

**Office Consolidation - Updated as Amended**

**CITY OF HAMILTON**

**BY-LAW NO. 01-218**

**BEING A BYLAW TO REGULATE ON-STREET PARKING**

**WHEREAS** Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

**AND WHEREAS** Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

**AND WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and, The Corporation of the City of Stoney Creek; (hereinafter referred to as the "former area municipalities");

**AND WHEREAS** the City of Hamilton Act, 1999 provides that the By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of the City of Hamilton deems it expedient to provide for a single by-law to regulate on-street parking within the limits of the City;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**PART 1 - DEFINITIONS & INTERPRETATIONS**

**DEFINITIONS**

1. For the purposes of this by-law:
  - (a) "Authorized Emergency Vehicle" means:

- (i) any vehicle owned or operated by the City of Hamilton while the operator is engaged in the performance of his or her duties;
  - (ii) any vehicle owned or operated by a Police Service, a Fire Department or a Ministry of the Province;
  - (iii) any vehicle owned or operated by an ambulance service, a mortuary or a funeral home while the operator is engaged in the performance of his or her duties;
  - (iv) any vehicle owned or operated by a public utility including but not limited to vehicles owned or operated by Canada Post, a telephone company, a natural gas utility, a hydro electric power provider, and any other public utility, telegraph or telecommunications company, provided that such vehicles are each clearly identified by a crest or other marking and provided the operator is actively engaged in the provision of the services offered by the utility;
  - (v) any armoured vehicle, while the operator is actively engaged in the performance of their duties, and any escort vehicle providing security services for an armoured vehicle, while the operator is actively engaged in the performance of his or her duties; and,
  - (vi) any service vehicle owned or operated by an accredited road side service agency or automobile club or a licensed towing agency while the operator is providing a towing or other road side service;
- (b) "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle;
- (c) "boulevard" means all parts of the highway save and except any roadway, shoulder, driveway, or sidewalk; and,
- (i) "central boulevard" means a median or that part of the highway lying between the roadways of a divided highway;
  - (ii) "outer boulevard" means such part of the highway lying between any sidewalk and the roadway or the shoulder where such exists;
  - (iii) "inner boulevard" means such part of the highway lying between the property line and the sidewalk, and where there is no sidewalk it means that part of the highway lying between the property line and the roadway or the shoulder where such exists; and,

- (iv) "side boulevard" means such part of the highway lying between the roadway and the adjoining property line and includes the inner and outer boulevard, if any;
- (d) "bus" means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons;
- (e) "Chief of Police" means the Chief of Police for the City of Hamilton;
- (f) "City" means The City of Hamilton;
- (g) "commercial vehicle" includes:
  - (i) a vehicle licensed as a commercial vehicle under the Highway Traffic Act;
  - (ii) a motor vehicle which has attached to both of its sides a sign, of not less than 150 square inches in size, identifying the person, business or company in whose service the vehicle is employed; and,
  - (iii) a taxi cab;
- (h) "Council" means the Council of the City of Hamilton;
- (i) "crosswalk" means:
  - (i) That part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway; or
  - (ii) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, or by lines or other markings on the surface;
- (j) "driveway" means the improved land on a highway which provides vehicular access from the roadway to a laneway or parking area on adjacent land;
- (k) "farm tractor" means a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing machines, and other implements of husbandry and not designed or used for carrying a load;
- (l) "General Manager" means the General Manager of Transportation, Operations and Environment for the City of Hamilton and includes his designate and successor;

(m) "Gross Weight" and "Gross Vehicle Weight" mean the combined weight of vehicle and load;

(n) "heavy vehicle" means a vehicle:

(02-277) (i) for which a permit fee under the Highway Traffic Act is based upon the weight of the vehicle and load (Registered Gross Vehicle Weight), in excess of forty-five hundred (4500) kilograms; or,

(ii) which exceeds six point five (6.5) metres (21 feet) in length; or,

(02-277) (iii) which is equipped with dual rear wheels or tandem rear axles, provided that this shall not apply to a pick-up truck having a Registered Gross Vehicle Weight of forty-five hundred (4500) kilograms or less; or,

(iv) which is a tow truck; or,

(v) which is a bus, or a bus converted into a mobile home or otherwise used for a commercial or non-commercial purpose;

but does not include an ambulance or other emergency medical service vehicle while providing an ambulance or medical service or any vehicle operated by the City while the operator is performing his or her duties;

(o) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

(p) "holiday" means New Years Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, the day proclaimed as a Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day, the day proclaimed as the Birthday or day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign, and any day appointed by proclamation of the Governor General or Lieutenant Governor-in-Council as a public holiday or for a general feast or thanksgiving;

(q) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other;

(r) "Loading Zone" means the part of a highway set apart for the exclusive purpose of parking a vehicle to load or unload the same;

- (s) "Manager" means the Manager of Parking and Enforcement Operations for the City of Hamilton and includes his designate and successor;
- (t) "Municipal Law Enforcement Officer" means any person so designated by a by-law of the City of Hamilton or appointed for the purpose of enforcing this By-law;
- (u) "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in this By-law and any other vehicle propelled or driven otherwise than by muscular power; but does not include a street car or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self- propelled implement of husbandry or road-building machine within the meaning of The Highway Traffic Act, as amended;
- (v) "park" or "parking" when prohibited, means the standing of a vehicle whether occupied or not except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (w) "parking meter" means any electronic or mechanical device which measures and displays elapsed time pursuant to the payment of a fee, along with the necessary standard for same, which has been erected for the purpose of controlling and regulating the parking of a vehicle in an adjoining parking space;
- (x) "parking meter space" means a parking space which is controlled and regulated by a parking meter;
- (y) "parking meter zone" means that part of a highway where parking is controlled and regulated by one or more parking meters;
- (z) "parking space" means that part of the roadway or part of a municipal car park, the use of which is designated for the purpose of parking a vehicle;
- (aa) "pedestrian" means a person on foot, and includes a person in a wheelchair or on a motorized scooter designed for use on a sidewalk, and a child in a baby carriage or on toy vehicle;
- (ab) "Police Force" and "Police Department" mean the Hamilton Police Service;
- (ac) "Police Officer" means an Officer of the Hamilton Police Service and includes the Chief of Police, but does not include a Special Constable, a First Nations Constable, a Municipal Law Enforcement Officer or an Auxiliary member of a police force;

- (ad) "roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;
- (ae) "school bus" means a bus that:
  - (i) is painted chrome yellow; and,
  - (ii) displays on the front and rear thereof the words "SCHOOL BUS" and on the rear thereof the words "DO NOT PASS WHEN SIGNALS FLASHING";
- (af) "school crossing" means a pedestrian crossing on a public highway which is marked by lines painted on the pavement, and in which the crossing of the street by school children is normally supervised by a school crossing guard or a Police Officer during those time when children are likely to be walking to or from a local school;
- (ag) "shoulder" means that portion of the highway lying adjacent to the roadway where there is no barrier curb, and which is improved to support a stopped vehicle;
- (ah) "sidewalk" includes all such parts of a highway as are set aside and improved for the exclusive use of pedestrians;
- (ai) "sign, authorized" or "authorized sign" means any sign or roadway, curb or sidewalk marking, or other device placed or erected on a highway under the authority of this By-law for the purpose of regulating, warning or guiding traffic;
- (aj) "sign, official" or "official sign" means a sign approved by the Ministry of Transportation Ontario or a sign set out in Schedule 22 to this By-law;
- (ak) "snow emergency" means a period time commencing upon the declaration by the Chief of Police that a snow emergency is in effect and continuing thereafter;
- (al) "snow emergency condition" means a snow condition that requires or may require the removal of vehicles from city streets for the purpose of snow ploughing or snow removal at any time;
- (am) "snow route" means a city street listed in Schedule 21 on which official signs are erected;

