

BY-LAW No. 2007-05

***Being a By-law to prohibit the use of Engine
Compression Exhaust Style Brakes (Jake
Brake) within a residential area or quiet zone)
within the Township of Dubreuilville.***

WHEREAS the Municipal Act 2001, section 129(1) authorizes the Council to pass a by-law to prohibit and regulate noise; and

WHEREAS the Council of the Corporation of the Township of Dubreuilville considers it desirable to pass a by-law to prohibit and regulate the use of Engine Compression Exhaust Style Brakes in any residential areas or quiet zones within the Township of Dubreuilville;

BE IT THEREFORE RESOLVED THAT The Corporation of the Township of Dubreuilville enacts as follows:

1. In this By-law, an Engine Compression Exhaust Style Brake (Jake 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. No person shall at any time apply an Engine Compression Exhaust Style Brake (Jake Brake) on any street of the municipality which is located in a residential area or quiet zone, including rue de l'Eglise and rue des Pins.
3. Every person who contravenes any provisions of this by-law shall be guilty of an offence and shall be liable, upon conviction, to such fine as is provided for in the provisions of the Provincial Offences Act.

READ and PASSED this 23rd day of January 2007.


MAYOR


CLERK

1900

By order of the Board of Supervisors
of the County of ...

Attest my hand and seal of office this ... day of ... 1900

...

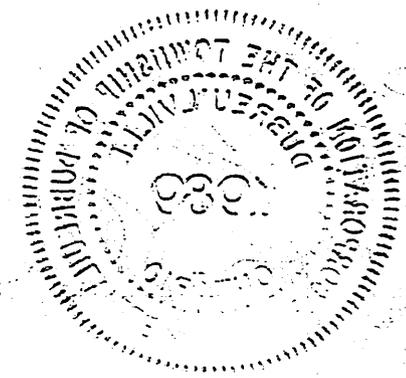
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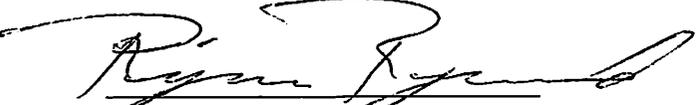
WHEREAS the Municipal Act 2001, section 129(1) authorizes the Council to pass a by-law to prohibit and regulate noise; and

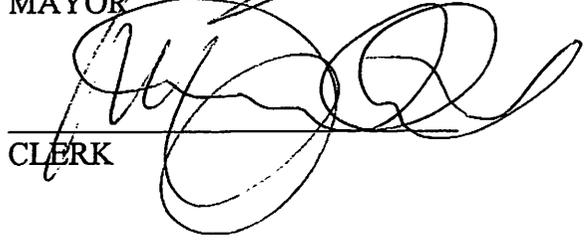
WHEREAS the Council of the Corporation of the Township of Dubreuilville considers it desirable to pass a by-law to prohibit and regulate the use of Engine Compression Exhaust Style Brakes in any residential areas or quiet zones within the Township of Dubreuilville;

BE IT THEREFORE RESOLVED THAT The Corporation of the Township of Dubreuilville enacts as follows:

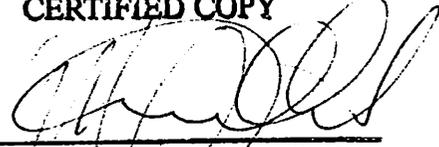
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MAYOR

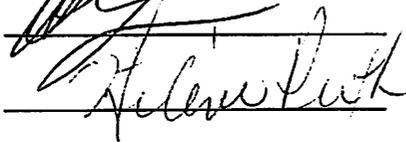

CLERK

CERTIFIED COPY


Clerk, Township of Dubreuilville

COUNCIL RESOLUTION



Moved By: 
Seconded By: 

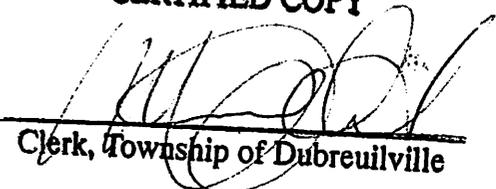
DATE: February 13, 2007

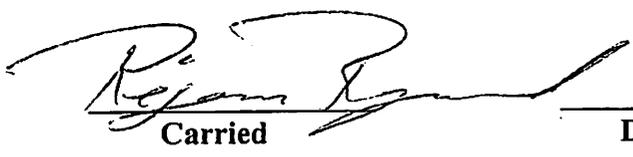
Resolution No. 07-057

That the inter-office memo dated February 8, 2007 from the CAO/Clerk in regards to set fines for the prohibited use of Engine Compression Exhaust Style Brakes be received; and

That the CAO/Clerk be authorized to request approval from the Attorney General for "Engine Compression Exhaust Style Brakes" offences as per By-Law No. 2007-05.

