

# **REVISED ORDINANCES OF THE NORTHWEST TERRITORIES 1956**

**Being a revision of the Consolidated Ordinances of the Northwest Territories, 1898, with the subsequent Public General Ordinances consolidated to the 1st day of August, 1956.**

**Published and Proclaimed to come into operation on the 1st day of August, 1956, by Order of the Commissioner of the Northwest Territories pursuant to Chapter 3 of the Ordinances of 1956 (1st Session).**



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QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1956.**

*Forest Protection*

**CHAPTER 38.**

**AN ORDINANCE RESPECTING THE  
PROTECTION OF FORESTS.**

**SHORT TITLE.**

1. This Ordinance may be cited as the *Forest Protection Ordinance* Short Title.

**INTERPRETATION.**

2. In this Ordinance,
- (a) "engine" means any steam locomotive, traction engine, logging, stationary or portable engine or other power producing plant or similar device; Definitions.  
"Engine".
- (b) "inflammable material" means trees, timber, brush, slash, grass, debris or other vegetation or things of a similar nature; "Inflammable material".
- (c) "forest area" means any uncultivated land that, by reason of the existence of trees, grass or other vegetation thereon, possesses timber, forage, recreational, wildlife or other value; "Forest area".
- (d) "forest officer" means a person appointed or authorized to be a forest officer under this Ordinance; "Forest officer".
- (e) "Forest Supervisor" means a person appointed as such under this Ordinance; and "Forest Supervisor".
- (f) "permit" means a valid and subsisting permit issued under this Ordinance. "Permit".

**APPOINTMENT, POWERS AND DUTIES OF OFFICERS.**

3. The Commissioner may appoint a person to be a Forest Supervisor to supervise the carrying out of this Ordinance. Forest Supervisor.

4. (1) The Commissioner may appoint persons to be forest officers for the purpose of carrying out this Ordinance. Appointment of forest officers.

(2) Members of the Royal Canadian Mounted Police Force and any persons who are game officers under the *Game Ordinance* are *ex officio* forest officers under this Ordinance. Ex officio officers.

5. A forest officer, other than a member of the Royal Canadian Mounted Police Force, shall, before acting as such, take and subscribe to the following oath: Oath of office.

"I, \_\_\_\_\_, a forest officer appointed or authorized under the *Forest Protection Ordinance*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such forest officer according to the true intent and meaning of the *Forest Protection Ordinance* and of regulations made at any time thereunder. So help me God."

Duties and powers of Forest Supervisor.

6. (1) The Forest Supervisor shall supervise the carrying out of this Ordinance and may issue such orders and directions not inconsistent therewith as he deems necessary for that purpose and may, without restricting the generality of the foregoing,

- (a) specify and direct the quantity and type of tools, pumps, hose and other fire-fighting appliances and equipment or safety devices to be used by persons operating any engine or conducting any logging or other industrial operation in the Territories;
- (b) demand that any person who carries on any operation whereby any inflammable material is created or accumulated shall dispose of such material in a manner approved by the Forest Supervisor;
- (c) specify and direct the clearance of space around the site of an operation referred to in paragraphs (a) and (b);
- (d) declare any inflammable material that he deems to be a danger to life or property to be a public nuisance and by written notice direct that it be disposed of to the satisfaction of the Forest Supervisor by the owner, occupant or person using the land upon which such material exists;
- (e) where, in his opinion, the safety of life and property in any area of the Territories is endangered through hazardous conditions of vegetation or by the occurrence or spread of fires, by order in writing, declare such area to be a closed district, prohibit such activities therein as he deems conducive to the occurrence or spread of fire and prohibit the entry of such persons or classes of persons as he deems advisable; and
- (f) by written notice, direct the owner or occupier of lands on which inflammable material exists that, in his opinion, is so infected with disease or injurious insects as to constitute a menace to forest resources to dispose of such material as set out in such notice.

May enforce carrying out of orders, etc.

(2) The Forest Supervisor may enter upon any lands and cause any direction, demand, notice or order given by him to be carried out and, if not carried out by the person to whom it is directed, cause it to be carried out by such other person as he may direct.

Has same rights as forest officers.

(3) The Forest Supervisor shall have all the rights and powers given to forest officers under this Ordinance.

Service of notice.

(4) Any direction, demand, notice or order given by the Forest Supervisor under this section or otherwise is lawfully served when a copy thereof has been forwarded by registered mail to the last known address of the person to whom it is addressed or personally served upon such person or posted up in two conspicuous places on the lands affected by it, but a declaration of a closed area need not be served.

Right of officers to enter property.

7. (1) Every forest officer or other person assisting him may, in connection with any fire patrol or other lawful exercise of his duties under this Ordinance, enter into or upon any lands or premises, other than a dwelling house, at any time.

(2) Every forest officer may arrest without warrant and take <sup>Summary</sup> before a justice of the peace any person that he finds in the act <sup>arrest.</sup> of violating this Ordinance.

