



Province of Alberta

# **FOREST AND PRAIRIE PROTECTION ACT**

Revised Statutes of Alberta 2000  
Chapter F-19

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Office Consolidation

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### Note

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### Regulations

The following is a list of the regulations made under the *Forest and Prairie Protection Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Forest and Prairie Protection Act</b>		
Fire Control Zone .....	29/2005	15/2014
Forest and Prairie Protection .....	60/2017	
Forest and Prairie Protection (Ministerial) .....	65/2017	
Forest Protection Area .....	149/99	354/2003, 351/2009, 180/2011
Non-permit Areas .....	53/2000	206/2001, 10/2005, 84/2007, 170/2012, 10/2015

# **FOREST AND PRAIRIE PROTECTION ACT**

## **Chapter F-19**

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

#### **Definitions**

**1** In this Act,

- (a) “burning hazard” means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or property or damage property;
- (a.1) “Crown” means the Crown in right of Alberta;
- (a.11) “director” means a director under the *Forests Act*;
- (a.2) “fire guardian” or “guardian” means an individual who is a fire guardian under, and is subject to any limitations provided for in, section 4;

- (a.3) “fire hazard” means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may ignite or be ignited and that, if it ignites or is ignited, could create a burning hazard;
- (a.4) “fire season” means the period of time in a year determined under section 17 to be the fire season for that year;
- (b) “forest officer” or “officer” means a forest officer under the *Forests Act*;
- (b.01) “forest pest” means any biological entity that injures, harms or otherwise impairs the health of trees or forest ecosystems or has the potential to do so;
- (b.1) “forest protection area” means an area or the area designated under section 41(c);
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (d) “municipal district” includes a special area;
- (e) “occupied public land” means public land held by a person under a disposition from the Crown, and “unoccupied public land” means public land not so held;
- (e.1) “off-highway vehicle” has the meaning assigned to it in the *Traffic Safety Act*;
- (f) “permit area” means an area of land that has not been designated by the Minister as a non-permit area;
- (g) “public land” means land belonging to the Crown;
- (g.1) “rolling stock” means
  - (i) any locomotive or railway car that operates on track, and
  - (ii) any other vehicle that by design or by the way it is equipped is capable of being operated on track;
- (h) “urban municipality” means a city, town or village (including a summer village) and includes an urban service area of a specialized municipality.

RSA 2000 cF-19 s1;2003 c20 s2;2016 c22 s2

**Application of Act**

- 2** This Act applies to all land within Alberta except

- (a) land within the boundaries of an urban municipality where there is no specific provision in this Act to the contrary, and
- (b) land owned by the Government of Canada in respect of which the Minister has not entered into a fire control agreement under section 6(b).

RSA 2000 cF-19 s2;2003 c20 s3;2007 c15 s1

**Responsibility for fire fighting expenditures**

**2.1(1)** For the purposes of any provision of this Act that entitles the Minister or any other person to reimbursement from any person responsible for a fire for the costs and expenses of fighting a fire or that requires any such person responsible to reimburse the Minister or any other person for the costs and expenses of fighting the fire,

- (a) the person who caused the fire,
- (b) the person who directed the lighting of the fire,
- (c) the person who was otherwise responsible for the fire,
- (d) the person who owned the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied, and
- (e) the person who was in control of the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied,

are jointly and severally liable to the Minister or that other person, as the case may be, for the reimbursement of the costs and expenses of fighting the fire.

**(2)** Subsection (1) does not affect the rights of any of the persons referred to in subsection (1)(a) to (e) under any other law to seek contribution from other persons so referred to who may be liable for the costs and expenses under law.

2003 c20 s4

**Delegation of powers**

**3(1)** The Minister may in writing delegate to any employee of the Crown employed in the Minister's Department or to any individual who is a forest officer by virtue of holding any other office any power, duty or function conferred on the Minister by this Act other than the power to make regulations under section 42.

(2) When, pursuant to subsection (1), the Minister delegates to any person any power, duty or function, any reference in this Act to the Minister in connection with that power, duty or function is to be construed as also referring to that person.

RSA 2000 cF-19 s3;2003 c20 s5

#### **Fire guardians**

**4(1)** The Minister may appoint fire guardians and specify their powers and duties.

(2) Each year in time for the beginning of the fire season, the council of a municipal district shall appoint, for a term not exceeding one year, with effect from the beginning of the fire season, a sufficient number of fire guardians to enforce this Act within the boundaries of the municipal district, except that part of the municipal district that is within a forest protection area.