CERTIFIED COPY


Clerk, Township of Dubreuilville



Carried

Defeated

Deferred

RECORDED VOTE:

YES

NO

Councillor Patrick Gendron

Councillor Jeff Hoffmann

Councillor Alain Lacroix

Councillor Héléne Perth

Mayor Réjean Raymond

Declaration of Pecuniary Interest and General Nature Thereof:



Inter-office memo

To: Members of Council
From: Monique Ouellet, CAO/Clerk
Date: February 8, 2007
Re: Set Fines for the prohibited use of Engine Compression Exhaust Style Brakes

By-law No. 2007-05, Section 2, deals specifically with Engine Compression Exhaust Style Brake (Jake Brake) offences. The offence being the use of engine compression exhaust style brakes (Jake Brakes) on any street of the municipality which is located in a residential area or quiet zone, including rue de l'Eglise and rue des Pins.

Given the nature of this offence, it is most desirable for the court, By-Law Enforcer and offenders if ticket could be issued. Currently, the by-law requires the By-Law Enforcer to enforce by way of summons. This is, when the By-Law Enforcer observes a 'Jake Brake' offence, he must prepare a form called a summons that requires the individual to attend court. The summons, unlike a ticket, cannot be issued on the spot. The By-Law Enforcer must then return to the office, prepare the form and then serve the individual. A more efficient way to enforce the by-law would be to allow the By-Law Enforcer to issue short form tickets. In this way, the By-Law Enforcer could draft a ticket on the spot and give it to the individual. The ticket would indicate the set fine for the offence. The person still has the right to dispute the ticket in Court.

In order to implement the ticket procedure, it is necessary to obtain approval from the Attorney General of Ontario. The Attorney General approves the short form wording of the offence and the set fine. In this case, we are suggesting a fine of \$50.00.

Accordingly, it is recommended that Council approve this report authorizing me to request approval from the Attorney General for 'Jake Brake' offences.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR, PIÈCE 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE : (705)564-7624
FACSIMILE/TÉLÉCOPIEUR : (705)564-7620

June 7, 2007

RECEIVED JUN 11 2007

Ms. Monique Ouellet
CAO/Clerk
The Corporation of the Township of Dubreuville
P.O. Box 367
Dubreuville, Ontario, P0S 1B0

Dear Madam:

***Re: Set Fines – Provincial Offences Act – Part I -
Township of Dubreuville – Algoma District***

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law No. 2007-05; the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Dubreuville.

The setting of the fines does not constitute my approval of the short form of wording used to describe the Offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Sault Ste. Marie, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'RAH', with a long horizontal line extending to the right.

RICHARD A. HUMPHREY
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

RAH/sp
Enc.

c.c.: Her Worship Jane Forth, Regional Senior Justice of the Peace
Her Worship Kathleen Bryant, Sault Ste. Marie

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR, PIÈCE 303
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TELEPHONE/TÉLÉPHONE : (705)564-7624
FACSIMILE/TÉLÉCOPIEUR : (705)564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2007-05, of the Township of Dubreuville, Algoma District, attached hereto is the set fine for those Offences. This Order is to take effect June 17th, 2007.

Dated at the City of Greater Sudbury, this 7^h day of June, 2007



RICHARD A. HUMPHREY
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

Set Fine Schedule

TOWNSHIP OF Dubreuilville

PART I - PROVINCIAL OFFENCES ACT

By-law # 2007-05

page 1

Name of By-law Jake Brake By-Law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision Or defining Offence	COLUMN 3 Set fine
1	Application of Engine Compression Exhaust Style Brakes	Section 2	\$
2			\$
3			\$
4			\$
5			\$

Note: Penalty provision for the offences indicated above is Section 3 of By-law No. 2007-05
A certified copy of which has been filed.

RAW

Set Fine Schedule

TOWNSHIP OF Dubreuilville

PART I - PROVINCIAL OFFENCES ACT

By-law # 2007-05

page 1

Name of By-law Jake Brake By-Law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision Or defining Offence	COLUMN 3 Set fine
1	Application of Engine Compression Exhaust Style Brakes	Section 2	\$ 50.00
2			\$
3			\$
4			\$
5			\$

Note: Penalty provision for the offences indicated above is Section 3 of By-law No. 2007-05
A certified copy of which has been filed.

