

CITY OF TIMMINS

**AMENDED BY**  
**BY-LAW 2002-5724**

BY-LAW NO. 1995-4487

BEING A BY-LAW to prohibit the use of Engine Compression Exhaust Style Brakes on Highways within the City of Timmins where the maximum speed is 70 kilometres per hour or less

WHEREAS Section 210 (138) of The Municipal Act, R.S.O. 1990, c. M.45, provides that by-laws may be passed by the Councils of all municipalities for prohibiting or regulating, noises likely to disturb the inhabitants,

AND WHEREAS Section 210 (123)(a) of The Municipal Act, R.S.O. 1990, c. M.45, provides that by-laws may be passed for the regulating of traffic on the Highways within the Municipality;

AND WHEREAS the Council of the Corporation of the City of Timmins considers it desirable to pass a by-law to prohibit and regulate the use of Engine Compression Exhaust Style Brakes on highways within the City of Timmins.

NOW THEREFORE the Council of the Corporation of the City of Timmins enacts as follows:

1. In this By-law, "Engine Compression Exhaust Style Brake means a system by which vehicle braking is achieved by using the engine compression stroke to slow the vehicle drive wheels and is accomplished by opening the exhaust valve at or near the end of the compression stroke thereby turning the power producing engine into a power absorbing air-compressor.
2. (1) No person shall at any time apply an Engine Compression Exhaust Style Brake on any highway under the jurisdiction of the Corporation of the City of Timmins where driving a vehicle at a greater rate of speed than 70 kilometres per hour is prohibited,  
  
(2) Notwithstanding subsection 1, no person shall at any time apply an Engine Compression Exhaust Style Brake on Highway 101 from Crawford Street (Ward 2) to Bourke Lane (Ward 4).
3. (1) Every person who contravenes any provision of this by-law is guilty of an offence, the Municipal Act, R.S.O. 1990 Chapter 45, Section 320.  
  
(2) Every person who is convicted of an offence is liable to a fine of not more then \$5,000.00 as provided for in the Provincial Offences Act R.S.O. 1990 Chapter P.33, as amended.
4. This by-law shall come into force and take effect upon the date of final passing.

READ a first, and second time this 25th day of September, 1995.

(SGD) VICTOR M. POWER  
MAYOR

(SGD) R. J. WATSON  
CLERK

READ a third time and finally passed this 16th day of October, 1995.

(SGD) VICTOR M. POWER  
MAYOR

CERTIFIED TRUE COPY  
OF BY-LAW NO. 1995-4487

(SGD) R. J. WATSON  
CLERK

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DEPUTY CLERK