(3) The chief elected official, each councillor and the chief administrative officer are by virtue of their offices fire guardians in and for the municipal district except that part of the municipal district that is within a forest protection area.

RSA 2000 cF-19 s4;2003 c20 s6;2016 c22 s3

#### **Protection of Crown**

**5** Nothing in this Act imposes any obligation on

- (a) the Minister to fight fires on any land, or
- (b) the Crown to pay compensation for any property destroyed or damaged by a fire or as a result of fighting a fire.

RSA 1980 cF-14 s5

#### **Fire control agreements**

**6** The Minister may, with a view to ensuring the prevention and control of forest and prairie fires, enter into an agreement, known as a fire control agreement,

- (a) with any person carrying on an industrial or commercial operation over, under, on or adjacent to public land with respect to that operation,
- (b) with the Government of Canada with respect to land in or adjacent to Alberta that belongs to that Government or that is under its administration and control,
- (c) with the government of any province or territory, or

- (d) with the council of a municipal district or urban municipality with respect to land within its boundaries or under its control.

RSA 2000 cF-19 s6;2003 c20 s7

#### **Responsibility of municipal districts**

**7(1)** The council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district except that part of the municipal district that is within a forest protection area, and the costs and expenses shall be paid by the municipal district, subject to its right to recover them under section 9(3).

- (2)** Repealed 2003 c20 s8.

RSA 2000 cF-19 s7;2003 c20 s8;2016 c22 s4

#### **Payment of municipal expenses**

**8(1)** The Minister is not obligated to reimburse a municipal district for any money spent by it in controlling or extinguishing a fire on any land but the Minister may reimburse the council of a municipal district for any part of the costs and expenses in controlling or extinguishing a fire on unoccupied public land.

- (2)** Repealed 2003 c20 s9.

RSA 2000 cF-19 s8;2003 c20 s9;2016 c22 s5

#### **Fighting fires**

**9(1)** The Minister may fight a fire within a municipal district or an urban municipality where it appears to the Minister that satisfactory action to control and extinguish the fire is not being taken by that municipality and that the fire might damage public land.

**(2)** Where the Minister incurs costs and expenses as a result of fighting a fire within a municipal district or urban municipality under subsection (1), that municipality shall on demand reimburse the Minister for the entire cost or such part of it as the Minister directs.

**(3)** The persons who are responsible for a fire shall on demand reimburse the Minister, the municipal district or the urban municipality, as the case may be, for the costs and expenses of fighting the fire.

RSA 2000 cF-19 s9;2003 c20 s10;2003 c42 s7

#### **Control of fire hazards**

**10(1)** If the council of a municipal district finds within its boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard or a burning hazard, it may order the owner or the person in control of the land

on which the hazard exists to reduce, remove or eliminate the hazard within a fixed time and in a manner prescribed by the council.

(2) When the council of a municipal district finds that the order it made pursuant to subsection (1) has not been carried out, it may enter on the land with any equipment and persons it considers necessary and may perform the required work.

(3) The owner or the person in control of the land on which work was performed pursuant to subsection (2) shall on demand reimburse the council of the municipal district for the cost of the work performed and in default of payment the council has a lien for the amount against the land and improvements on it.

RSA 2000 cF-19 s10;2003 c20 s11;2016 c22 s6

### **Railway operations**

**11(1)** In this section,

- (a) “railway legislation” has the meaning assigned to that term in the *Railway (Alberta) Act*;
- (b) “railway operator” means a person who owns or is otherwise responsible for the control, management or operation of rolling stock or track.

(2) Without limiting any of its duties under this Act or the railway legislation, a railway operator has the duties and liabilities provided for in this section.

(3) Where a fire originates in the right of way, or within the distance prescribed by the regulations outside each boundary of the right of way, on which the track rails are located,

- (a) each railway operator shall
  - (i) take immediate and appropriate physical action to fight and extinguish the fire, and
  - (ii) report the fire, as soon as practicable, to the Crown in the manner provided for by the regulations,

and

- (b) the Crown, or a municipal district or urban municipality in the case of a fire within its boundaries, may take action to fight the fire if no satisfactory action to fight it has yet been taken by the railway operators.

(4) Each railway operator

- (a) is jointly and severally liable for all costs and expenses of and incidental to fighting a fire referred to in subsection (3), and
  - (b) shall, on demand, reimburse the authority referred to in subsection (3)(b) for all costs incurred in fighting the fire.
- (5) Section 2.1(2) applies with respect to railway operators among themselves.

