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c 241 Forest Fires Prevention Act

Ontario

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CHAPTER 241.

An Act to preserve the Forests from
Destruction by Fire.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Forest Fires Prevention Act*. 3-4 Geo. V. c. 64, s. 1. Short title.

2. In this Act,

“Minister” shall mean the Minister of Lands, Forests and Mines. 3-4 Geo. V. c. 64, s. 2. Interpretation.
“Minister.”

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

(3) The Lieutenant-Governor in Council may by proclamation declare that such part of Ontario shall no longer be a fire district. 3-4 Geo. V. c. 64, s. 3. Revocation.

4. No person shall set out or start, or cause to be set out or started, any fire in or near the woods within any fire district between the 1st day of April and the 1st day of November in any year except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and where a fire is started for any such purpose the obligations and precautions imposed by this Act shall be observed. 3-4 Geo. V. c. 64, s. 4. Fires not to be started except for certain purposes and in certain periods.

5. Every person who, between the 1st day of April and the 1st day of November, sets out or starts a fire within a fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the setting out or starting of such fire and in the managing of and caring for it after it has been set out or started, in order to prevent the fire from spreading. 3-4 Geo. V. c. 64, s. 5. Precautions to be taken in case of clearing land.

6. Every person who, between the 1st day of April and the 1st day of November, within a fire district sets out or starts Precautions in case of cooking, etc.

a fire in a forest, or at a distance of less than half a mile therefrom, or upon any island, for cooking, obtaining warmth or for any industrial purpose, shall—

- (a) select a locality in the neighbourhood of which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves or resinous trees;
- (b) clear the place in which he is about to set out or start the fire by removing all vegetable matter, dead trees, branches, brush-wood and dry leaves from the soil within a radius of ten feet from the fire;
- (c) exercise and observe every reasonable care and precaution to prevent such fire from spreading and carefully extinguish the same before quitting the place. 3-4 Geo. V. c. 64, s. 6.

Precautions
in cases of
matches,
burning
substances,
etc.

7. Every person who throws or drops any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who discharges any fire-arm within such fire district shall be subject to the penalties imposed by this Act if he neglects completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. 3-4 Geo. V. c. 64, s. 7.

Act to be
read to em-
ployees by
heads of
surveys,
lumberers,
etc.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes within a fire district shall provide himself with a copy of this Act, and shall call his men together and cause the Act to be read in their hearing and explained to them at least once in each week during the continuance of such work or service. 3-4 Geo. V. c. 64, s. 8.

Precautions
as to loco-
motives.

9.—(1) Every locomotive engine used on any railway which passes through any part of a fire district shall be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engine; and the smoke-stack shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and the netting shall contain in each inch square at least eleven wires each way at right angles to each other.

Contraven-
tion.

(2) For every contravention of subsection 1 the company or person operating the railway shall incur a penalty of \$100. 3-4 Geo. V. c. 64, s. 9.

Duty of en-
gine drivers.

10. Every engine driver in charge of a locomotive engine passing over a railway within the limits of any fire district

shall see that all such appliances are properly used and applied so as to prevent as far as practicable the escape of fire from the engine. 3-4 Geo. V. c. 64, s. 10.

11. Every person who contravenes any provision of this Act, except those of section 9, shall incur a penalty not exceeding \$50. 3-4 Geo. V. c. 64, s. 11. Penalty.

12. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 64, s. 12. Recovery of penalties. Rev. Stat. c. 90.

13. Nothing in this Act shall limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. 3-4 Geo. V. c. 64, s. 13. Right of action for damages preserved.

14. For the more effectual prevention or suppression of fires on the land of the Crown not under timber license or other form of authority to cut and remove the timber therefrom the Minister may appoint such number of persons as he may see fit, to be called fire rangers, who shall be subject to his instructions, and shall be paid for their services out of any money appropriated by this Legislature and voted by the Assembly for that purpose. 3-4 Geo. V. c. 64, s. 14. Appointment of rangers for lands not under license. Remuneration.

15.—(1) Where land of the Crown is under timber license or other form of authority to cut and remove the timber therefrom the Minister may appoint such number of fire rangers as the timber licensee or holder of such other form of authority may request, and in the absence of such request, where in the opinion of the Minister such appointment is necessary in the public interest and for the carrying out of the purposes of this Act, he may appoint such number of fire rangers as he sees fit; and in such cases the remuneration to be paid such fire rangers and the expenses necessarily incurred by them in the performance of their duties shall be payable by the licensee or holder of such authority, or the Minister may pay the amount of such remuneration and expenses out of any money appropriated by this Legislature and voted by the Assembly for that purpose and may charge the timber licensee or holder of such authority with such amount, which shall be and remain a charge on the timber limit or other area covered by such authority until paid as fully and effectually as if the same were for unpaid timber dues or ground rent, and in respect of the recovery thereof the Minister shall have all the rights, powers and authority now possessed by him for the recovery of unpaid timber dues or ground rent. Appointment of rangers for lands under license. Remuneration.

(2) Where any such licensee or holder is desirous of having fire rangers appointed he shall submit to the Minister a list of persons for such appointment, and should any of such When licensee holder requests appointment of rangers.

persons in the opinion of the Minister be unfit for the duties of fire ranger he may refuse to appoint them, or after appointment may discharge them and may substitute suitable and qualified persons in their place.

Duties of
fire rangers.

(3) Every fire ranger shall have power in cases of danger or emergency to summon such help or assistance for the prevention or suppression of fire as he may deem necessary, and every person so summoned and assisting shall receive such reasonable remuneration for his services as, subject to the approval of the Minister, the fire ranger summoning him may deem proper; and all expenses so incurred and approved shall be deemed to have been necessarily incurred under the provisions of this Act and shall be payable in the manner provided by subsection 1.

Other duties
of fire
rangers.

(4) The fire rangers shall perform such other duties, receive such wages and be subject to such conditions as may be provided by regulations made by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 64, s. 15.

Government
agents to
enforce Act.

16. It shall be the special duty of every Crown land agent, woods and forest agent, free grant agent, bush ranger and fire ranger to enforce the provisions of this Act, and in all cases coming within his knowledge to prosecute every person guilty of a contravention of this Act. 3-4 Geo. V. c. 64, s. 16.

Temporary
appoint-
ment of
justices of
the peace
for the en-
forcement
of Act.

17.—(1) The Lieutenant-Governor in Council may by commission appoint for a limited period any Crown timber agent or wood or fire ranger a Justice of the Peace for the purpose of taking cognizance of offences against the provisions of this Act, and he shall be a Justice of the Peace in and for every county and district of Ontario, or shall have such other territorial jurisdiction as is specified in his commission.

Powers of
constable.

(2) The person so appointed may by writing under his hand appoint for a limited period one or more constables for the purposes of this Act who shall have all the powers, rights and privileges for such purposes of a constable under *The Constables Act*. 3-4 Geo. V. c. 64, s. 17.

Rev. Stat.
c. 94.

Appointment
of fire
rangers on
railway con-
struction
work.

18. During the construction and after the completion of any railway passing through any of the land of the Crown, whether under timber license or not, the Minister may appoint as many fire rangers as he may see fit, for the purposes of this Act, whose duty it shall be to enforce the provisions of this Act along and adjacent to the line of such railway, and the expenses incident to and connected with such fire ranging shall be a debt due to the Crown from the railway company concerned payable upon demand of the Minister. 3-4 Geo. V. c. 64, s. 18.