1937

**c 325 Forest Fires Prevention Act**

Ontario

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CHAPTER 325.

The Forest Fires Prevention Act.

1. In this Act,—

   (a) "Department" shall mean Department of Lands and Forests;

   (b) "Minister" shall mean Minister of Lands and Forests;

   (c) "Owner" shall include locatee, purchaser from the Crown, assignee, lessee, occupant, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land;

   (d) "Regulations" shall mean regulations made under the authority of this Act. 1930, c. 60, s. 2.

2.—(1) The Lieutenant-Governor in Council may by proclamation declare any part of Ontario described in the proclamation a fire district.

   (2) Such proclamation shall be published in the Ontario Gazette, and the part so described shall, from and after publication, be a fire district within the meaning of this Act.

   (3) The Lieutenant-Governor in Council may by proclamation terminate, extend, reduce or otherwise change such fire district. 1930, c. 60, s. 3.

3. The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a provincial forester for the purpose of carrying out the provisions of this Act and the regulations. 1930, c. 60, s. 4.

4. The provincial forester shall have charge, under the direction of the Minister, of the administration and enforcement of this Act. 1930, c. 60, s. 5.

5. The Minister may employ for the purposes of enforcing the provisions of this Act, such number of persons as he may deem necessary and who shall be subject to his instructions. 1930, c. 60, s. 6.
Honorary fire wardens.

6. The Minister may accept nominations from the licensees of honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department. 1930, c. 60, s. 7.

Arrangements with owner for additional fire protection.

7.-(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of extra or special officers upon such land for the enforcement of this Act and the regulations.

(2) Every such appointment shall be made or approved by the Minister and, subject to the regulations, the persons so appointed may exercise and perform the powers and duties of fire rangers or other officers appointed for the enforcement of this Act.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. 1930, c. 60, s. 8.

Appointments.

Close season in fire districts.

8.—(1) Subject to the regulations the period from the 1st day of April to the 15th day of October in each year shall be known as the close season in respect to the setting out of fire.

(2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by the regulations. 1930, c. 60, s. 9.

Setting out fire in close season.

9. Every person who sets out fire for the purpose of clearing land, removal of waste or debris or who uses fire for industrial purposes in a fire district during the close season, except in accordance with the regulations shall be guilty of an offence against this Act. 1930, c. 60, s. 10.

Setting out fire contrary to regulations.

10. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

(a) for extending or restricting the close season for any or all of the fire districts in any year to such date as may be deemed necessary;

(b) for granting permits for the use of fire within any fire district, for clearing land, disposal of debris and other inflammable waste, and for industrial purposes; the conditions on which such permits may be granted; the precautions to be taken in the use of fire under
Sec. 11 (1). FOREST FIRES PREVENTION.

(1) Wherever the provincial forester finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in
control of the land to do what, in the opinion of the provincial forester, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

(2) The cost of any work done by the provincial forester or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the provincial forester by action in any court of competent jurisdiction.

(3) Any person who neglects or refuses to carry out any order or direction given by the provincial forester or any officer acting under the authority of subsection 1 shall be guilty of an offence against this Act. 1930, c. 60, s. 12.

12.—(1) During the close season in any year it shall be unlawful for any person, company or corporation in a fire district,—

(a) to use or operate within a quarter of a mile of any forest, slashing or bush land any locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil, which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act;

(b) to destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory or to operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations. 1930, c. 60, s. 13 (1).

(2) No railway company operating within the fire district shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. 1930, c. 60, s. 13 (2); 1937, c. 72, s. 25.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of
the provincial forester, grant an injunction against the use of any locomotive, engine, burner or destructor until it shall have been equipped with safety appliances to the satisfaction of the said officer. 1930, c. 60, s. 13 (3).

13. It shall be the duty of every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Railway Commissioners for Canada to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act. 1930, c. 60, s. 14.

14.—(1) In this section “owner” shall mean locatee, purchaser from the Crown, assignee, purchaser or occupant.

(2) Where it appears to the municipal council of a city, town or township in a provisional judicial district that the condition of any land in the municipality or adjacent thereto is by reason of unfinished clearing a source of danger from fire to property in the municipality, the council may cause a statement of the facts to be made to the provincial forester.