RSA 2000 cF-19 s11;2003 c20 s12;2016 c22 s7

#### **Collection of fire fighting costs**

**12** When in any case not provided for by this or any other Act, or by an agreement under section 6, the Minister incurs costs and expenses as a result of fighting or suppressing a fire on any land not excluded by section 2, the Minister is entitled on demand to be reimbursed for those costs and expenses by the persons responsible for the fire.

RSA 2000 cF-19 s12;2003 c20 s13;2003 c42 s7

#### **Conscription for fire fighting**

**13(1)** A forest officer or a fire guardian may require any able-bodied adult person not exempted by regulations to assist in fighting a fire.

**(2)** A forest officer or fire guardian may commandeer and authorize payment for the possession or use of any equipment for the purpose of fighting a fire.

**(3)** A forest officer or fire guardian may in writing delegate the forest officer's or fire guardian's powers under subsections (1) and (2) to any person.

RSA 1980 cF-14 s13

#### **Closure of forest areas**

**14(1)** The Minister may, by order, close to public entry any land or prohibit the operation of equipment or off-highway vehicles on any land where the Minister considers that a fire hazard or a burning hazard warrants the closure or prohibition.

**(2)** An order under subsection (1) must be communicated immediately to the public by a means that the Minister considers most likely to bring the matter to the attention of the public.

**(3)** Subject to the regulations, until the Minister, by order, rescinds the order made under subsection (1),

- (a) a person who is not a forest officer or fire guardian shall not enter on any land closed to public entry under subsection

(1), or remain on that land, without a permit or the written permission of a forest officer, and

(b) a person shall not carry out any activity or operate equipment or an off-highway vehicle on any land on which that activity or operation is prohibited by an order made under subsection (1).

(4) Lack of communication pursuant to subsection (2) is not available as a defence to a person who has had actual notice of the order.

(5) For the purposes of subsection (4), actual notice of an order includes but is not limited to any oral notification from any person to the affected person that adequately informs the affected person generally of the contents and effect of the order.

(6) The *Regulations Act* does not apply to an order made under subsection (1) or (3).

RSA 2000 cF-19 s14;2003 c20 s14;2016 c22 s8

#### **Information by forest travellers**

**15** Every person who is exercising powers or performing duties under this Act or the regulations shall at the request of a forest officer or fire guardian give the person's name, address and an account of the person's activities and route or the activities the person proposes to carry out and the route the person intends to follow.

RSA 2000 cF-19 s15;2003 c20 s15

#### **Aircraft on lakes**

**16** When a lake is used by aircraft carrying on fire bombing operations, no person shall, without the prior permission of the Minister, venture on or into the water beyond 30 metres from the nearest water's edge.

RSA 1980 cF-14 s16

#### **Fire season**

**17(1)** The period from March 1 to October 31 in each year is the fire season for the purposes of this Act.

(2) The Minister may at any time extend or shorten the fire season for any area of Alberta.

RSA 2000 cF-19 s17;2016 c22 s9

#### **Outdoor fires**

**18(1)** No person shall light or cause to be lit an outdoor fire during the fire season on land in a permit area unless that person is the holder of a subsisting fire permit.

**(2)** No person shall during a fire season allow any outdoor fire that is not authorized by a permit issued to the person on land that is

- (a) in a permit area, and
- (b) owned or occupied by the person or under the person's control.

**(3)** A person who during a fire season knows or has reason to believe that there is an outdoor fire, not authorized by a permit issued to the person, on land that is within a permit area and is owned or occupied by the person or under the person's control, shall

- (a) extinguish the fire, or
- (b) if the person is unable to extinguish the fire, immediately report the fire to a forest officer, an employee of the municipality in which the fire is located or a member of the Royal Canadian Mounted Police.

**(4)** This section does not apply to an outdoor fire that

- (a) is attended and has been lit for cooking or warming purposes,
- (b) is a flare stack used in the petroleum industry, or
- (c) is prescribed by the regulations.

RSA 2000 cF-19 s18;2003 c20 s16

#### **Fire permits**

**19(1)** A forest officer or a fire guardian appointed by the Minister may in the forest officer's or fire guardian's discretion issue to an applicant a fire permit in respect of any land.

**(2)** A fire guardian appointed by a municipal council may in the fire guardian's discretion issue to an applicant a fire permit in respect of any land within the boundaries of that municipal district except that part of the municipal district that is within a forest protection area.

**(3)** A fire permit is valid only for the period for which it is issued.

**(4)** A forest officer or fire guardian issuing a fire permit may endorse on the permit any special fire control conditions with which the applicant must comply in addition to this Act and the regulations.

