



PROVINCE OF NEW BRUNSWICK

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N. B. REG. 70-42

A REGULATION

under the

FOREST FIRES ACT, 1970

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PRINTED AND PUBLISHED BY AUTHORITY OF
THE QUEEN'S PRINTER FOR THE PROVINCE

1970

Fredericton, N. B.

REGULATION 70 - 42
under the
FOREST FIRES ACT, 1970
(O. C. 70 - 278)

Filed April 22, 1970.

Under section 31 of the Forest Fires Act, 1970, the Lieutenant-Governor in Council makes the following Regulation:

1. In this Regulation,
 - (a) "Act" means the Forest Fires Act, 1970;
 - (b) "carelessness" includes
 - (i) the failure of a person to obtain a permit when required to do so by the Act,
 - (ii) the negligence of a person in allowing a fire to start, and
 - (iii) the failure of a person to do his utmost to prevent a fire from spreading; and
 - (c) "industrial camp" means a building or shelter used by a person while he is engaged in an industrial operation.
2. Sections 3 to 12 inclusive of this Regulation apply only during the fire season.

FIRE PREVENTION RESPECTING TENTS,
RECREATIONAL OR INDUSTRIAL CAMPS AND MOBILE
CAMPERS IN OR WITHIN FIFTY FEET OF FOREST LAND

3. Section 4 of this Regulation applies to all tents, recreational or industrial camps and mobile campers in or within fifty feet of forest land.

4. (1) No person shall erect or locate a tent, recreational or industrial camp or mobile camper within fifty feet of hazardous debris.

(2) No person shall allow hazardous debris to accumulate within fifty feet of a tent, recreational or industrial camp, or mobile camper.

(3) When a person vacates an industrial camp or a tent or mobile camper site, he shall leave it clean and free of all debris.

(4) When ordered by the District Forester, a person shall install a spark arrester of a type satisfactory to the District Forester, and shall maintain it in an efficient condition on the chimney, stovepipe or flue of a tent, recreational or industrial camp or mobile camper equipped with a stove in which solid fuels are burned.

(5) The occupier shall provide and maintain in good condition a barrel of water with a pail, a tank of water with a hand pump or another adequate fire extinguishing device or facility in or near his tent, recreational or industrial camp or mobile camper.

POWER SAWS WITHIN FOREST LAND

5. No person shall operate a powersaw within forest land unless

- (a) it is equipped with an exhaust muffler in functional condition; and
- (b) an accompanying fire extinguisher of a type approved by the District Forester, or a round point shovel is readily accessible to the operator.

DIESEL POWERED MACHINES IN OR WITHIN FIFTY FEET OF FOREST LAND

6. No person shall operate a diesel powered mobile or portable machine in or within fifty feet of forest land unless

- (a) it is equipped with an exhaust power supercharger;
- (b) all its exhaust gases pass through a baffled muffler; or
- (c) all its exhaust gases are discharged upward through an exhaust stack which terminates not less than six feet above ground level, and which has attached to its outlet a spark arresting device approved by the District Forester.

GASOLINE POWERED MACHINES IN OR WITHIN FIFTY FEET OF FOREST LAND

7. No person shall operate a gasoline powered mobile or portable machine in or within fifty feet of forest land unless

- (a) all its exhaust gases pass through a baffled muffler; or
- (b) all its exhaust gases are discharged upward through an exhaust stack which terminates not less than six feet above ground level.

FIRE FIGHTING ORGANIZATION ON INDUSTRIAL OPERATIONS

8. A person conducting an industrial operation shall
- (a) establish a pre-arranged plan of action to deal with any outbreak of fire; and
 - (b) assure that each employee designated in the plan of action is made fully aware of his responsibilities in case of fire.

FIRE FIGHTING EQUIPMENT ON INDUSTRIAL OPERATIONS

9. (1) Except where the District Forester has prescribed or approved specific alternatives, fire fighting equipment as outlined in Table I shall be carried on all industrial operations.
- (2) Equipment shall be maintained in proper working order and readily available to the general operating area, and shall not be used for any purposes other than fire fighting.
- (3) Except where the District Forester has approved an alternative in the deployment of initial fire suppression equipment within the immediate area where men are working on an industrial operation, water tanks equipped with hand pumps or other suitable containers with a capacity of not less than four imperial gallons shall be filled with water and strategically located in order that at least one tank or container is within two hundred feet of each man engaged in the cutting, yarding, skidding, slashing and loading operations in case of an outbreak of fire.
- (4) Equipment designated in subsection (3) shall be acceptable as part of the equipment requirements under subsection (1).

FOREST TRAVEL PERMITS

10. A Forest Service Officer shall
- (a) issue a forest travel permit only where exceptional circumstances require; and
 - (b) incorporate in that permit such conditions, provisions and restrictions as he deems advisable in the public interest.

COMMERCIAL REFUSE DUMPS IN OR WITHIN ONE-QUARTER MILE OF FOREST LAND

11. A commercial refuse dump in or within one-quarter mile of forest land shall be completely encircled by a fire guard, and such fire guard shall be

- (a) a minimum of fifty feet in width;
- (b) bared to mineral soil;
- (c) kept free of combustible material at all times; and
- (d) fenced as the District Forester may prescribe.

MINE, SAWMILL OR OTHER INDUSTRIAL PLANT SITES IN OR WITHIN ONE-QUARTER MILE OF FOREST LAND

12. A mine, sawmill or other industrial plant in or within one-quarter mile of forest land shall be completely encircled by a fire guard, and such fire guard shall be

- (a) located on the immediate perimeter of the mine, sawmill or other industrial plant site;
- (b) a minimum of fifty feet in width;
- (c) bared to mineral soil; and
- (d) kept free of combustible material and combustible structures at all times.

LIMITATION OF LIABILITY FOR FIRE FIGHTING EXPENSES

13. (1) Where a fire has burned because of the carelessness of an owner or operator or his employees, the owner or operator shall pay those fire fighting expenses incurred by the Forest Service, as the Minister may determine, up to a maximum of ten thousand dollars.

(2) The expenses incurred by the Forest Service in subsection (1) do not include those of the owner or operator in providing

- (a) his own aid, equipment and facilities; and
- (b) the services, equipment and facilities of his employees;

for fire fighting purposes until midnight of the fifth day of the suppression operation.

(3) Where a fire has started because of a lightning strike, and the Minister is satisfied that the owner or operator has complied with subsections (1) and (2) of section 20 of the Act, the liability of the owner to pay his own expenses shall be limited to those incurred by him up to midnight of the second day of the suppression operation.

REPEAL

14. Regulation 67-34 under the Forest Fires Act is repealed.

TABLE I

Crew Size - Men	Water Tank or Bag with Hand Pump	Motor Pump [*] with 2500' 1 1/2" Hose and Accessories	Shovels	Pails	Axes or Equivalent +	Grub Hoes or Equivalent +
3-5	1	1	2	1	1	1
6-10	2	1	4	2	2	1
11-20	3	1	8	4	4	2
21-30	5	1	12	6	6	3
31-40	8	1	16	8	8	4
41-50	12	1	20	10	10	5
51-60	15	2	24	12	12	6
61-70	18	2	28	14	14	7
71-80	21	2	32	16	16	8
81-90	24	2	36	18	18	9
91-100	27	2	40	20	20	10
Over 100	30	3	40	20	24	12

* Minimum of 12 gallons per min. at 150 lbs. pump pressure.

+ A Pulaski tool = 1 axe + 1 grub hoe.