- (i) prohibiting parking at all times; or,
  - (ii) prohibiting parking during a snow emergency;
- (an) "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;
  - (ao) "stop" or "stopping" when prohibited, means the halting of a vehicle, even momentarily whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
  - (ap) "through highway" means a highway or part of a highway set out in Schedule 2 and designated as such by a by-law of The City of Hamilton;
  - (aq) "traffic" includes pedestrians, animals which are lead, ridden or herded, vehicles, motorized snow vehicles and other conveyances, either singly or together while using any portion of a highway for the purposes of travel;
  - (ar) "traffic control device" means any sign, signal or other roadway, curb or sidewalk marking, or any other device erected or placed under the authority of this By-law for the purpose of regulating, warning or guiding traffic;
  - (as) "traffic island" means a portion of a highway so constructed as to separate or direct vehicular traffic onto specific portions of the roadway, or provided for the use or protection of pedestrians;
  - (at) "traffic signal" means any device operated manually, electrically or mechanically for the regulation or control of traffic;
  - (au) "traffic, one-way" or "one-way traffic" means traffic, not including pedestrians, moving upon a highway in one direction only;
  - (av) "trailer" means any vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a side car attached to a motorcycle, a mobile home, another motor vehicle, or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;
  - (aw) "unassumed lane" and "unassumed alley" each mean a lane or alley that has not been assumed by the City; and,
  - (ax) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of

power, including muscular power, but does not include the cars of electric or steam railways running only upon rails, a wheelchair whether powered or not, or a powered scooter designed for use on a sidewalk;

## INTERPRETATIONS

2. In this By-law:

- (a) Words imparting the singular number or the masculine gender, are deemed to include more than one person or thing of the same kind, and females as well as males, and the converse;
- (b) A word use in the singular tense has a corresponding meaning when used in the plural tense;
- (c) The following abbreviations and symbols stand for the words respectively shown opposite thereto:

Ave.	-	Avenue
Blvd.	-	Boulevard
Pl.	-	Place
St.	-	Street
Sq.	-	Square
Cres.	-	Crescent
Ct.	-	Court
Rd.	-	Road
Dr.	-	Drive
No. or #	-	Number
Hwy.	-	Highway
ft. or '	-	Feet
in. or "	-	Inches
M.P.H.	-	Miles Per Hour
N.	-	North
S.	-	South
E.	-	East
W.	-	West
a.m. or am	-	ante meridian
p.m. or pm	-	post meridian
Km/H or kph	-	Kilometres per hour
m	-	metres
cm	-	centimetres
Sat.	-	Saturday
Sun.	-	Sunday
Mon.	-	Monday
Tue.	-	Tuesday
Wed.	-	Wednesday

Thu. or Thur.	-	Thursday
Fri.	-	Friday
Jan.	-	January
Feb.	-	February
Mar.	-	March
Apr.	-	April
May	-	May
Jun.	-	June
Jul.	-	July
Aug.	-	August
Sep. or Sept.	-	September
Oct.	-	October
Nov.	-	November
Dec.	-	December

- (d) Where a distance is used in this By-law as within a specified distance of an object, structure, corner, land, or part of a highway, such distance shall be measured:
  - (i) Along the curb or edge of the roadway, from a point in such curb or edge or roadway opposite such object, structure, land, corner, or part of a highway, unless the context otherwise requires, and
  - (ii) From such object, structure, land or part of a highway in all directions;
- (e) During any period of the year when what is commonly known as Daylight Saving Time has been generally adopted in The City of Hamilton under any Act, By-law, resolution or proclamation, whether the same is effective in law or not, all references to time in this by-law shall be deemed to be references to such Daylight Saving Time;
- (f) For the purposes of this By-law, the Lincoln M. Alexander Parkway may also be referred to as the "Link" or the "Lincoln Alexander Pkwy.;" and,
- (g) The setting out of distances in imperial measurements is only for convenience and only the metric measurements set out herein shall apply.

### **APPLICATION OF BY-LAW**

- 3. Save where otherwise specifically provided, the provisions of this By-law shall apply to:
  - (a) all highways and parts of highways under the jurisdiction of the City of Hamilton;

- (b) all public lanes or alleys that have been established by a by-law of the Council; and,
- (c) all unassumed lanes or alleys in respect of the parking of vehicles.

## **ENFORCEMENT**

- 4. It shall be the duty of the members of the City of Hamilton Police Service, and those duly appointed Municipal Law Enforcement Officers, generally to control and direct traffic, give such directions and do such things as may be necessary for that purpose, and enforce the provisions of this By-law.

## **SEVERABILITY**

- 5. Should a court of competent jurisdiction declare a part or the whole of any provision of this By-law to be invalid or of no force or effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms and to the extent possible under the law.

## **SCHEDULES**

- 6. The schedules attached to this By-law, numbered 1 to 22 inclusive, are included in and shall be considered part of this By-law.

## **EXEMPTION**

- 7. The provisions of this By-law respecting parking, stopping or standing of vehicles shall not apply to:
  - (a) Authorized emergency vehicles where the operator is engaged in the performance of their duties;
  - (b) Vehicles for which an exemption permit has been issued by the General Manager, the Manger or the Chief of Police, providing an exemption to a specific regulation or regulations for various purposes, and for specific periods of time; and,
  - (c) Motor vehicles forming part of a funeral cortege, provided that all such vehicles are parked only one side of the highway at one time.

**PART 2 - PARKING & STOPPING REGULATIONS**

**ON STREET PARKING METER REGULATIONS**

8. (1) Parking meters shall be erected, maintained and operated at the parking spaces on those highways and parts of highways listed in Schedule 5.
- (2) Schedule 5 describes the following:
- (a) in column one thereof, the name of the highway where parking is regulated by parking meters;
  - (b) in column two thereof, the side of the highway, by compass direction, where parking is regulated by parking meters;
  - (c) in column three thereof, the point at which regulation of parking by parking meters commences and the point where such regulation concludes;
  - (d) in column four thereof, the maximum duration that parking is permitted in the parking spaces regulated by the parking meters on the subject highway; and,
  - (e) in column five thereof, the hourly parking fee that is required for the use of the parking spaces being regulated by the parking meters on the subject highway.
- (3) (a) Provisions requiring payment of parking fees and prohibitions against using a parking space while no unexpired "paid for" time is indicated on the parking meter adjacent to said space, shall apply only during the days and times indicated on a sign affixed to the parking meter.
- (06-101)
- (b) Provisions prohibiting parking in a parking space normally regulated by a meter, for a period of time greater than the parking time limit indicated on the adjacent parking meter shall apply only during the days and times indicated on the subject parking meter.
- (06-101)