RSA 2000 cF-19 s19;2016 c22 s10

**Suspension or cancellation of fire permit**

**20** A fire permit may be suspended or cancelled at any time by a forest officer or a fire guardian and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to the person's permit.

RSA 1980 cF-14 s20

**Fire control orders**

**21(1)** For the purpose of fire control the Minister may, by order,

- (a) suspend or cancel within any part or all of Alberta all fire permits, or
- (b) prohibit the lighting or require the extinguishing of a fire set other than under the authority of a fire permit.

**(2)** An order under subsection (1) must be communicated immediately to the public by a means that the Minister considers most likely to bring the matter to the attention of the public.

**(3)** In an area affected by an order made pursuant to subsection (1), every person shall immediately proceed to extinguish every open outdoor fire lit by the person or under the person's authority and every fire located on land occupied or owned by the person.

**(4)** Section 14(4) and (5) apply with respect to an order under subsection (1).

**(5)** The *Regulations Act* does not apply to an order made under subsection (1).

RSA 2000 cF-19 s21;2003 c20 s17;2016 c22 s11

**Prohibitions**

**22** No person shall

- (a) light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times,
- (b) light an outdoor fire when any fire hazard or burning hazard is conducive to a fire readily escaping out of control,
- (c) fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than the person's own,
- (d) deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire,  
or

- (e) conduct in a forest protection area any activity that involves the use of fire or that might reasonably be expected to cause a fire, unless the person exercises reasonable care to prevent a fire from occurring.

RSA 2000 cF-19 s22;2003 c20 s18

#### **Fire control plans**

**23(1)** A person carrying on or having charge of an industrial or commercial operation on public land or within one kilometre of any public land shall at the request of a forest officer submit a fire control plan satisfactory to the forest officer, within the time determined by the forest officer.

**(2)** If a person referred to in subsection (1) fails to comply with the request of the forest officer within the time determined by the forest officer, the Minister may, by order, suspend the industrial or commercial operation of the person until a fire control plan satisfactory to the forest officer has been submitted to the forest officer.

RSA 2000 cF-19 s23;2003 c20 s19;2016 c22 s12

#### **Fire fighting equipment**

**24** A person carrying on or having charge of an industrial or commercial operation in or within one kilometre of any public land shall have on hand fire fighting equipment in accordance with the regulations capable of controlling and suppressing any fire that may occur directly or indirectly as a result of the operation.

RSA 2000 cF-19 s24;2003 c20 s20

#### **Fire hazards**

**25** Any person who creates a fire hazard or burning hazard in any manner shall reduce, remove or eliminate the hazard in the manner prescribed by the regulations.

RSA 2000 cF-19 s25;2003 c20 s21

#### **Order to reduce or remove hazard**

**26(1)** Where a forest officer finds on any land conditions that the forest officer considers to be a fire hazard or a burning hazard, the forest officer may order the owner or the person in control of the land to reduce, remove or eliminate the hazard within the time and in the manner that the forest officer orders.

**(2)** When a forest officer finds that an order the forest officer made pursuant to subsection (1) has not been carried out in accordance with the forest officer's order, the forest officer may enter on the land with any equipment and persons the forest officer considers necessary and may perform the required work.

(3) The owner or the person in control of the land on which work was performed pursuant to subsection (2) shall on demand reimburse the Minister for the cost of the work performed.

RSA 2000 cF-19 s26;2003 c20 s22;2016 c22 s13

#### **Interference with fire control operations**

**26.1** A person shall not, unless authorized under this Act or another enactment, operate equipment, machinery, a vehicle, an aircraft or a vessel in a manner that interferes with or might interfere with the carrying out of fire control operations under this Act.

2016 c22 s14

#### **Operation of equipment or off-highway vehicles**

**26.2** Where a forest officer considers that an activity carried on by a person or the operation of equipment or an off-highway vehicle by a person on any land creates or might create a fire hazard or burning hazard, the forest officer may order the person to cease carrying on the activity or operating the equipment or off-highway vehicle for the period of time that the forest officer considers appropriate.

2016 c22 s14

#### **Precautions**

**27** An urban municipality in or bordering on a forest protection area shall take all necessary precautions that the Minister orders to prevent and suppress fires on land within its boundaries or under its control.

RSA 2000 cF-19 s27;2003 c20 s23

#### **Forest pest management**

**28** The Minister may carry out on any land, including land within the boundaries of an urban municipality, any measures that the Minister considers advisable for the prevention and control of a forest pest.