Ministry of the Attorney General

Ministère du Procureur général

Crown Law Office-Criminal

Bureau des avocats
de la Couronne - droit criminel

9th Floor

9e étage

720 Bay Street

720, rue Bay

Toronto ON M5G 2K1

Toronto ON M5G 2K1

Telephone (416) 326-1831

Téléphone (416) 326-1831

Facsimile (416) 326-1746

Télécopieur (416) 326-1746

KerryLee.Thompson@jus.gov.on.ca

**Ontario**

May 29, 2007

The Honourable Richard Humphrey
Regional Senior Justice, Northeast Region
Ontario Court of Justice (Provincial Division)
159 Cedar Street, 3rd Floor
Sudbury, Ontario
P3E 6A5

Dear Regional Senior Justice Humphrey:

**Re: Township of Dubreuilville, Algoma District
Set Fine Application
Part I Provincial Offences Act
By-law 2007-05: Jake Brakes**

Please find enclosed one (1) set fine application submitted by Monique Ouellet, CAO-Clerk, on behalf of the Township of Dubreuilville.

I have reviewed this application and I am now content that it is complete and in order. I am forwarding it to Your Honour with a recommendation for approval.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

A handwritten signature in cursive script that reads "Kerry Lee Thompson".

Kerry Lee Thompson
Crown Counsel
/da

Enclosures

c.c. Monique Ouellet

MINISTRY OF THE ATTORNEY GENERAL
Crown Law Office - Criminal
720 Bay Street, 10th Floor
Toronto, Ontario M5G 2K1
Fax No. (416) 326-1746

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SENT TO : Monique Ouellet

FAX : 705 884-2626

FROM : KERRY LEE THOMPSON
CROWN COUNSEL

DATE SENT : May 29, 2007

TOTAL NUMBER OF PAGES (INCL. COVER SHEET): 2

Please telephone Devyani Anandjit (416) 326-2491 if there are any errors or difficulties in this transmission.

Monique Ouellet

From: Monique Ouellet [mouellet@dubreuilville.ca]
Sent: Friday, May 25, 2007 2:06 PM
To: 'Anandjit, Devyani (JUS)'
Subject: RE: Set fines 2007-05: Jake Brakes

As requested. Please let me know if this is acceptable.

Thanks.

Monique Ouellet
Greffière-Administratrice
Corporation du Canton de Dubreuilville
23, rue des Pins, C.P. 367
Dubreuilville, Ontario P0S 1B0
Téléphone: (705) 884-2340
Télécopieur: (705) 884-2626
Courriel: mouellet@dubreuilville.ca
www.dubreuilville.ca

-----Original Message-----

From: Anandjit, Devyani (JUS) [mailto:Devyani.Anandjit@ontario.ca]
Sent: Tuesday, May 22, 2007 11:23 AM
To: mouellet@dubreuilville.ca
Subject: Set fines 2007-05: Jake Brakes

Hi Monique,

Ms. Thompson has reviewed your set fine application for bylaw 2007-05 and there is one tiny amendment.

The heading to column 3 should be amended to read: "**Set fine**" since court costs are not included in the amounts listed on the schedule (but are added when the ticket is being issued).

Please just email the amended schedule back to me.

Yours truly,

Devyani Anandjit
Asst. to Kerry Lee Thompson

5/25/2007

May 14, 2007

Ministry of the Attorney General
Crown Law Office – Criminal
720 Bay Street, 10th Floor
Toronto ON M5G 2K1

FILE COPY

Dear Sir or Madam:

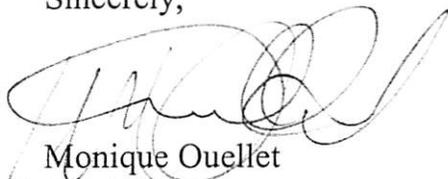
By-law No. 2007-05 was adopted by the Council of the Corporation of the Township of Dubreuilville to prohibit the use of Engine Compression Exhaust Style Brakes within the limits of the Township of Dubreuilville. This is an initial application for a set fine.

Please find enclosed:

1. Two certified copies of By-law No. 2007-05
2. Two certified copies of Resolution No. 07-057
3. Two copies of the Set Fine Schedule
4. Two copies of the Set Fine Schedule with the fine amount left blank.

Trusting this to be satisfactory, we look forward to the receipt of approval of the set fine application. Should you require any further documentation, please do not hesitate to contact me at (705) 884-2340.

Sincerely,


Monique Ouellet
CAO/Clerk

Enclosures