- (4) All provisions of this Section shall be subject to the provisions of all other Sections of this By-law, and in particular:
- (a) The provisions for parking spaces, and the presence of parking meters along the curb on any highway or part of a highway, shall not be deemed to affect the powers of a Police Officer, the General Manager or the Manager under Sections 22 and 25 to erect or cause to be erected temporary "No Parking" or "No Stopping" signs along any highway or part of a highway during such time or times as may be deemed necessary for the proper and orderly control and regulation of parking and traffic;
  - (b) The provisions for parking spaces, and the presence of parking meters along the curb on any highway or part of a highway, shall not be deemed to affect the powers of the General Manager or the Manager, under Sections 22 and 26 to erect or cause to be erected temporary "No Parking" or "No Stopping" signs along any highway or part of a highway during such time or times as may be deemed necessary for the proper and orderly control and regulation of traffic and parking;
  - (c) The payment of a fee pursuant to the provisions of this Section shall not be deemed to annul any provision of this By-law nor affect the power of a Police Officer under the provisions of The Highway Traffic Act, to remove any vehicle parked or left in contravention of the Act or any By-law of the municipality;
  - (d) The payment of a fee pursuant to the provisions of this Section shall not be deemed to annul any provision of this By-law nor affect the power of a Municipal Law Enforcement Officer under the provisions of The Highway Traffic Act, to remove any vehicle parked or left in contravention of any By-law of the municipality; and,
  - (e) The provisions of parking spaces and the presence of parking meters shall not be deemed to nullify or make ineffective the prohibition of stopping during rush hour periods on the highways or part highways set out in Schedule 13.

- (5) (a) (06-101)  
(06-122) No person shall park a vehicle at a parking space for a period of time greater than the parking time limit indicated by a sign, either affixed to the parking meter adjacent to the parking space or otherwise posted in proximity to the parking space, or, where the adjacent parking meter has been removed, for a period of time greater than the parking time limit indicated by a sign affixed to the parking meter adjacent to an adjoining parking space.
- (b) No person shall park a vehicle in any area indicated in Schedule 5 without activating the parking meter adjacent to the parking space occupied by their vehicle either by:
- (i) inserting a valid credit card or debit card into the parking meter, in cases where the meter is designed to accept payment in this manner; or,
  - (ii) depositing coins of Canadian or United States of America currency in the amount of the parking fee prescribed in said Schedule 5 into the meter and turning the handle, if any, to an extent sufficient to activate the meter after the deposit of each coin;
- save and except that a vehicle may be parked without inserting a credit or debit card or depositing a coin during the period of time, if any, which is paid for and which remains unexpired as shown on the subject parking meter.
- (c) (06-101) No person shall park a vehicle or leave a vehicle parked at any parking space, at any time during the days and times posted on the adjacent parking meter indicating when the parking meter regulations are in force and effect, when there is no unexpired “paid for” time indicated on the subject parking meter, save and except that this provision shall not be deemed to apply when it is shown that the parking meter is out of order.
- (d) No person shall deposit or cause to be deposited in any parking meter anything save such coins in Canadian or United States of America currency as are indicated on the parking meter as being acceptable, save and except in cases where the parking meter is designed to be activated by a credit card or debit card, whereupon the use of such a card to pay the parking fee, in lieu of coins, shall be permitted.
- (e) No person shall park a vehicle in any meter area listed in Schedule 5, except at a parking meter, save and except that this shall not apply to prohibit parking where a meter has been destroyed, damaged or removed and has not yet been replaced.

- (f) No person shall park, or leave parked, at any metered parking space, a vehicle displaying an identifying marker issued by the Ministry of Transportation Ontario, namely a Disabled Person Parking Permit, for a period of time which exceeds 3 consecutive hours, whether or not there is shown on the meter time which is paid for and unexpired.
- (6) The provisions of Sections 8(5)(a), 8(5)(b) and 8(5)(c), shall not apply to a parked vehicle used for the transporting of one or more disabled persons wherein an identifying marker issued by the Ministry of Transportation Ontario, said marker being a Disabled Person Parking Permit, is displayed in the drivers side front windshield in such a manner as to be entirely and clearly in view from the exterior of the vehicle.
- (7) No person shall damage, deface or tamper with any parking meter, and no unauthorized person shall open or attempt to open any parking meter.
- (8) (09-102) The provisions respecting the payment of parking fees in clauses 8(5)(b) and 8(5)(c) of this by-law shall not, on November 11<sup>th</sup> of any year, apply to persons in respect of a parked vehicle to which a valid Ontario veteran license plate is registered and affixed.
- (9) The provisions respecting the payment of parking fees in clauses 8(5)(b) and 8(5)(c) of this by-law shall not apply, at any time, to persons in respect of a parked vehicle to which both a valid Ontario veteran license plate is registered and affixed and a valid Veteran's Parking Permit is registered and affixed.
- (a) For the purposes of this subsection;
- (i) "Veteran's Parking Permit" means an annual, vehicle specific permit issued by the Hamilton Municipal Parking System to an Eligible Veteran to provide for a parking fee exemption at on-street parking meters and in municipal parking facilities.
- (ii) "Eligible Veteran" means any person:
- (A) Who resides in the City of Hamilton;
- (B) Who honourably served in World War II or the Korean War or who honourably served in the Canadian Forces and who has attained the age of 60 years; and,
- (C) Who has affixed to a vehicle registered in their name and to the Hamilton municipal address at which they reside, a valid Ontario veteran licence plate.
- (b) Notwithstanding the display of a Veteran's Parking Permit, all other parking and stopping regulations, including on-street meter time limit

regulations, shall continue to remain in force and effect respecting any vehicle displaying said permit.

- (c) Every Veteran's Parking Permit remains the property of the City and as such may be suspended or revoked, without notice, at the absolute discretion of the Senior Director, Parking and By-law Services, or his designate or successor.
- (d) An Eligible Veteran is entitled to apply for or renew their Veteran's Parking Permit for so long as they reside in the City of Hamilton.
- (e) In cases where an Eligible Veteran is no longer licensed to operate a motor vehicle, any person who is designated, in writing, as a primary care giver for said Eligible Veteran may apply for or renew the Veteran's Parking Permit on the Eligible Veteran's behalf, with respect to a vehicle registered and insured in the name of the Eligible Veteran and operated exclusively for the benefit of the Eligible Veteran.
- (f) The eligibility requirements set out in Subsection (9)(a)(ii) shall be deemed to have been satisfied upon the presentation of bona fide copies of the applicant's service record, proof of issuance of an Ontario veteran licence plate, and proof of residence, to the Senior Director, Parking and By-law Services, or his designate or successor.

  
(09-102)

### **POSTED PARKING TIME LIMITS**

9. (1) No person shall on any day except a holiday, park a vehicle on any highway or portion of highway listed in schedule 6, for a longer time than indicated therein, during the periods specified therein, provided suitable signs are erected and maintained.

For the purposes of this section, any vehicle which has not been moved a distance of not less than eighteen (18) metres (60 feet) from its original parking location, shall be deemed to have not been moved, and to have remained parked.