RSA 2000 cF-19 s28;2003 c20 s24;2016 c22 s15

#### **Initiation of fire for control purposes**

**29** Notwithstanding anything in this Act, a forest officer may, for the purpose of protecting timber, reducing fire hazards or managing wildlife habitat or for any other purpose relating to the administration of this Act, start a fire or cause a fire to be started under the forest officer's direction

- (a) on any Crown land, or
- (b) on any other land if, in the forest officer's opinion, the exigencies of the situation require such a fire.

RSA 2000 cF-19 s29;2003 c20 s25

**Oil and gas pollution clean-up operations**

**30** The Minister, on the request of any Minister or agency of the Government charged with responsibility in relation to pollution related to the oil and gas industry in Alberta, may authorize the use of employees and equipment of the Minister's Department for clean-up operations necessitated by the pollution and in that event forest officers and fire guardians may

- (a) require any able-bodied adult person not exempted by regulations to assist in clean-up operations, and
- (b) commandeer and authorize payment for the possession or use of any equipment for clean-up operations.

RSA 1980 cF-14 s29

**Entry and inspection powers**

**31(1)** A forest officer or fire guardian may without a warrant, at any reasonable time, enter on and inspect any land and premises, except a private dwelling house, for the purpose of exercising powers or performing duties under this Act or the regulations.

**(2)** A forest officer or fire guardian may without a warrant enter any private dwelling house that is on fire and proceed to fight the fire.

RSA 2000 cF-19 s31;2003 c20 s26

**Enforcement powers**

**31.1** In the course of and for the purpose of exercising powers under section 31(1), the forest officer may do any or all of the following:

- (a) require the production of any documents that are related to the purpose for which the officer is exercising any such power and make copies of or take extracts from any such documents;
- (b) require that anything be operated, used or set in motion under conditions specified by the officer;
- (c) use any machine, structure, material or equipment in order to carry out the inspection referred to in section 31(1), including the use of any computer system to examine data contained in or available to the computer system and of any copying equipment to make copies;
- (d) take samples of any substance or thing;
- (e) conduct tests or take measurements;
- (f) record or copy any information by any method;

- (g) reproduce any record from data in the form of a printout or other intelligible output;
  - (h) take any photographs or audio-video records;
  - (i) make reasonable inquiries of any person orally or in writing.
- 2003 c20 s27

**Seizure**

**31.2(1)** A forest officer may, without a warrant, seize anything that is produced to that officer or that is in plain view during an inspection under section 31(1) if that officer has reasonable grounds to believe that an offence against this Act has been committed and that the thing will afford evidence of the commission of that offence.

(2) The officer may remove the thing seized or may detain it in the place where it is seized and shall deal with it in the same manner as if it were seized under the authority of a warrant.

2003 c20 s27

**Vehicle, rolling stock, aircraft or vessel**

**31.3(1)** For the purposes of the administration or enforcement of this Act, a forest officer may, without a warrant, stop and inspect any vehicle, rolling stock, aircraft or vessel that the officer reasonably believes is or has been used in the commission of an offence against this Act.

(2) The operator of a vehicle, rolling stock, an aircraft or a vessel shall stop it when required to do so by an individual who is readily identifiable as a forest officer.

2003 c20 s27

**Diseased and infested products**

**31.4(1)** A forest officer may, without a warrant, seize any thing that the forest officer has reasonable grounds to believe harbours a forest pest.

(2) The Minister may order the destruction of a thing seized under subsection (1).

(3) No right of compensation exists against the Crown or any person in respect of anything destroyed under subsection (2), but the Minister may provide such compensation in the amount or at the value that the Minister considers fair for the destroyed thing.

2003 c20 s27;2016 c22 s16

**Investigation of cause, etc. of fire**

**32(1)** Any forest officer or fire guardian or any person so authorized by the Minister may investigate the cause, origin and circumstances of any forest or prairie fire.

**(2)** Without limiting subsection (1), a person making an investigation under subsection (1) may, without a warrant, for the purposes of the investigation,

- (a) enter on any land or premises at any reasonable time, accompanied by any person or bringing with the person any thing that the person considers would be of assistance in making the investigation,
- (b) perform or have performed any tests the person considers necessary on the land or premises or anything on them, and
- (c) remove anything from the land or premises
  - (i) that is reasonably pertinent to the matter under investigation, or
  - (ii) that the investigator considers, on reasonable and probable grounds, is or may be evidence of the commission of an offence against this Act.

**(2.1)** A forest officer or a fire guardian may, for the purposes of an investigation, temporarily cordon off or secure an area of land or premises and prohibit any person from entering or remaining in the area or premises until the investigation is completed.

