

1969 Bill 67

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 67

An Act to amend The Forests Act, 1961

THE MINISTER OF LANDS AND FORESTS

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

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An Act to amend The Forests Act, 1961

(Assented to _____, 1969)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Forests Act, 1961* is hereby amended.

2. Section 48 is amended by striking out subsection (3) and by substituting the following:

(3) Subject to this Act and the regulations, a fire permit authorizes the permittee to set out fire only in accordance with and subject to such terms and conditions as the issuing officer or honorary fire guardian, as the case may be, may write thereon.

3. Section 49 is amended

(a) as to subsection (1) by striking out the words “, and may contain such other terms and conditions as the issuing officer deems necessary”,

(b) as to subsection (2) by adding after the words “by an officer” the words “or an honorary fire guardian, as the case may be”,

(c) by adding the following after subsection (2):

(3) The Minister may by order

(a) cancel, or

(b) suspend for a fixed period or until further order,

all fire permits issued under this Act with respect to

(c) the entire Province, or

(d) any part of the Province,

and the order shall be immediately published by means of radio broadcast or by television broadcast, or both where available, at least twice a day

Explanatory Notes

1. This Bill amends chapter 32 of the Statutes of Alberta, 1961.

2. Section 48 (3) presently reads:

(3) A fire permit gives authority to the permittee to set out fire only according to the regulations and the terms and conditions printed on the permit.

3. Section 49 presently reads:

49. (1) A fire permit may be limited as to duration and area, but in any event expires in the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer deems necessary.

(2) 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 set out under the permit.

The Minister given overriding power of cancellation or suspension.

for at least two consecutive days on networks that regularly serve the area to be affected by the order.

(4) Upon being notified of a cancellation or suspension order made under subsection (3),

(a) every permittee shall immediately extinguish any fire set out under the permit, and

(b) every person shall extinguish every open outdoor fire set by him or under his authority or located on land owned or occupied by him.

4. Section 52 is amended by adding the following after clause (e) :

(f) clearing land for any purpose other than those mentioned in clauses (b) and (c), or

(g) any other activity, whether or not involving the clearing of land or construction and whether or not commercial in nature, declared by the Lieutenant Governor in Council to be an activity to which this section applies.

5. Section 65*b* is struck out and the following is substituted:

65*b*. Every person who

(a) lights an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times, or

(b) lights an outdoor fire when weather conditions are conducive to a fire readily escaping out of control, or

(c) fails to take reasonable steps to suppress a fire for the purpose of preventing it from spreading onto land other than his own, or

(d) neglects to immediately report to the nearest officer, honorary fire guardian or appropriate city, town or village authority, the fact and location of a fire that is out of control,

is guilty of an offence.

6. This Act comes into force on the day upon which it is assented to.

4. Section 52 presently reads:

52. Where fire originates in any area in which any person either by himself or his employees or someone on his behalf, is carrying on,

- (a) any logging, mining or industrial operation, or
- (b) clearing of land for a right of way for any road, trail, tote-road, ditch or flume, or for any microwave installation, telephone, telegraph, power or pipe line, or
- (c) clearing land to be flooded for water storage purposes, or
- (d) constructing a dam, bridge or camp or any other woods operation of any kind, or
- (e) operating any mill for the purpose of manufacturing timber,

in the absence of reasonable evidence that the fire may have occurred from causes other than such operations, except where the person has entered into an agreement under section 59, the onus is upon that person to prove that the fire did not result from such operations, and in the absence of such proof that person shall bear the full cost of controlling and extinguishing the fire.

5. Section 65b presently reads:

65b. Any person who fails to prevent a fire on land owned or occupied by him from spreading to other land or fails to keep the fire under control, or fails to keep a fire under control that is under his charge or custody, or under the charge or custody of a servant, agent or contractor, is guilty of an offence.