- (2) Schedule 6 describes the following:
  - (a) in column one thereof, the name of the highway where parking is regulated by a posted time limit;
  - (b) in column two thereof, the side of the highway, by compass direction, where parking is regulated by a posted time limit;

- (c) in column three thereof, the point at which the subject regulation commences and the point where such regulation concludes;
  - (d) in column four thereof, the maximum duration that parking is normally permitted on the subject highway in accordance with the posted time limit; and,
  - (e) in column five thereof, those periods during which the subject posted time limit regulation is in force and effect.
- (3) Schedule 7 shall set out each Time Limit Exemption Area, in the form of a map, showing the corresponding alphanumeric designation for each said Time Limit Exemption Area.
- (4) Section 9(1) shall not apply to,
- (a) a motor vehicle for which a Time Limit Exemption Permit has been issued and is properly affixed and is in force and effect, in accordance with section 10 of this By-law, when said vehicle is parked within the Time Limit Exemption Area specified on the permit; or,
  - (b) a parked vehicle used for the transporting of one or more disabled persons wherein an identifying marker issued by the Ministry of Transportation, said marker being a Disabled Person Parking Permit, is displayed in the drivers side front windshield in such a manner as to be entirely and clearly in view from the exterior of the vehicle.

## **PARKING TIME LIMIT EXEMPTION**

10. (1) In this section:
- (a) "approved motor vehicle" means:
    - (i) a passenger vehicle bearing valid Ontario License plates;
    - (ii) a motorcycle bearing a valid Ontario License plate, and,
    - (iii) a van or truck which is licensed by the Ministry of Transportation Ontario as a commercial motor vehicle, but is registered with the Ministry as a vehicle designated primarily for personal use;

but does not include:

- (06-299)
- (i) a commercial motor vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load in excess of 4,500 kilograms; or,
  - (ii) a vehicle which exceeds six and four tenths metres (6.4 m) [21 feet] in length; or,
  - (iii) a vehicle which is equipped with dual rear wheels; or,
  - (iv) a vehicle which is a tow truck; or,
  - (v) a vehicle which is a bus, or a bus converted into a mobile home or bus otherwise used for commercial or non-commercial purposes.
- (b) "Time Limit Exemption Permit" means a permit issued by the Manger, which exempts an approved motor vehicle from the time limit regulations in force and effect within a specified Time Limit Exemption Area;
- (c) "arterial street" means a street determined by the General Manager to be an arterial street;
- (d) "eligible applicant" means a person who is a full-time resident of a one, two or three unit dwelling situate within a Time Limit Exemption Area and who is the registered owner of an approved motor vehicle or who has the exclusive use of an approved motor vehicle by virtue of a lease agreement with an automobile leasing company or by virtue of an agreement with their employer;.
- (e) Notwithstanding Section 10(d), a person who is a full-time resident of a multiple unit dwelling, who is the owner or exclusive operator of an approved motor vehicle which cannot be parked on the property where they reside due to the dimensions of said vehicle, may also be deemed, at the discretion of the Manager, an "eligible applicant";
- (f) Notwithstanding Section 10(d), a person who is a full-time resident of a multiple unit dwelling who is the owner or exclusive operator of an approved motor vehicle which cannot be parked on the property where they reside due to a lack of available off-street parking on said property, may also be deemed an "eligible applicant", at the discretion of the Manager, which discretion shall include establishing a limit as to the number of permits that are available to persons residing at a given address; and,

- (g) "Time Limit Parking Area" means an area set out in Schedule 7 of this By-law where corresponding and specified "Time Limit Exemption Permits" are valid and in force and effect.
- (2) The Manager may issue a Time Limit Exemption Permit to an eligible applicant for a fee, payable in advance and renewable on a calendar year basis, on or before the first day of January of each subsequent year, for a parking space on a highway or part highway set out in Schedule 6 falling within a single area designate in Schedule 7.
- (3) An eligible applicant may apply for a Time Limit Exemption Permit for an approved motor vehicle, to be in force and effect for the Time Limit Parking Area within which the residential property is situate.
- (4) An application for a Time Limit Exemption Permit shall provide the following information:
  - (a) Name and place of residence of the applicant; and,
  - (b) Licence number, make and colour of the approved motor vehicle for which the application is being made; and,
  - (c) Such further and other information as the Manager may require for the purpose of the application.

- (5) The fee for each area time limit exemption permit shall be an amount approved by Council, based upon the cost per month, plus Goods and Services Tax. The fee shall be payable in advance and shall be calculated as a biweekly cost for the balance of the first year, and thereafter shall be renewable on a calendar year basis, on or before the first day of January of each year.
- (6) Subject to Section 12(5)(a), a motor vehicle displaying a current and valid Time Limit Exemption Permit, permanently affixed to the lower left corner of the windshield and facing the exterior of the vehicle on the driver's side, such that the permit is entirely and clearly in view from the exterior of the subject vehicle, may be parked in any legal parking space within the Time Limit Exemption Area specified on the permit, for a period of time exceeding the parking time limit displayed on official signs posted on that street.
- (7)
  - (a) Notwithstanding Section 10(6), a motor vehicle shall not be parked for a period of time exceeding the parking time limit displayed on official signs on any Arterial Road listed in Schedule 1, or on any Through Highway listed in Schedule 2.
  - (b) Schedule 1 describes the following:
    - (i) in column one thereof, the name of the highway or part highway which is designated as an "Arterial Road";
    - (ii) in column two thereof, the point upon the highway at which the Arterial Road designation commences; and,
    - (iii) in column three thereof, the point upon the highway at which the Arterial Road designation concludes.
  - (c) Schedule 2 describes the following:
    - (i) in column one thereof, the name of the highway or part highway which is designated as a "Through Highway";
    - (ii) in column two thereof, the point at which the Through Highway designation commences; and,
    - (iii) in column three thereof, the point at which the Through Highway designation concludes, and those intersections where the through highway designation does not apply.

- (8) Notwithstanding Section 10(6), a motor vehicle shall not be parked in a time limit exemption area contrary to:
  - (a) The direction of a Police Officer, a member of the Hamilton Fire Department; or an agent of the City;
  - (b) The direction of the operator of an authorized emergency vehicle; or
  - (c) Any other provision in this by-law.
- (9) Time Limit Exemption Permits remain the property of the City of Hamilton and the Manager may, with 24 hours notice, recall, void, cancel or otherwise revoke any Time Limit Exemption Permit, and the unexpended portion of the fee paid by the permit holder shall be refunded at the convenience of the City.
- (10) Notwithstanding that an application has been made for a Time Limit Exemption Permit, or that a Time Limit Exemption Permit has been issued and is in force or is not in force, no provision of this by-law shall oblige the Manager to issue, renew or reinstate a Time Limit Exemption Permit and no person shall enjoy a vested right in the issuance or continuance of a Time Limit Exemption Permit.

