1970

c 179 Forest Fires Prevention Act

Ontario
CHAPTER 179

The Forest Fires Prevention Act

INTERPRETATION

1. In this Act,
   (a) "Department" means the Department of Lands and Forests;
   (b) "Minister" means the Minister of Lands and Forests;
   (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. 1968, c. 44, s. 1.

ADMINISTRATION

2. The administration of this Act is under the control and direction of the Minister. 1968, c. 44, s. 2.

3.—(1) This Act applies only to fire districts.
   (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. 1968, c. 44, s. 3.

4. The Minister may appoint officers for carrying out this Act and the regulations. 1968, c. 44, s. 4.

5.—(1) Subject to subsection 2, an officer may, for the purposes of this Act, enter into and upon any lands and premises.
   (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 14 of The Summary Convictions Act. 1968, c. 44, s. 5.
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. 1968, c. 44, s. 6.

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. 1968, c. 44, s. 7.

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. 1968, c. 44, s. 8.

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.

(2) The owner of the land mentioned in an appointment made under subsection 1 shall reimburse the Department for the salaries and expenses of the special officers. 1968, c. 44, s. 9.

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. 1968, c. 44, 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.

(2) Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 1,000 feet of a forest or woodland.

(3) Upon application therefor an officer may issue a 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.
(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. 1968, c. 44, s. 11.

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. 1968, c. 44, s. 12.

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

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

(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.

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

(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.

(4) A forest travel permit may be cancelled or suspended at any time by an officer. 1968, c. 44, s. 13.

14.—(1) The Minister shall provide for such notice as he considers necessary under the circumstances of any regulation made under clause b of section 36 in such newspapers and other media as in his opinion will give the greatest publicity.

(2) In any prosecution under section 12 or subsection 1 of section 13 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. 1968, c. 44, s. 14.
WORK PERMITS

15.—(1) Except under the authority of a work permit, no person shall, in or within 1,000 feet 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.

(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.

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

(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. 1968, c. 44, s. 15.

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. 1968, c. 44, s. 16.

(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. 1970, c. 13, s. 1.

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 1,000 feet 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 100 feet and such further distance as may be ordered by an officer. 1968, c. 44, s. 17.

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.

(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. 1968, c. 44, s. 18.

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 forest fires. 1968, c. 44, s. 19.

EXTINGUISHMENT 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. 1968, c. 44, s. 20.

21.—(1) Subject to an agreement made under section 19 and to subsection 2, every municipality in a fire district 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 Department 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.

(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 Department. 1968, c. 44, s. 21.

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. 1968, c. 44, s. 22.
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.

(2) An order made under subsection 1 is not a regulation within the meaning of The Regulations Act. 1968, c. 44, s. 23.

OFFENCES

24. No person shall hinder, obstruct or impede an officer in the performance of his duties. 1968, c. 44, s. 24.

25. No person shall refuse or neglect to provide any privately-owned equipment or to render assistance when required under section 7. 1968, c. 44, s. 25.

26. No person shall within one-half mile 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. 1968, c. 44, s. 26.

27. No person shall smoke while walking or working in a forest or woodland during the fire season. 1968, c. 44, s. 27.

28. No person shall throw or drop, in or within 1,000 feet of a forest or woodland,

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

(b) live coals; or

(c) hot ashes. 1968, c. 44, s. 28.

29. No person who discharges a fire-arm or flare in or within 1,000 feet of a forest or woodland shall leave any residue from the discharge unextinguished. 1968, c. 44, s. 29.

30. 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 Department for the purposes of fire prevention. 1968, c. 44, s. 30.

31. 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. 1968, c. 44, s. 31.

32. No person shall use or operate in or within 1,000 feet 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. 1968, c. 44, s. 32.
33. 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 mutatis mutandis to any railway that is subject to the legislative jurisdiction of the Province of Ontario. 1968, c. 44, s. 33.

**Penalties**

34.—(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 summary 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 Department in endeavouring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect. 1968, c. 44, s. 34 (1).

(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 Summary Convictions Act in respect of the disobedience, refusal or neglect, the provincial judge, 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. 1968, c. 44, s. 34 (2), amended.

(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. 1968, c. 44, s. 34 (3).

**Regulations**

35. The Lieutenant Governor in Council may make regulations,

(a) declaring parts of Ontario to be fire districts and declaring the name that each fire district 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. 1968, c. 44, s. 35.

36. The Minister may make regulations,

(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 district or any part of a fire district;

(b) declaring any fire district or part of a fire district 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. 1968, c. 44, s. 36.