(3) The provincial forester shall make inquiry as to the conditions described by the council and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

(4) Where the provincial forester finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clean up the land or such part thereof or to such extent as the provincial forester may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

(5) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the land to be cleaned up and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

(6) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the
work and the corporation making such payment may there-
upon register or lodge in the proper registry or land titles
office, a declaration under the hand of the reeve or other head
and clerk of the municipality and the treasurer thereof and
having the corporate seal affixed thereto, declaring that the
municipal corporation claims a lien upon the land for the
amount so paid and interest thereon at the rate of seven per
centum per annum.

(7) If the land is patented and lies in territory without
municipal organization the municipal corporation doing the
work may register or lodge in the proper registry or land
titles office, a declaration to the same effect as the declaration
mentioned in subsection 6 under the hand of the reeve or other
head of the corporation and the treasurer thereof and having
the corporate seal affixed thereto, stating that the corporation
claims a lien upon the land for the amount of such expenses
with interest at the rate of seven per centum per annum from
the date of the declaration.

(8) Upon the registration or filing of the declaration men-
tioned in subsections 6 and 7, the municipal corporation making
the declaration shall have a lien upon the land for the amount
claimed and such lien shall have priority according to the
general law of Ontario and if the claim remains unpaid for a
period of three months after registration and filing the same
may be enforced by the sale of the land in the manner provided
for in the regulations. 1930, c. 60, s. 15.

15. It shall be the duty of the municipal corporation of
any organized township within the fire district to do all neces-
sary things to extinguish grass, brush or forest fires in the town-
ship and the costs and expenses thereof shall be borne by the
corporation of the township, provided that if the action taken
by the municipal corporation in fighting any such fires is in the
opinion of the local forest officer not adequate, the local forest
officer may do what, in his opinion, is necessary to control and
extinguish such fires and any costs and expenses incurred by
the Department in controlling or extinguishing such fires shall
be a debt due by the corporation of the township to the Depart-
ment and upon presentation of an account of such costs and ex-
penses certified by the Minister, the treasurer of the municip-
ality shall pay the same. 1933, c. 17, s. 2.

16. Upon satisfactory proof being furnished by the town-
ship that any fire has started on Crown land within the town-
ship half of the total cost of extinguishing such fire shall be
borne by the Department. 1933, c. 17, s. 3.
FOREST FIRES PREVENTION.

Sec. 20 (1).

17. (1) The Lieutenant-Governor in Council may appoint constables for the enforcement of the provisions of this Act, and may appoint one or more officers or agents of the Department justices of the peace for the purpose of taking cognizance of and dealing with offences against the provisions of this Act or the regulations made thereunder, and each officer and agent so appointed a justice of the peace shall have the jurisdiction of a justice of the peace in and for the territorial district specified in his commission.

(2) The Minister may appoint one or more constables for a period not exceeding seven months, for the carrying out of the provisions of this Act.

(3) A constable appointed under this section may, without warrant, arrest any person found violating any provision of this Act and take him before a justice or justices of the peace and there make complaint.

(4) For the purpose of controlling and extinguishing any fire, any officer or other employee of the Department may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit.

(5) Every person who refuses or neglects to render assistance when required under any of the provisions of this section shall be guilty of an offence against this Act. 1930, c. 60, s. 18.

18. Any person who throws or drops any burning match, ashes of a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing the same, and any person who discharges a gun within a fire district without seeing that the wadding from such gun is extinguished shall be guilty of an offence against this Act. 1930, c. 60, s. 19.

19. The provincial forester and every officer acting under his direction shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. 1930, c. 60, s. 20.

20. (1) Every person who shall without lawful authority destroy, deface or remove any notice posted under this Act or the regulations shall be guilty of an offence against this Act.
(2) Every person who shall without lawful authority destroy, injure, or remove any equipment placed in the forest for the purpose of protecting the forests from fire shall be guilty of an offence against this Act. 1930, c. 60, s. 21.

21. Every person who refuses or neglects to make proper effort to protect the property of which he is the owner against injury by fire shall be guilty of an offence against this Act, and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect against fire the property of the person thus in default, and the amount of such expense shall be recoverable with costs in an action brought by the Crown. 1930, c. 60, s. 22.