## PERMIT PARKING REGULATIONS

11. (1) In this section:

(a) "approved motor vehicle" means:

- (i) a passenger vehicle bearing valid Ontario License plates;
- (ii) a motorcycle bearing a valid Ontario License plate; and,
- (iii) a van or truck which is licensed by the Ministry of Transportation Ontario as a commercial motor vehicle, but is registered with the Ministry as a vehicle designated primarily for personal use;

but does not include:

- (i) a commercial motor vehicle for which the permit fee under The Highway Traffic Act is based on the weight of the vehicle and load in excess of 4,500 kilograms; or,
  - (ii) a vehicle which exceeds six and four tenths metres (6.4m) [21 ft.] in length; or,
  - (iii) a vehicle which is equipped with dual rear wheels; or,
  - (iv) a vehicle which is a tow truck; or,
  - (v) a vehicle which is a bus, or a bus converted into a mobile home or bus otherwise used for commercial or non-commercial purposes;
- (b) "permit parking space" means a space on a highway or part highway designated as a permit parking zone, whereby parking is prohibited except by a permit issued by the Manager;
- (c) "eligible applicant" means a person who is a full-time resident of a one, two or three family dwelling abutting a highway or part highway designated as a permit parking zone, who is the registered owner of an approved motor vehicle or who has exclusive use of an approved motor vehicle by virtue of a leasing agreement with an automobile leasing company or by virtue of an agreement with their employer;

- (e) "home services parking permit" means a non-vehicle specific permit issued by the Manager to residents who are confined to their homes such that they rely on others for essential services;
  - (f) "parking permit" means a permit issued by the Manager which exempts the subject vehicle from the parking prohibition in force and effect on the identified street under the provisions of this Section and which sets out upon its face the make of the vehicle to which it is affixed, the number of the license plate attached to the subject vehicle, the name of the street where it is valid, and the date that it expires; and,
  - (g) "permit parking zone" is a highway or part highway where parking is prohibited under the provisions of this section, except by a valid parking permit issued by the Manager whereby the vehicle displaying said permit is exempted from the parking prohibition.
- (2) The Council may designate a highway or part highway as a permit parking zone by prohibiting parking on the said highway or part highway except by valid permit under the provisions of this Section, and said highway shall be listed in Schedule 12 of this by-law.
- (3) Schedule 12 describes the following:
- (a) in column one thereof, the name of the highway where parking is prohibited except by permit;
  - (b) in column two thereof, the side of the highway, by compass direction, where the subject parking regulation is in force and effect;
  - (c) in column three thereof, the point at which the subject regulation commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.

- (4) Where a highway or part highway has been designated as a permit parking zone and listed in schedule 12, an eligible applicant may apply for a parking permit on the designated highway.
- (5) Every application for a parking permit shall provide the following information:
  - (a) The name and place of residence of the applicant;
  - (b) The licence number, make and colour of the approved motor vehicle for which the applicant is the registered owner and for which the application is being made; and,
  - (c) Such further and other information as the Manager may require for the purpose of the application.
- (6) The Manager may issue a parking permit to an eligible applicant for a fee, payable in advance and renewable on a calendar year basis, on or before the first day of January of each subsequent year, for a parking space on a highway or part highway listed in Schedule 12.

The fee shall be in an amount approved by Council for each month remaining in the current year, calculated as a biweekly cost, plus the Goods and Services Tax, except in the case of a single parking space specifically reserved for a disabled person where there will be no charge.

- (7) Except where the parking permit is not in force, every parking permit shall commence on the day on which the permit is issued, shall expire on the last day of the term for which the permit was issued.
- (8) A parking permit shall allow parking of a motor vehicle on a block during such hours as may be specified in the parking permit for the designated block.
- (9) Parking permits remain the property of the City of Hamilton and the Manager may, with 24 hours notice, recall, void, cancel or otherwise revoke any parking permit, and the unexpended portion of the fee paid by the permit holder shall be refunded at the convenience of the City.

- (10) No parking permit shall remain in force:
  - (a) During the time where a highway or part thereof designated as a permit parking zone:
    - (i) Has ceased to be designated; or,
    - (ii) Is required or occupied by an authorized emergency vehicle; or,
    - (iii) Is signed by the City for the purposes of street maintenance or repair; or,
  - (b) When the use of the permit parking space is contrary to the direction of a member of the Fire Department, a Police Officer, a Municipal Law Enforcement Officer.
- (11) An eligible applicant to whom a parking permit has been issued and is in force may park the vehicle for which the parking permit has been issued in the designated block specified on the parking permit.
- (12) No person shall park a vehicle in a permit parking zone, who is not the eligible applicant to whom a parking permit has been issued and is in force provided that this shall not prohibit the parking of a vehicle for which a valid parking permit has been issued, by a person on behalf of the person to whom the said parking permit had been issued.
- (13) No person shall park any vehicle in a permit parking zone except a vehicle for which a parking permit has been issued and is in force and effect and is affixed permanently to the inside of the lower left corner of the windshield facing the exterior of the vehicle on the driver's side and is in clear view from the exterior of the vehicle, provided that this provision shall not prohibit the parking of vehicles displaying a "home services parking permit".
- (14) A "home services parking permits" issued to a resident who is confined to their homes may be displayed by motorists to allow them to park their vehicles within existing "Permit Parking" areas in the permit holder's block while providing essential services to the confined resident, for a period of time not to exceed two hours.

- (15) Subsection (13) shall not apply to persons parking a vehicle displaying in the lower left corner of the windshield, a "home services parking permit" for a specific block.
- (16) No vehicle for which a parking permit has been issued but is not in force for a parking space on a highway or part highway listed in schedule 12 shall be parked by any person in the permit parking space for which the parking permit was issued.
- (17) Notwithstanding that an application has been made for a parking permit or that a parking permit has been issued, whether in force or not, no provision of this by-law shall oblige the Council or the Manager to issue, renew, or reinstate any parking permit and no person shall enjoy a vested right in the issuance or continuance of a parking permit.

## GENERAL PARKING PROHIBITIONS

12. (1) No person shall have an exclusive right to park any vehicle at any particular location on any highway except as may be permitted from time to time by authority of a permit issued by the Council of the City of Hamilton, the Chief of Police, the General Manager or the Manager.
- (2) Subject to subsections (3) and (4), no person shall park any vehicle or permit a vehicle to remain parked on any roadway or shoulder where such parking or stopping is normally permitted except:
- (a) Where there is a barrier curb, on the right side of the roadway having regard to the direction in which the vehicle was travelling and with its right front and rear wheels parallel to and not more than thirty centimetres (30 cm) [12 inches] away from the curb; or
  - (b) Where there is no curb and no shoulder, on the right side of the roadway having regard to the direction in which the vehicle was travelling and with its right front and rear wheels parallel to and not more than thirty centimetres (30 cm) [12 inches] away from the edge of the roadway; or
  - (c) where there is a shoulder and no curb or where there is a shoulder and a mountable curb, upon the shoulder of the right side of the roadway having regard to the direction in which the vehicle was travelling and with the right front and rear wheels parallel to and as near as is practicable to the right edge of the shoulder;

save and except where suitable signs are erected and maintained indicating that perpendicular or angle parking is required and provided that the above shall not apply to stopping in obedience to traffic control devices, the directions of a Police Officer, or to accommodate the safety or convenience of pedestrian or vehicular traffic.

