the Ministry for the salaries and expenses of the special officers. R.S.O. 1970, c. 179, s. 9 (2); 1974, c. 22, s. 3.

#### FIRE SEASON

Fire season

**10.** The period from the 1st day of April to the 31st day of October in each year shall be a fire season. R.S.O. 1970, c. 179, s. 10.

## FIRE PERMITS

**11.**—(1) Except under the authority of a fire permit, no person shall start a fire outdoors during a fire season for any purpose other than cooking or obtaining warmth. R.S.O. 1970, c. 179, s. 11 (1). Prohibition against fire except under fire permit

(2) Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland. R.S.O. 1970, c. 179, s. 11 (2); 1978, c. 87, s. 25 (1). Prohibition against fireworks except under fire permit

(3) Upon application therefor an officer may issue a fire permit. Issue of fire permit

(4) A fire permit may be limited as to duration and area, but in any event it expires with the fire season and may contain such terms and conditions as the issuing officer considers necessary. Limitations in permit

(5) A fire permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit. R.S.O. 1970, c. 179, s. 11 (3-5). Cancellation or suspension of permit

## RESTRICTED ZONES

**12.** No person shall start a fire outdoors in a restricted fire zone for the purpose of cooking or obtaining warmth except in a portable stove or charcoal installation. R.S.O. 1970, c. 179, s. 12. Camp fires

**13.**—(1) Except under the authority of a forest travel permit, no person shall enter and travel about in a restricted travel zone except, Travel permits

(a) on public roads, not including unopened road allowances, and all lands vested in Her Majesty the Queen as represented by the Minister of Transportation and Communications;

(b) in cities, towns, villages and police villages;

(c) in supervised camp grounds; and

(d) on waters that are immediately adjacent to any of the parts referred to in clause (a), (b) or (c). R.S.O. 1970, c. 179, s. 13 (1); 1974, c. 22, s. 4.

(2) Upon application therefor an officer may issue a forest travel permit. Issue

Limitations  
in permits

(3) A forest travel permit may be limited as to duration and area, but in any event it expires with the fire season and may contain such terms and conditions as the issuing officer considers necessary.

Cancellat-  
ion or  
suspension

(4) A forest travel permit may be cancelled or suspended at any time by an officer. R.S.O. 1970, c. 179, s. 13 (2-4).

Notice of  
regulations

**14.**—(1) The Minister shall provide for such notice as he considers necessary under the circumstances of any regulation made under clause 37 (b) in such newspapers and other media as in his opinion will give the greatest publicity.

Burden  
of proof

R.S.O. 1980,  
c. 446

(2) In any prosecution under section 12 or subsection 13 (1) in respect of an offence alleged to have been committed prior to publication of the regulation under the *Regulations Act*, the onus is on the person charged to prove he did not have actual notice of the regulation at the time the offence is alleged to have been committed. R.S.O. 1970, c. 179, s. 14.

## WORK PERMITS

Work  
permits

**15.**—(1) Except under the authority of a work permit, no person shall, in or within 300 metres of a forest or woodland,

- (a) carry on any logging, mining or industrial operation;
- (b) clear land;
- (c) construct a dam, bridge or camp;
- (d) operate a mill for the purpose of manufacturing timber; or
- (e) carry on any operation liable to cause the accumulation of slash or debris. R.S.O. 1970, c. 179, s. 15 (1); 1978, c. 87, s. 25 (2).

## Conditions

(2) A work permit may be limited as to duration and area, but in any event it expires with the 31st day of March next following the date of issue and may contain such terms and conditions as the issuing officer considers necessary.

## Cancellation

(3) An officer may in the interest of forest protection cancel or suspend a work permit at any time.

Per diem  
penalty

(4) Where an officer finds an operation mentioned in subsection (1) being conducted without a work permit, he may

order that the operation shall cease until a work permit has been obtained and any person carrying on an operation after such order has been made is, in addition to any penalty imposed, subject to a fine of \$100 for each day such operation is continued without a work permit.

(5) Where a person carries on an operation mentioned in subsection (1) through a servant, contractor, subcontractor or someone on his behalf, he shall obtain any permit required under this Act and he shall be deemed to have committed any offence against this Act or the regulations committed by his servant, contractor, subcontractor or person acting on his behalf in carrying out the operation. R.S.O. 1970, c. 179, s. 15 (2-5).

Person  
to obtain  
work permit

#### PREVENTION MEASURES

**16.**—(1) Every person clearing land shall, subject to the provisions of this Act respecting fire permits, pile and burn all brush, debris, non-merchantable timber and other flammable material cut or accumulated thereon.