22. (1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, railway, tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an authorized officer of the Department may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to burning permits. 1930, c. 60, s. 23 (1); 1934, c. 17, s. 2 (1).

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall at the request of any officer of the Department immediately pile and, subject to the requirements of this Act concerning permits, burn the same. 1930, c. 60, s. 23 (2); 1934, c. 17, s. 2 (2).

(3) No person shall fell or permit to be felled trees or brush in such manner that said trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill, or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of the provincial forester, or other officer of the Department, be required.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control.
(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. 1930, c. 60, s. 23 (3-6).

23.—(1) Excepting where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall in addition to any other requirement be required to obtain from the provincial forester or other authorized officer a written permit before,—

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within the fire districts of the Province;

(b) operating within a quarter of a mile of any forest, slashing or bush land within the fire districts of the Province any mill for the manufacture of lumber, lath, shingles, sawn ties, veneer, cooperage stock or any other forest product or engaged in the cutting-up, barking or rossing of wood.

(2) The application for such permit shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation.

(3) The provincial forester or other authorized officer may in the interest of forest protection,—

(a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;

(b) require that any permittee carrying on any operation under and by virtue of this section maintain such fire fighting equipment in good repair and at specified locations as the provincial forester, or other authorized officer, may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;

(c) cancel at any time any permit issued under and by virtue of this section.

(4) In the event of any fire being proved to be caused by or as a result of the summer operations of any permittee operat-
ing under and by virtue of this Act, the permittee shall be required to bear the full cost of extinguishing the same.

(5) All permits shall expire on the 30th day of April next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder.

(6) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act.

(7) Where the provincial forester or other authorized officer finds any operation mentioned in subsection 1 being conducted without a permit he may, in addition to any penalty imposed, give notice that such operation must cease until the necessary permit has been secured, and any person, firm or corporation carrying on an operation after such notice has been given shall be subject to a fine of $25 for each and every day such operation is continued without a permit. 1930, c. 60, s. 24.

(8) The provincial forester may refuse to issue a permit under this section to any person, firm or corporation convicted of an offence under this section until such time as the said person, firm or corporation has furnished the Department with a bond in such amount and subject to such conditions as may be satisfactory to the provincial forester. 1934, c. 17, s. 3.

24.-(1) In addition to all other requirements of this Act or regulations thereunder every person, company or corporation carrying on woods operations during the close season on Crown lands shall supply a badge to every employee working on said operation and such badge shall bear such information as the Minister may deem necessary.

(2) The badge shall be worn at all times by the employee when on Crown lands, and it shall be an offence against this Act for a licensee or permittee to allow an employee to engage in such work without a badge, and shall also be an offence for employees supplied with badges to neglect or refuse to carry the same. 1930, c. 60, s. 25.

25.-(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about in such area during the close season shall previously obtain a permit.

(2) Such permit, called “travel permit” may be obtained without charge from the fire ranger of the place or from any other authorized person.
(3) No person shall travel about in such defined area without having previously obtained a permit.

(4) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act. 1930, c. 60, s. 26.

26. Persons using or travelling in the forest, shall upon request, give the fire rangers or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act. 1930, c. 60, s. 27.

27.—(1) Whenever in the opinion of the Minister it is deemed necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized, the Minister may make an order in writing setting out and delimiting the area to be closed and the period during which such closure shall be in force, and any other terms and conditions that may be necessary, and the Minister may from time to time extend such period and reduce or extend the area.

(2) The Minister may provide for such notice as may be possible under the circumstances, and shall publish a notice of such order setting out the area closed and the period of such closure in such papers as in the opinion of the Minister will give the greatest publicity. 1930, c. 60, s. 28.

28. Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than $25 and not more than $300, and in default of payment may be imprisoned for a term not exceeding ninety days and in addition shall be liable for the expense incurred by the Department in endeavoring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect. 1930, c. 60, s. 29; 1934, c. 17, s. 4.

29. Every person who violates any provision of this Act shall, in addition to the penalty otherwise provided in this Act, be liable to imprisonment for a period not exceeding ninety days. 1930, c. 60, s. 30.
30. Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. 1930, c. 60, s. 31.

31. The penalties imposed by this Act and the regulations shall be recoverable under The Summary Convictions Act. 1930, c. 60, s. 32.