- (3) Subject to subsection (4) where parking or stopping is permitted on the left side of a highway designated for one-way traffic, no person shall park a vehicle or permit a vehicle to remain parked on any roadway or shoulder where such parking is normally permitted on the left side of the highway except:
- (a) where there is a barrier curb, on the left side of the roadway having regard to the direction in which the vehicle was travelling, with its left front and rear wheels parallel to and not more than thirty centimetres (30 cm) [12 inches] away from such curb; or,
  - (b) where there is no curb and no shoulder, on the left side of the roadway having regard to the direction in which the vehicle was travelling and with its left front and rear wheels parallel to and not more than thirty centimetres (30 cm) [12 inches] away from the edge of the roadway; or,
  - (c) where there is a shoulder and no curb or where there is a shoulder and a mountable curb, upon the shoulder of the left side of the roadway having regard to the direction in which the vehicle was travelling and with the left front and rear wheels parallel to and as near as is practicable to the left edge of the shoulder;

save and except where suitable signs are erected and maintained indicating that perpendicular or angle parking is required and provided that the above shall not apply to stopping in obedience to traffic control devices, the directions of a Police Officer, or to accommodate the safety or convenience of pedestrian or vehicular traffic.

- (4) No person shall stop, stand or park a vehicle or permit a vehicle to remain stopped, standing or parked on any shoulder of a highway contrary to the restrictions applicable to the adjacent roadway as herein provided by this By-law.

- (5) No person shall park any vehicle:
- (06-181) (a) For an unreasonable length of time having regard to all circumstances, and;
- (i) in any event for a period in excess of twelve hours; or,
  - (ii) in the case of a commercial motor vehicle which is not registered with the Ministry of Transportation Ontario as being primarily for personal use, for a period in excess of four hours; or,
  - (iii) in the case of a vehicle to which valid number plates (licence plates) are not attached, in accordance with the Highway Traffic Act and the Regulations thereunder, for a period in excess of four hours.

For the purposes of this sub-section, any vehicle which has not been moved a distance of not less than eighteen (18) metres (60 feet) from its original parking location, shall be deemed to have not been moved, and to have remained parked;

- (b) At any parking space in such a manner as to obstruct the use of any adjoining parking space, or, where there are markings for any such parking space, in any manner not in conformity with the same;
- (c) Within six (6) metres (20 feet) of an entrance to any armouries, drill hall, armouries yard, hospital, theatre, church, hotel, railroad station, bus terminal or other place of assembly, and provided, that except that in the case of an athletic field or fair grounds, this prohibition shall apply only while an assembly is therein, and for one hour immediately preceding and following such assembly;
- (d) Where temporary "No Parking" signs are erected, placed or posted along any highway or part of a highway by an officer of the Hamilton Police Service or an employee of the City pursuant to Section 22;
- (e) Along that part of any highway which abuts an unfenced playground or unfenced school playground between the hours of 7:00 a.m. and 6:00 p.m. of any day except a Sunday, provided that suitable signs are erected and maintained;

- (f) Along that part of any highway which abuts any school between 7:00 a.m. and 6:00 p.m. of any day except a Sunday, provided that suitable signs are erected and maintained;
- (g) On any highway for the purpose of displaying it for sale;
- (h) On any municipal sidewalk or in such a manner as to obstruct any municipal sidewalk;
- (i) Within thirty (30) metres (100 feet) of a bridge over, under or across which the highway passes, provided that suitable signs are erected and maintained;
- (j) In the case of a fire-hall with an access way to the highway for use by fire fighting vehicles;
  - (i) not less than eight (8) metres (25 feet) from the entrance way on the same side of the highway as the fire-hall, provided that suitable signs are erected and maintained; and,
  - (ii) not less than thirty (30) metres (100 feet) from the entrance way on the opposite side of the highway to that of the fire-hall, provided that suitable signs are erected and maintained;
- (k) On any boulevard, provided that this shall not prohibit the parking of a vehicle:
  - (i) on a driveway which is not less than eighteen (18) metres (60 feet) from an intersection and, in any case, where the vehicle is not less than two (2) metres (6 feet) from the curb or edge of the roadway; or,
  - (ii) where parking is specifically permitted by an agreement between the City and the owner of the abutting lands or a license granted by the City to the owner of the abutting lands; or,
  - (iii) where parking has been specifically permitted pursuant to Section 22(7) of this by-law; or,

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- (l) On any driveway in the area between a municipal sidewalk and the roadway; or,
  - (m) In any City alleyway, provided suitable signs prohibiting parking are erected and maintained; or,
  - (n) In any turn-around area or cul-de-sac, provided suitable signs are erected and maintained; or,
  - (o) On any highway for the purpose of displaying it for sale.

## **THROUGH STREET PARKING PROHIBITION**

- (06-279) (6) (a) No person shall park any vehicle on any highway or part highway listed in Schedule 2 as set out in Section 10(7), between the hours of 2:00 a.m. and 7:00 a.m. provided that this shall not serve to prohibit the standing of a taxi cab, that is occupied by the operator, in a designated taxi zone listed in Schedules 16 or 17 of this by-law, while said taxi zone is in force and effect.
- (b) Section 6(a) shall not apply to those through highways also listed in Schedule 3.
- (c) Schedule 3 describes the following:
- (i) in column one thereof, the name of the highway or part highway which is designated as a "through highway" but where the 2:00 a.m. to 7:00 parking prohibition is not in force and effect;
  - (ii) in column two thereof, the point where the provision negating the 2:00 a.m. to 7:00 a.m. parking prohibition commences; and,
  - (iii) in column three thereof, the point where the provision negating the 2:00 a.m. to 7:00 a.m. parking prohibition concludes.

## **BICYCLE LANE PARKING PROHIBITION**

- (7) No person shall park any vehicle on, or in such a manner as to obstruct, a bicycle lane designated by a By-law of the City, provided that this shall not prohibit the momentary stopping of:
- (i) buses at signs marking a bus stop;
  - (ii) taxis while actively engaged in receiving or discharging passengers; or,
  - (iii) other motor vehicles while actively engaged in receiving or discharging passengers who are disabled.

## DESIGNATED PARKING PROHIBITIONS - ON STREET

- (8) (a) (06-279) No person shall park any vehicle upon any of the highways or part highways listed in Schedule 8 of this By-law, provided suitable signs are erected and maintained and provided that this shall not serve to prohibit the standing of a taxi cab, that is occupied by the operator, in a designated taxi zone listed in Schedule 16 or 17 of this by-law, while said taxi zone is in force and effect.
- (b) Schedule 8 describes the following:
- (i) in column one thereof, the municipal name of the highway where parking is prohibited;
  - (ii) in column two thereof, the side of the highway, by compass direction, where parking is prohibited;
  - (iii) in column three thereof, the location on the highway where parking is prohibited; and,
  - (iv) in column four thereof, the times and days when parking is prohibited if any.

## ALTERNATE SIDE PARKING REGULATIONS

- (9) (a) No person shall park any vehicle upon those highways or part highways listed in Schedule 9 or Schedule 10 of this By-law, provided suitable signs are erected and maintained and provided that nothing in this section shall be deemed to modify or otherwise affect any other provision of this By-law restricting or prohibiting parking or stopping.
- (b) Schedule 9 describes the following:
- (i) in column one thereof, the municipal name of the highway where parking is prohibited;
  - (ii) in column two thereof, the particular location on the highway where parking is prohibited;
  - (iii) in column three thereof, the side of the highway by compass direction, where parking is prohibited from 8:00 a.m. on the first day of each month to 11:00 p.m. on the fifteenth day of each month; and,
  - (iv) in column four thereof, the side of the highway by compass direction, where parking is prohibited from 8:00 a.m. on the

sixteenth day of each month to 11:00 p.m. on the last day of each month.