**(2.2)** A person shall not enter an area or premises that have been cordoned off or secured under subsection (2.1) without first obtaining the permission of a forest officer or fire guardian.

**(3)** The investigator shall, on or before the completion of the investigation, return to the person entitled to it anything removed under subsection (2)(c) unless

- (a) it is required as evidence in a prosecution arising out of the investigation, or
- (b) for any other reason it is impossible or impractical to return it.

**(4)** The investigator shall, if so requested, produce to the person owning or in charge of the land or premises or of anything being tested or removed under subsection (2) evidence of the investigator's appointment as a forest officer or fire guardian or of the authorization under subsection (1).

(5) If entry by the investigator or any other person referred to in subsection (2)(a) on the land or premises is refused, the investigator may make an application to a justice, and if it appears to the justice, on information laid before the justice on oath, that there are reasonable and probable grounds for believing that entry is needed for the purposes of ensuring a proper investigation under this section, the justice may issue a warrant authorizing the investigator and any such other person, by force if necessary, to

- (a) enter on the land or premises, and
- (b) perform any other activity referred to in subsection (2).

(6) Before exercising any powers under subsection (2)(b) or (c), an investigator shall make reasonable efforts to obtain the co-operation of the owner or person in charge of the land or premises.

(7) In this section, “land or premises” includes vehicles and buildings, whether affixed to the land or not, but does not include a private dwelling.

RSA 2000 cF-19 s32;2016 c22 s17

### **Recovery of costs and expenses**

**33(1)** Where an authority is entitled to be reimbursed for or to recover any costs or expenses under this Act or the regulations, those costs or expenses are a debt due and payable on demand to that authority, or to the Crown where the authority is the Minister, and are recoverable by that authority or by the Crown in an action in debt against the person who is liable under that legislation for those costs or expenses.

(2) In an action by the Minister to recover the costs and expenses of fighting or suppressing a fire, a copy of an entry in a book or record kept in the Minister’s Department, or a copy of an itemized statement of costs and expenses prepared in the Minister’s Department, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the entry or statement and of the matters, transactions and accounts recorded in it.

(3) Subsection (2) does not apply unless it is first proven

- (a) that, in the case of an entry in a book or record,
  - (i) the book or record was at the time of the making of the entry one of the ordinary books or records of the Department,
  - (ii) the entry was made in the usual and ordinary conduct of the Department’s affairs,

- (iii) the book or record is in the custody or control of an employee in the Department, and
  - (iv) the copy is a true copy,
- and
- (b) that, in the case of an itemized statement of costs and expenses,
    - (i) it was prepared from the ordinary books or records of the Department and from any other records in the Department relating to the costs and expenses of fighting or suppressing one or more fires,
    - (ii) the statement is in the custody or control of an employee in the Department, and
    - (iii) the copy is a true copy.

RSA 2000 cF-19 s33;2003 c20 s28

**Compensation for loss or damage to timber, etc.**

**34** The Minister is entitled on demand to be compensated by any person who without express authorization from the Minister causes any loss or damage to Crown timber or other forest growth on Crown land.

1991 c14 s8

**Prohibitions**

**35** Unless authorized by the Minister, no person shall use except in an emergency, damage, destroy or remove any sign, tool, equipment, material or structure left, situated or erected by the Minister or any employee of the Minister's Department pursuant to this Act or the regulations.

RSA 1980 cF-14 s33

**False statements**

**36** No person shall provide false or misleading information when information is required to be provided by that person under this Act.

RSA 2000 cF-19 s36;2016 c22 x18

**Offences and penalties**

**37(1)** A person who contravenes this Act or the regulations or fails to comply with an order under this Act or a condition of a permit issued under this Act is guilty of an offence and liable

- (a) in the case of an individual, to a fine of not more than \$50 000 or to imprisonment for a period of not more than one year or to both fine and imprisonment, or

- (b) in the case of a corporation, to a fine of not more than \$500 000.

**(2)** A person who knowingly contravenes this Act or the regulations or knowingly fails to comply with an order under this Act or a condition of a permit issued under this Act is guilty of an offence and liable

- (a) in the case of an individual, to a fine of not more than \$100 000 or to imprisonment for a period of not more than 2 years or to both fine and imprisonment, or
- (b) in the case of a corporation, to a fine of not more than \$1 000 000.

RSA 2000 cF-19 s37;2016 c22 s19

#### **Liability of directors, officers and agents of corporation**

**37.1** Where it is proved to the satisfaction of the court trying a case that a corporation has contravened a provision of this Act or the regulations, whether or not the corporation has been prosecuted for the contravention, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the contravention or alleged contravention by the corporation is also a party to and guilty of the offence relating to it and is separately liable to the penalty provided for the offence.