8. Any permit referred to in any provision of this Ordinance <sup>Issue of</sup> may be issued by the Commissioner, the Forest Supervisor or a <sup>permits.</sup> forest officer and may incorporate such conditions or restrictions as the person issuing it deems necessary.

REGULATIONS.

9. The Commissioner may make such orders or regulations, <sup>Regulations.</sup> not inconsistent with this Ordinance, as he deems necessary to carry out this Ordinance or to meet any cases for which this Ordinance does not provide and may, without restricting the generality of the foregoing, make regulations

- (a) governing or prohibiting the issue of permits;
- (b) prohibiting the setting out, spreading or kindling of fires, under permit or otherwise, in any part of the Territories for any period he deems expedient;
- (c) exempting any part of the Territories from any provision of this Ordinance for any period he deems expedient;
- (d) prescribing the nature and requirements of fire prevention or fire-fighting devices including those designed to
  - arrest the emission of sparks from chimneys or other spark emitting outlets; and
- (e) providing for the cancellation or suspension of any permit upon conviction of the holder thereof for an offence against this Ordinance.

GENERAL PROTECTION AND PROHIBITIONS.

10. No person shall leave the vicinity of a fire, other than a <sup>To extinguish</sup> fire kindled in a stove, furnace or other device suitably designed <sup>fires before</sup> and capable of confining it, that he has set out, started or kindled <sup>leaving them.</sup> until he has totally extinguished it.

11. No person who uses any explosive or throws any lighted <sup>Use of ex-</sup> or smouldering substance within a forest area or within one-half <sup>plosives, etc.,</sup> mile of a forest area shall leave the vicinity until he has made <sup>near forest</sup> certain that such explosive or substance is extinguished or rendered <sup>area.</sup> harmless.

12. Every person who sets a fire out of doors shall select a <sup>Sites for open</sup> site as free from inflammable material as possible and shall exer- <sup>fires to be</sup> cise every reasonable precaution to prevent the fire from spreading. <sup>carefully</sup> <sup>chosen.</sup>

13. (1) Where directed to do so by the Forest Supervisor <sup>Clearance of</sup> under paragraph (c) of subsection (1) of section 6, the owner or <sup>space around</sup> person in charge of a camp, mine, sawmill, or other logging or <sup>camp, etc.</sup> industrial operation shall clear and keep clear of inflammable material such space surrounding the site of the camp, mine, sawmill or other logging or industrial operation or any part of it as he is directed.

Clearance of right-of-way.

(2) Subject to this Ordinance, every person clearing a right-of-way for a road, trail, tote road, ditch, flume, telephone, telegraph, power or pipe line shall burn on the right-of-way all inflammable material as rapidly as clearing progresses and weather conditions permit or at such time as the Forest Supervisor may direct.

Not to leave inflammable material on land of others.

(3) No person clearing land shall engage in lumbering or logging operations or fell trees, brush or other inflammable material in such a way that it will be left on land not owned, leased or otherwise held by him.

Duty to extinguish and report fires.

14. (1) Every person who discovers a fire within or within one-half mile of a forest area shall take all steps available to him to extinguish it and shall report it or cause it to be reported to the nearest forest officer by the speediest available means of communication, whether or not he believes such fire to be completely extinguished.

Duty to supply information.

(2) Every person shall, when requested to do so by a forest officer, supply all the information that he has respecting a forest fire to such officer.

Duty to assist forest officers, etc.

15. (1) The owner or occupant of land upon which a fire is burning out of control and any person carrying on any land clearing, lumbering or other operation thereon shall use every means available to him to extinguish the fire and prevent its spread and shall, at his own expense, place his services and those of his employees and agents at the disposal of a forest officer for that purpose.

To cease operations.

(2) No person referred to in subsection (1) shall continue to carry on or shall resume any operation on land on which a fire is out of control until he has received the written permission of a forest officer to do so.

Closed districts.

16. Where an area has been declared a closed district under this Ordinance, no person who is by such declaration prohibited from entering such area shall enter it and no person who may enter shall carry on any activity prohibited by the declaration, unless in either case he has received written permission from a forest officer to do so.

Compliance with orders.

17. Where any person has received a written direction, notice or order under this Ordinance, he shall forthwith comply with its terms.

Not to obstruct forest officer.

18. (1) No person shall hinder, obstruct or impede any forest officer or other person in the performance of his duties under this Ordinance.

Not to deface notices.

(2) No person shall, unless authorized to do so, destroy, deface or remove any order or notice posted up by a forest officer as a fire warning or posted up for any other purpose under this Ordinance.

Not to damage or remove tools or equipment.

(3) No person shall without lawful authority damage or remove any tools or equipment placed in a forest area for fire protection purposes.

19. (1) No person shall violate any provision of this Ordinance or any term or condition of a permit issued or any regulation, notice or order made under this Ordinance and a violation of a condition or term of a permit or of a regulation, notice or order shall be deemed to be, and shall be punishable as, a violation of this Ordinance. Not to violate Ordinance, permits or regulations.

(2) Every person who fails to fulfil a duty or perform an act imposed or required by or under this Ordinance, violates this Ordinance. Failure to perform duty.

