

Penalties of Infraction

Part 1: Provincial Offences Act

Item	Short Form	Provision creating or defining offence	Set Fine
1	Set or maintain unauthorized Open Air Burning	2.1	\$150
2	Permit to be set or maintain unauthorized Open Air Burning	2.1	\$150
3	Fail to produce Open Air Burning Permit	3.1(2)b)	\$150
4	Fail to conduct Open Air Burning in Outdoor Fire Container between 4:00pm and midnight	3.1(2)(c)	\$150
5	Fail to burn clean, dry wood	3.1(2)(d)	\$150
6	Burn in Outdoor Fire Container volume of combustible material greater than 46 cm wide by 46 cm long by 30 cm high	3.1(2)(e)	\$150
7	Fail to locate Outdoor Fire Container at least 3 m from building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article	3.1(2)(f)	\$150
8	Fail to locate Outdoor Fire Container on non-combustible surface extending beyond unit	3.1(2)(g)	\$150
9	Fail to conduct Open Air Burning for Cooking Fire between 11:00am and 7:00pm	3.2(2)(a)	\$150
10	Fail to burn clean, dry, wood, charcoal or briquettes	3.2(2)(b)	\$150
11	Fail to locate Open Air Burning for Cooking Fire at least 3 m from building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article	3.2(2)(c)	\$150
12	Fail to commensurate to the type and quantity of food being cooked	3.2(2)(d)	\$150
13	Fail to produce Open Air Burning Permit – fires greater than 46cm wide x 46cm long x 30cm high	3.3(2)(b)	\$150

The Corporation of the Town of St. Marys
Schedule A – By-law 90-2017
Being a By-law to Regulate Open Air Burning

14	Fail to conduct Open Air Burning (fires greater than 46cm wide x 46cm long x 30cm high) between 8:00am and 8:00pm	3.3(2)(c)	\$150
15	Fail to burn clean, dry wood	3.3(2)(d)	\$150
16	Have Open Air Burning (fires greater than 46cm wide x 46cm long x 30cm high) fire larger than 1 m long x 1 m wide x 1 m high	3.3(2)(e)	\$150
17	Fail to locate Open Air Burning (fires greater than 46cm wide x 46cm long x 30cm high) at least 10 m from building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article	3.3(2)(f)	\$150
18	Fail to locate Open Air Burning (fires greater than 46cm wide x 46cm long x 30cm high) at least 5 m from any combustible ground cover	3.3(2)(g)	\$150
19	Fail to allow Officer to inspect location or proposed location of Open Air Burning	3.4.(a)	\$150
20	Fail to have legal title to property when Open Air Burning	3.4(b)	\$150
21	Fail to obtain prior written consent of legal property owners when Open Air Burning	3.4(b)	\$150
22	Fail to have at least one person attend, control and supervise the Open Air Burning at all times who is 18 years old	3.4(c)	\$150
23	Fail to use a non-combustible container for an Open Air Burning	3.4(d)	\$150
24	Fail to contain Open Air Burning within non-combustible container at all times	3.4(d)	\$150
25	Burn Noxious Materials	3.4(e)	\$150
26	Fail to have extinguishing agent available for use	3.4(f)	\$150
27	Fail to attend, control or supervise Open Air Burning at all times	3.4(g)	\$150
28	Fail to completely extinguish the Open Air Burning before the site is vacated	3.4(h)	\$150
29	Conduct Open Air Burning during strong wind	3.4(i)	\$150
30	Conduct Open Air Burning when it is raining or foggy	3.4(j)	\$150
31	Conduct Open Air Burning when the Air Quality Health Index is at High Risk	3.4(k)	\$150

The Corporation of the Town of St. Marys
Schedule A – By-law 90-2017
Being a By-law to Regulate Open Air Burning

32	Fail to ensure Open Air Burning does not create nuisance	3.4(o)	\$150
33	Conduct Open Air Burning during a Fire Ban	4.2	\$150
34	Allow Open Air Burning during a Fire Ban	4.2	\$150
35	Contravene Order to Discontinue Activity	9.4	\$300
36	Contravene Order to Extinguish	9.5	\$300
37	Hinder, obstruct or interfere with an Officer appointed to enforce this by-law	9.6	\$300
38	Ignite or use a Flying Lantern	9.7	\$150

NOTE: The penalty provisions for the offences listed above is Section 10 of by-law 90-2017, a certified copy of which has been filed.