2003 c20 s29

#### **Additional powers of court to make orders**

**37.2(1)** If a person is convicted of an offence against this Act, the court, having regard to the nature of the offence and the circumstances surrounding its commission, may, in addition to any other penalty imposed, order the offender

- (a) to do nothing that might result in the continuation or a repetition of the offence,
- (b) to take any action the court considers appropriate to remedy or prevent any damage or further damage that results or might result from the act or omission that constituted the offence,
- (c) to publish, in the manner directed and at the offender's cost, the facts relating to the conviction,
- (d) to notify any person aggrieved or affected by the offender's conduct of the facts relating to the conviction, in the manner directed and at the offender's cost,

- (e) to post a bond or pay money into court in an amount that will ensure compliance with an order made under this section,
- (f) on application to the court by the Minister made within 3 years after the date of the conviction, to submit to the Minister any information with respect to the conduct of the offender that the court considers appropriate in the circumstances,
- (g) to compensate the Minister in whole or in part for the cost of any action carried out by the Crown that was made necessary by the act or omission that constituted the offence,
- (h) to perform community service, or
- (i) to comply with any other conditions the court orders for securing the offender's good conduct and preventing the offender from repeating or continuing the same offence or committing other offences against this Act.

(2) Where a court has made an order under subsection (1), the court may, on application by the offender or the Minister of Justice and Solicitor General, require both of them to appear before it and, after hearing both, may make any or all of the following orders if the court considers that circumstances have changed so as to warrant such an order:

- (a) an order changing the existing order;
- (b) an order relieving the offender from compliance with all or any portion of the existing order;
- (c) an order reducing the term of the existing order;
- (d) an order extending the term of the existing order for an additional period not exceeding one year.

(3) Before making an order under subsection (2), the court may direct that notice be given to any persons the court considers to be interested, and the court may hear any such persons.

(4) Where an application under subsection (2) has been heard, no other application under that subsection may be made with respect to the proceeding except with permission of the court.

2003 c20 s29;2013 c10 s34;2014 c13 s50;2016 c22 s20

#### **Compensation for loss of property**

**37.3(1)** Where a person is convicted of an offence against this Act, the court may, at the time sentence is imposed and on the

application of a person aggrieved, order the offender to pay to that person an amount by way of compensation for loss of or damage to property suffered by that person as a result of the commission of the offence.

(2) The person in whose favour an order is made under subsection (1) may file the order with the clerk of the Court of Queen's Bench and, on filing, the order may be enforced as if it were a judgment of the Court of Queen's Bench in civil proceedings.

2003 c20 s29

#### **Limitation of time for prosecution**

**37.4(1)** A prosecution in respect of an offence against this Act may not be commenced later than 2 years after the date on which evidence of the alleged offence first came to the attention of a forest officer appointed under section 2(2) of the *Forests Act* who is designated in writing by the Minister for the purposes of this section.

(2) A copy of a designation under subsection (1), or of a statement by the Minister as to a forest officer's designation under that subsection, shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it.

2003 c20 s29

#### **Administrative penalties**

**37.5(1)** Where a director is of the opinion that a person has contravened a provision of this Act or the regulations, failed to comply with an order made under this Act or failed to comply with a condition of a permit that is specified for the purposes of this section in the regulations, the director may, subject to the regulations, by notice in writing given to that person require that person to pay to the Government an administrative penalty in the amount set out in the notice for each contravention or failure to comply.

(2) A notice of administrative penalty may require the person to whom it is directed to pay either or both of the following:

- (a) a daily amount for each day or part of a day on which the contravention or failure to comply occurs or continues;
- (b) a one-time amount to address economic benefit where the director is of the opinion that the person has derived an economic benefit directly or indirectly as a result of the contravention or failure to comply.

(3) An administrative penalty referred to in subsection (2)(a) may not exceed \$10 000 for each contravention or for each day or part

of a day on which the contravention occurs or continues, as the case may be.

(4) A notice of administrative penalty must be served within 2 years after the date on which evidence of the alleged contravention or failure to comply first came to the attention of a forest officer.

(5) Subject to the right to appeal a notice of administrative penalty, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

(6) A person who pays an administrative penalty in respect of a contravention or failure to comply shall not be charged with an offence under this Act in respect of the contravention or failure to comply described in the notice of administrative penalty.