- (c) Schedule 10 describes the following:
  - (i) in column one thereof, the municipal name of the highway where parking is prohibited;
  - (ii) in column two thereof, the particular location on the highway where parking is prohibited;
  - (iii) in column three thereof, the side of the highway by compass direction, where parking is prohibited from 8:00 a.m. on the first day of each month to 11:00 p.m. on the fifteenth day of each month during the months of April through November, inclusive; and from 8:00 a.m. on the first day of December through to 11:00 p.m. on the last day of March; and,
  - (iv) in column four thereof, the side of the highway by compass direction, where parking is prohibited from 8:00 a.m. on the sixteenth day of each month to 11:00 p.m. on the last day of each month during the months of April through November, inclusive.

## **TOURIST SIGHT SEEING BAYS**

- (10) No person shall park, in a tourist sight seeing bay listed in Schedule 11:
- (a) Any commercial motor vehicle of a width of more than two (2) metres (6.5 feet) or any vehicle of a length of more than six (6) metres [20 ft.]; or,
  - (b) Any vehicle, except a disabled vehicle, for a period of time exceeding two (2) consecutive hours; or,
  - (c) Any disabled vehicle, for a period of time exceeding four (4) consecutive hours;

provided that suitable signs are erected and maintained.

- (11) Schedule 11 describes the following:
- (a) in column one thereof, the name of the highway adjoining the tourist sight seeing bay;
  - (b) in column two thereof, the side of the highway, by compass direction, to which the tourist sight seeing bay is adjoined; and,
  - (c) in column three thereof, the location of the tourist sight seeing bay, by compass direction, along the adjoining highway relative to the nearest intersecting highway.

**PERMIT PARKING IN "SPECIAL EVENT PARKING ZONES"**

- (12) (a) For the purpose of this subsection:
- (i) "Special Event Parking Zone" means an area so designated by Council and set out in Schedule 4;
  - (ii) "Residential Special Event Parking Permit" means an exemption permit issued by and at the sole and unfettered discretion of the Manager to:
    - (A) a vehicle registered to an address within the Special Event Parking Zone;
    - (B) a vehicle registered to a person residing within the Special Event Parking Zone; and,
    - (C) a vehicle which is reserved for the exclusive use of a person residing within a Special Event Parking Zone by virtue of a bona fide agreement or contract between the registered owner of the vehicle and the exclusive operator of the vehicle;
  - (iii) "Guest Special Event Parking Permit" means an exemption permit issued by, and at the sole and unfettered discretion of, the Manager, to a person residing within a Special Event Parking Zone for use by specified guests of that resident, provided that:
    - (A) no more than two Guest Special Event Parking Permits can be issued so as to be in force and effect at the same time, to any address within the Special Event Area notwithstanding the number of persons residing at the said address; and,
    - (B) said permit shows, clearly upon its face the license plate number of the vehicle for which it was issued.

- (b) No person shall park any vehicle in a Special Event Parking Zone except a vehicle for which a valid Residential Special Event Parking Permit or a valid Guest Special Event Parking Permit has been issued and is in force and effect and is displayed in the inside of the lower left corner of the windshield.
  - (c) No Residential Special Event Parking Permit or Guest Special Event Parking Permit shall be deemed valid or in force and effect except when facing the exterior of the vehicle on the driver's side such that all information on the face of the permit is in clear view from the exterior of the vehicle.
  - (d) No Residential Special Event Parking Permit or Guest Special Event Parking Permit shall be deemed in force and effect except when displayed in the vehicle for which it was issued and during the times and dates, if any, set out upon its face.
- (13) Schedule 4 describes the following:
- (a) in column one thereof, the name of the highway or part highway included within the Special Event Parking Zone; and,
  - (b) in column two thereof, the point upon the subject highway where the Special Event Parking Zone regulation commences and the point where the regulation terminates.

#### **HEAVY VEHICLE PARKING PROHIBITION**

- (14) No person shall park a heavy vehicle on any highway that is not designated as a truck route by a by-law of the City.

## GENERAL STOPPING PROHIBITIONS

13. (1). No person shall stop any vehicle:
- (a) Within an intersection or crosswalk, or within six (6) metres [20 ft.] of a crosswalk, whether said crosswalk is marked or not;
  - (b) Upon a bridge or in a subway or within thirty (30) metres [100 ft.] of either end thereof;
  - (c) Within a traffic circle or within thirty (30) metres [100 ft.] thereof;
  - (d) In front of or within forty-five (45) centimetres [18 in.] of either side of a driveway to residential premises having not more than three dwelling units, or in front of or within one (1) metre [3 ft.] of either side of any other driveway, vehicle approach ramp, shipping entrance, lane or alley;
  - (e) On the right-hand side of any two-way roadway and on either side of any one-way roadway, within thirty (30) metres [100 ft.] on the vehicular approach side and within six (6) metres [20 ft.] on the vehicular departure side of any railway crossing or railway crossing warning signal;
  - (f) Within fifteen (15) metres [50 ft.] of a school crossing on a two-way roadway or within fifteen (15) metres [50 ft.] on the vehicular approach side or within six (6) metres [20 ft.] on the vehicular departure side of a school crossing on a one-way roadway;
  - (g) Where temporary "No Stopping" signs are erected, placed or posted along any highway or part of a highway by an Officer of the Hamilton Police Service or an employee of the City pursuant to Section 22;
  - (h) Within nine (9) metres [30 ft.] of an intersection with any highway;

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- (i) Within seventy-five (75) metres [246 ft.] of any signalized intersection, provided suitable signs are erected and maintained, except buses at a sign marking a bus stop, and save that this prohibition shall not apply to the parking of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, within a loading bay constructed adjacent to the through lanes of the roadway and designated as such in the appropriate schedule subjoined to this By-law;
- (j) In front of or within three (3) metres [10 ft.] of the entrance of any fire hall, or on the opposite side of the street for the full width of said fire hall and an additional distance of fifteen (15) metres [50 ft.] each way;
- (k) Except buses, within twenty-six (26) metres [85 ft.] on the approach side and nine (9) metres [30 ft.] on the leaving side of any sign marking a bus stop designated by a By-law of the City;
- (l) On the roadway side of any vehicle parked or stopped at the curb or edge of the roadway;
- (m) Along side or opposite any excavation or other obstruction when such stopping would obstruct or interfere with traffic;
- (n) In front of or within nine (9) metres [30 ft.] of either side of a driveway, vehicle approach ramp, pedestrian pathway or pedestrian walk, leading to or from a school, park or playground area, provided suitable signs are erected and maintained;
- (o) Within six (6) metres [20 ft.] of any signalized intersection, except buses at a sign marking a bus stop.
- (p) At or near the edge of any roadway which adjoins a central boulevard.