Disposal of  
refuse on  
land being  
cleared

(2) Subsection (1) does not apply to material that has been ground, chipped or shredded in an installation approved in the work permit authorizing the clearing of the land. R.S.O. 1970, c. 179, s. 16.

Exception

**17.** Every person having charge of a camp, a mine, a mill for the purpose of manufacturing timber or a garbage dump that is located in or within 300 metres of a forest or woodland shall have the area surrounding the camp, mine, mill or dump cleared of flammable debris for a distance of at least thirty metres and such further distance as may be ordered by an officer. R.S.O. 1970, c. 179, s. 17; 1978, c. 87, s. 25 (3).

Clearing in  
neighbour-  
hood of  
mills, etc.

**18.**—(1) Where an officer finds on any land, building, structure or equipment a condition that, in his opinion, may cause danger to life or property from fire, the officer may order the owner or person in control thereof or the person who has caused the condition to take such action as the officer considers necessary to remedy the condition, and in default the officer, with such assistants as he requires, may remedy the condition.

Power of  
officer as  
to fire  
dangers

(2) The cost and expenses of any action taken by an officer and his assistants under subsection (1) shall be paid by the owner or person in control of the land or the person who has caused the condition and are recoverable by the Crown in right of Ontario in any court of competent jurisdiction. R.S.O. 1970, c. 179, s. 18.

Cost

Agreements  
for fire  
prevention  
and control

**19.** The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them or any municipality may enter into an agreement with respect to the prevention and control of grass, brush or forest fires. 1973, c. 14, s. 2.

#### EXTINGUISHMENT OF FIRES

Extinguish-  
ment of  
fires

**20.** An officer may at any time in the interest of forest protection extinguish a fire or order any person in charge or apparently in charge of a fire to extinguish the fire. R.S.O. 1970, c. 179, s. 20.

Duty of  
municipality

**21.**—(1) Subject to an agreement made under section 19 and to subsection (2), every municipality in a fire region shall at its expense extinguish grass, brush or forest fires within its limits, but where the action taken by it in extinguishing any such fire is in the opinion of an officer not adequate, the officer may take such action as he considers necessary to control and extinguish the fire, and the cost and expenses incurred by the Ministry in controlling and extinguishing the fire are a debt due to the Crown in right of Ontario and shall be paid by the municipality to the Treasurer of Ontario. R.S.O. 1970, c. 179, s. 21 (1); 1974, c. 22, s. 5 (1).

Contribution  
by  
Ministry

(2) Upon satisfactory proof being furnished by the municipality that a fire has started on Crown land, the cost and expenses of controlling and extinguishing the fire shall be borne by the Ministry. R.S.O. 1970, c. 179, s. 21 (2); 1974, c. 22, s. 5 (2).

Reporting  
of fires

**22.** Every person who has started a fire outdoors, or is in charge of a fire outdoors, that is not kept under control shall report the fire without undue delay to an officer and in any prosecution or action the onus is upon him to prove that he so reported the fire. R.S.O. 1970, c. 179, s. 22.

Evacuation,  
etc.

**23.**—(1) Where in the opinion of the Minister a forest fire emergency exists, he may by order declare an area to be a forest fire emergency area and may make such orders and take such action as he considers necessary for effectual fire suppression or the safety of or evacuation of persons in the area.

Order not a  
Regulation  
R.S.O. 1980,  
c. 446

(2) An order made under subsection (1) is not a regulation within the meaning of the *Regulations Act*. R.S.O. 1970, c. 179, s. 23.

Appeal

**24.**—(1) Any person who is refused a fire permit, a forest travel permit or a work permit by an officer, or who is aggrieved by the terms and conditions contained in such

permit or whose fire permit, forest travel permit or work permit has been cancelled or suspended by an officer may appeal to the district manager of the administrative district to which the permit relates from the decision of the officer, and the district manager shall hear the appeal and may affirm or vary the terms and conditions or the decision of the officer and may, if he rescinds the decision, grant a permit. 1971, c. 50, s. 41, *part*; 1974, c. 22, s. 6 (1).