CLOSE SEASON.

20. (1) In every year, a period commencing with the 1st day of May and ending with the 30th of September, both dates inclusive, shall be a close season throughout the Territories. Close season.

(2) The Commissioner may, if he considers that there is unusual danger of forest fires, issue an order extending or varying the close season in any year. Extension.

21. No person shall, unless he has been issued a permit so to do, set out, start or kindle any fire during the close season within or within one-half mile of a forest area for the purpose of clearing land or removing inflammable material, but a fire may be kindled or started to dispose of inflammable material in any device suitably designed for and capable of confining the fire. Not to clear land in close season.

22. Where any engine is being operated within or within one-half mile of a forest area in a close season, the person in charge thereof shall ensure that the fire in and around the fire box is completely extinguished before leaving the engine unattended. Fires not to be left in engines.

23. (1) No person shall, during a close season, within or within one-half mile of any forest area, Requirements for engines.

- (a) operate an engine that is not equipped with a safe and efficient device for arresting sparks and for preventing the escape of fire or live coals from ashpans and fireboxes;
- (b) operate a steamboat on any water in the Territories unless it is equipped with a safe and efficient device for arresting sparks;
- (c) burn any wood waste in any burner or destructor unless it is equipped with a safe and efficient device for arresting sparks; or
- (d) use or operate any engine or thing referred to in this section or conduct any logging or other industrial operation unless he has available such tools, pumps, hose and other fire-fighting appliances and equipment as may be directed by the Forest Supervisor.

(2) The engineer in charge of an engine, or any operation referred to in this section is responsible for the maintenance and use of fire-fighting appliances and equipment in connection therewith. Engineer in charge responsible.

Use of engines may be suspended after offence.

(3) Where a prosecution is instituted for violation of this section, a judge may prohibit the further use of the engine or thing involved pending the outcome of the proceedings or until such engine or thing is equipped with such safety appliances or devices as may be approved by the Forest Supervisor.

ASSISTANCE IN FIGHTING FIRES.

May employ or summon assistance.

24. (1) The Forest Supervisor or any forest officer, judge or justice of the peace may, where he considers it necessary, employ or summon the assistance of any male person who

- (a) is not less than eighteen and not more than sixty years of age, and
- (b) is not physically unfit for the purpose, a medical practitioner or a person essential to transport or communication services,

for the purpose of controlling or extinguishing fires.

Duty to assist.

(2) No person lawfully summoned or employed under subsection (1) shall refuse or fail to render assistance when called upon to do so.

Payment for assistance.

25. The Commissioner may recommend payment, out of moneys made available for that purpose, for services rendered by persons rendering assistance pursuant to section 24, but such payment shall be subject to the following restrictions:

- (a) no payment shall be made to persons who render assistance in the fighting of fires that immediately threaten the place or property in which such persons work or which they own or occupy;
- (b) where persons are employed in fire-fighting within ten miles of the place in which they reside and are not required to remain away from such place overnight, they shall not be paid more than one-half of the prevailing hourly rate for ordinary labour plus board;
- (c) persons employed other than those referred to in paragraphs (a) and (b) may be paid at the prevailing rate for ordinary labour plus board unless the Commissioner recommends increased payments by reason of such person being an experienced supervisor or an operator of mechanical equipment;
- (d) no person shall be paid for assisting in fighting a fire that is not within a forest area; and
- (e) no person shall be paid an amount in excess of the amount recommended by the Commissioner.

PENALTIES.

Penalty for violation of section 24.

26. (1) Every person who violates section 24 is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding two hundred dollars and, in default of payment thereof, to imprisonment for a term not exceeding two months.

(2) Every day during which a person violates section 24 may be treated as a separate offence. Each day may be separate offence.

27. Every person who violates a provision of this Ordinance for which no other penalty is provided is guilty of an offence and is liable, upon summary conviction, to a fine of not less than twenty-five dollars and not exceeding one thousand dollars or to imprisonment for a term of not less than thirty days and not exceeding two years or to both fine and imprisonment. General penalty.

28. In addition to any other penalty that may be imposed upon a person upon his conviction for an offence under this Ordinance, Her Majesty may, in any court of competent jurisdiction, take proceedings to recover from such person all expenses incurred by Her Majesty in controlling or extinguishing a fire that originated or resulted by reason of such offence. Crown may recover expenses caused by an offence.

29. Where a person refuses to perform any duty under this Ordinance and it is necessary to have that duty performed by another person, Her Majesty may, in any court of competent jurisdiction, take proceedings to recover from the person in default the expenses incurred by Her Majesty by reason of such default. Recovery where person fails to carry out duty.

30. An information with respect to any violation of this Ordinance shall be laid before the expiration of twelve months from the time of such violation. Limitation of time for prosecution.

CIVIL REMEDIES PRESERVED.

31. Nothing in this Ordinance or in any order, permit or regulation made hereunder shall limit or interfere with the right of any person to bring civil proceedings for damage occasioned by fire. Civil right to sue not affected.