2016 c22 s21

#### **Appeal of administrative penalty**

**37.6(1)** A person served with a notice of administrative penalty may appeal the imposition of or the amount of the administrative penalty, or both, by submitting a notice of appeal of administrative penalty in accordance with the regulations to the appeal body established or designated by the regulations.

(2) Subject to the regulations, the appeal body referred to in subsection (1) may make rules governing its own procedure and business.

(3) The *Regulations Act* does not apply to rules made under subsection (2).

(4) An appeal under subsection (1) must be dealt with in accordance with the regulations and the rules made under subsection (2).

2016 c22 s21

#### **Reimbursement for fire fighting costs**

**38(1)** In addition to any fine imposed under section 37, at the request of the Crown, the court may order the convicted person to reimburse the Minister or any other person, or both, for the fire fighting costs involved as a debt to the Minister or person, and in that event the court shall determine those costs.

(2) An order made pursuant to subsection (1) may be entered with the Clerk of the Court of Queen's Bench and on entry may be

enforced by the Minister in the same manner as a judgment debt of the Court.

**(3)** Subsection (1) does not apply to the extent that a convicted person who is a party to a fire control agreement with a person or an entity referred to in section 6 is relieved from liability for the fire fighting costs by that agreement.

RSA 2000 cF-19 s38;2003 c20 s30;2016 c22 s22

### **Injunctions**

**39** In disposing of a complaint brought by the Crown in respect of the use or operation of any machinery, equipment or installation that creates a fire hazard, notwithstanding any fine that is imposed, the court may grant an injunction restraining the use of the machinery, equipment or installation complained of until the Minister has approved its use.

RSA 1980 cF-14 s37

### **Civil action unaffected**

**40** Subject to section 5, the common law right to bring and maintain a civil action for damages caused by fire is not affected by this Act.

RSA 2000 cF-19 s40;2016 c22 s23

### **Protection from liability**

**40.1** No action lies and no proceeding may be brought against the Crown, the Minister, a director or a forest officer, or any person acting under the direction of the Crown, the Minister, a director or a forest officer, for damages resulting from any order or decision under this Act or the regulations made in good faith by the Crown, the Minister, the director, the forest officer or the person.

2016 c22 s23

### **Regulations**

**41** The Lieutenant Governor in Council may make regulations

- (a) respecting the issue and use of permits;
- (b) respecting forest fire prevention and control measures to be observed;
- (c) designating any part of Alberta as a forest protection area and respecting control measures applicable to it;
- (d) respecting the prevention and control of forest pests;
- (d.1) defining any word or expression that is used but not defined in this Act;

- (e) respecting the imposition of administrative penalties referred to in section 37.5, including regulations
  - (i) respecting notices of administrative penalty and their form and contents;
  - (ii) prescribing contraventions or failures to comply in respect of which an administrative penalty may be imposed and, subject to section 37.5(3), prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed;
  - (iii) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of the system of administrative penalties;
- (e.1) respecting the form and contents of a notice of appeal of administrative penalty referred to in section 37.6(1);
- (e.2) designating a body as the appeal body, or respecting the establishment of an appeal body, for the hearing of appeals from notices of administrative penalty referred to in section 37.6(1);
- (e.3) respecting the conduct of appeals before the appeal body referred to in section 37.6(1), including regulations
  - (i) respecting the applicability of the rules of evidence in judicial proceedings to hearings before the appeal body;
  - (ii) empowering the appeal body to proceed when a party to the appeal fails to appear at or attend a hearing;
  - (iii) empowering the appeal body to require the production of any record, object or thing;
  - (iv) respecting the awarding of costs;
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

RSA 2000 cF-19 s41;2003 c20 s31;2016 c22 s24

**Regulations****42** The Minister may make regulations

- (a) respecting the disposal of debris and waste materials;
- (b) respecting the use of airstrips on public land for fire fighting purposes;

- (c) establishing and otherwise respecting training programs and facilities;
- (d) respecting the conduct of fire fighting operations;
- (e) respecting the conduct of pollution clean-up operations;
- (e.1) prescribing the distance and providing for the manner of reporting for the purposes of section 11(3);
- (e.2) prescribing outdoor fires for the purposes of section 18(4);
- (f), (g) repealed 2016 c22 s25;
- (h) respecting the amounts and types of fire fighting equipment required by industrial or commercial operations operating in or within one kilometre of public land;
- (i) respecting the manner of reducing fire hazards;
- (j) respecting precautions to be taken to prevent and suppress fires in a forest protection area;
- (k) designating any part of Alberta as a non-permit area.

RSA 2000 cF-19 s42;2003 c20 s32;2016 c22 s25



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