(2) The appellant and the officer from whose decision the appeal is taken are parties to an appeal under this section. 1971, c. 50, s. 41, *part*. Parties

(3) An appeal under this section may be made in writing or orally or by telephone to the district manager, but the district manager may require the grounds for the appeal to be made in writing before the hearing. 1971, c. 50, s. 41, *part*; 1974, c. 22, s. 6 (2). How appeal made

(4) Notwithstanding that an appeal has been brought, the decision of an officer relating to a permit, unless varied by the officer, is binding and effective until varied or rescinded by the district manager. 1971, c. 50, s. 41, *part*; 1974, c. 22, s. 6 (3). Decision of officer

OFFENCES

**25.** No person shall hinder, obstruct or impede an officer in the performance of his duties. R.S.O. 1970, c. 179, s. 24. Obstruction of officers

**26.** No person shall refuse or neglect to provide any privately-owned equipment or to render assistance when required under section 7. R.S.O. 1970, c. 179, s. 25. Rendering assistance

**27.** No person shall within 800 metres of a village, town or city accumulate flammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1970, c. 179, s. 26; 1978, c. 87, s. 25 (4). Accumulation of flammable refuse

**28.** No person shall smoke while walking or working in a forest or woodland during the fire season. R.S.O. 1970, c. 179, s. 27. Smoking prohibited

**29.** No person shall throw or drop, in or within 300 metres of a forest or woodland, Smoking material, etc.

(a) a lighted match, cigarette, cigar or other smoking material;

(b) live coals; or



(c) hot ashes. R.S.O. 1970, c. 179, s. 28; 1978, c. 87, s. 25 (5).

Discharge  
of fire-arms

**30.** No person who discharges a fire-arm or flare in or within 300 metres of a forest or woodland shall leave any residue from the discharge unextinguished. R.S.O. 1970, c. 179, s. 29; 1978, c. 87, s. 25 (6).

Destruction  
of notices  
or signs

**31.** No person shall, without lawful authority, tear down, remove, damage, deface or interfere with any notice or sign put up, posted or placed by the Ministry for the purposes of fire prevention. R.S.O. 1970, c. 179, s. 30; 1974, c. 22, s. 7.

Destruction  
of equip-  
ment, etc.

**32.** No person shall, without lawful authority, tear down, remove, damage, deface or interfere with any equipment, building or structure placed in a forest or woodland for the purpose of protecting the forest. R.S.O. 1970, c. 179, s. 31.

Spark  
arresters

**33.** No person shall use or operate in or within 300 metres of a forest or woodland any burner, chimney, engine, incinerator or other spark-emitting outlet that is not provided with an adequate device for arresting sparks. R.S.O. 1970, c. 179, s. 32; 1978, c. 87, s. 25 (7).

Railways

**34.** The provisions of any order, rule or direction of the Canadian Transport Commission and of the railway transport committee established by that commission respecting the prevention and control of fires apply with necessary modifications to any railway that is subject to the legislative jurisdiction of the Province of Ontario. R.S.O. 1970, c. 179, s. 33.

#### PENALTIES

Offences

**35.**—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or the regulations or of any order made thereunder or any condition of any permit issued thereunder is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both, and such person is also liable to the Crown in right of Ontario for any cost and expenses incurred by the Ministry in endeavouring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect. R.S.O. 1970, c. 179, s. 34 (1); 1974, c. 22, s. 8.

Recovery  
of expenses

(2) The cost and expenses for which a person is liable under subsection (1) are recoverable with costs in any court of competent jurisdiction as a debt due, but where the amount claimed does not exceed \$1,000 and proceedings are taken under the *Provincial*

*Offences Act* in respect of the disobedience, refusal or neglect, the court, upon making a conviction, may order payment of such amount to the Treasurer of Ontario and every such order may be enforced in the same manner as a small claims court judgment.

(3) In any prosecution under a section of this Act that requires a permit, the onus is on the person charged to prove that he had a permit at the time the offence is alleged to have been committed. R.S.O. 1970, c. 179, s. 34 (2, 3). <sup>Onus of proof</sup>

#### REGULATIONS

**36.** The Lieutenant Governor in Council may make regulations, <sup>Regulations by Lt. Gov. in Council</sup>

- (a) declaring parts of Ontario to be fire regions and declaring the name that each fire region shall bear;
- (b) governing the issue, form, refusal and cancellation of permits or any class of them and prescribing their terms and conditions;
- (c) designating classes of operations and activities and governing the equipment, staff and precautions to be provided or observed in respect of fire prevention or suppression by persons engaged in any class of operation or activity;
- (d) governing the use of portable stoves and charcoal installations in a restricted fire zone;
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out effectively forest fire prevention and the intent and purpose of this Act. R.S.O. 1970, c. 179, s. 35; 1974, c. 22, s. 9.

**37.** The Minister may make regulations,

<sup>Regulations by Minister</sup>

- (a) declaring any period between the 1st day of January and the 31st day of March, both inclusive, or between the 1st day of November and the 31st day of December, both inclusive, in any year to be a fire season in a fire region or any part of a fire region;
- (b) declaring any fire region or part of a fire region to be a restricted fire zone or restricted travel zone for any period;

- (c) fixing the rates of pay for persons employed or summoned under section 7. R.S.O. 1970, c. 179, s. 36; 1974, c. 22, s. 10.