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- (q) Less than three (3) metres [10 ft.] from a point at the edge of the roadway which is directly opposite a hydrant and on the same side of the roadway as said hydrant; or,
  - (r) In any City alleyway provided suitable signs prohibiting stopping are erected and maintained; or,
  - (s) Within forty-five (45) centimetres [18 in.] of any wheelchair ramp leading from a municipal sidewalk to the roadway; or,
  - (t) Within fifteen (15) meters [50 ft.] of an intersection, provided suitable signs are erected and maintained.
- (2)
- (a) No owner or other person shall permit any vehicle kept for hire to stand upon any street while waiting hire or engagement, except at an area authorized and assigned by the provisions of this by-law, and provided that suitable signs are erected and maintained.
  - (b) No owner or other person shall permit any vehicles kept for hire providing service to the Airport, to stand upon any street while waiting hire or engagement, except at a stand authorized and assigned by the provisions of this by-law;

## DESIGNATED STOPPING PROHIBITIONS - ON STREET

14. (1) No person shall stop any vehicle, except a bus at a sign marking a bus stop, upon any of the highways or parts of highways indicated in Schedule 13 during any of the times specified therein, provided that suitable signs are erected and maintained.
- (2) Schedule 13 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes;
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.
15. (1) No person shall stop any vehicle at any "wheelchair loading zone" listed in Schedule 14 during anytime specified therein, provided suitable signs are erected and maintained, saving and excepting however while the driver is actively engaged in loading or unloading persons suffering from a mobility impairment, whether or not a wheelchair is in use, for a period of time no longer than is necessary for such purpose, and in no case shall the vehicle be left unattended for a period of time which exceeds 10 minutes.

- (2) Schedule 14 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited except for wheelchair loading;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.
  
16. (1) No person shall stop any vehicle at any Commercial Vehicle Loading Zone listed in Schedule 15 during any time specified therein, provided suitable signs are erected and maintained, saving and excepting a commercial vehicle while being loaded and unloaded for a period of time no longer than is reasonably necessary for such purposes.
  
- (2) Schedule 15 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited except for commercial vehicle loading and unloading;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.

17. (1) No person shall stop any vehicle at any school bus loading zone listed in Schedule 20 during any of the times specified therein, provided suitable signs are erected and maintained, save and except:
- (a) any school bus while being loaded or unloaded for a period of time no longer than is reasonably necessary for such purpose; and,
  - (b) any taxi cab while engaged in loading or unloading passengers, provided that suitable signs exempting taxi cabs have been erected and are maintained;

and provided that whenever under this Section stopping is prohibited during certain times, such prohibition shall not apply on Saturdays, Sundays or holidays.

- (2) Schedule 20 describes the following:
- (a) in column one thereof, the highway or part highway where stopping is prohibited except for school bus and taxi cab loading and unloading;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.

18. (1) No person shall stop any vehicle in any designated taxi zone listed in Schedule 16, except a vehicle licensed as a taxi cab, provided suitable signs are erected and maintained.
- (2) Schedule 16 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited except for a licensed taxi cab;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.
19. (1) No person shall stop any vehicle in any designated public taxi zone listed in Schedule 17, except a vehicle licensed as a public taxi cab, provided suitable signs are erected and maintained.
- (2) Schedule 17 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited except for a license public taxi cab;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.

20. (1) No person shall stop any vehicle in any designated hotel limousine zone listed in Schedule 18, except a vehicle operated as a limousine by a hotel, provided suitable signs are erected and maintained.
- (2) Schedule 18 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited except for a limousine operated by a hotel;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.
21. (1) No person shall stop any vehicle in any designated Airport Service Bus and Limousine Stand listed in Schedule 19, except a bus or limousine dedicated solely for airport service, provided suitable signs are erected and maintained.
- (2) Schedule 19 describes the following:
  - (a) in column one thereof, the highway or part highway where stopping is prohibited except for a bus or limousine dedicated for airport service;
  - (b) in column two thereof, the side of the subject highway or part highway, by compass direction, where said stopping is prohibited;
  - (c) in column three thereof, the point at which the subject stopping prohibition commences and the point where such regulation concludes; and,
  - (e) in column four thereof, those periods during which the subject regulation is in force and effect.

## **SPECIAL PARKING & STOPPING REGULATIONS**

22. (1) The Chief of Police, and any Police Officer under his command, is hereby authorized to temporarily prohibit parking or stopping on such highways and during such times and days as he deems proper and necessary, in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City and he shall erect or cause to be erected authorized signs upon such highways or otherwise give public notice to indicate such prohibition or limitation.
- (2) The Chief of Police, and any Police Officer under his command, is hereby authorized to temporarily annul any existing traffic or parking regulation normally in force and effect under provisions of this By-law, on such highways and during such times and days as he deems proper and necessary, in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City, and he shall erect or cause to be erected authorized signs upon such highways, or remove or cover or cause to be removed or covered such signs as may exist upon such highways, or otherwise give public notice to indicate such nullification.
- (3) The General Manager is hereby authorized to temporarily prohibit parking or stopping on such highways and during such times and days as he deems proper and necessary in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City, and he shall erect or cause to be erected authorized signs upon such highways or otherwise give public notice to indicate such prohibition or limitation.
- (4) The General Manager is hereby authorized to temporarily annul any existing traffic or parking regulation normally in force and effect under provisions of this By-law, on such highways and during such times and days as he deems proper and necessary, in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City, and he shall erect or cause to be erected authorized signs upon such highways, or remove or cover or cause to be removed or covered such signs as may exist upon such highways, or otherwise give public notice to indicate such nullification.

- (5) The Manager is hereby authorized to temporarily prohibit parking or stopping on such highways and during such times and days as he deems proper and necessary in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City, and he shall erect or cause to be erected authorized signs upon such highways or otherwise give public notice to indicate such prohibition or limitation.
- (6) The Manager is hereby authorized to temporarily annul any existing traffic or parking regulation normally in force and effect under provisions of this By-law, on such highways and during such times and days as he deems proper and necessary, in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of some vital function of the City, and he shall erect or cause to be erected authorized signs upon such highways, or remove or cover or cause to be removed or covered such signs as may exist upon such highways, or otherwise give public notice to indicate such nullification.
- (7) Without limiting the generality of subsection (6) above, the Manager is hereby authorized to temporarily prohibit parallel parking and implement perpendicular or angle parking, on such highways or part highways and during such times and days as he deems proper and necessary, in the interest of safety and convenience of the public, the proper movement of traffic, or the proper and safe performance of any function or activity of, or approved by, the City. In this case, the Manager shall cause to be erected suitable signs upon said highways or part highways, or remove or cover or cause to be removed or covered such signs as may exist upon said highways, or otherwise give public notice to indicate the aforesaid change in regulation, which notice may include the painting or placement of ground markings. For the purpose of this subsection, "highways or part highways" is deemed to specifically include any roadway, boulevard and shoulder of the road.
- (02-240)

23. No person shall:

- (02-277)
- (1) Wash down any vehicle parked, stopped or standing on any highway.
  - (2) Perform automotive services, maintenance or repairs, to any vehicle parked, stopped or standing on any highway.

Save and except that this section shall not prohibit the performance of minor emergency repairs necessary to provide for the safe removal of the subject vehicle from the highway.

## SNOW ROUTE REGULATIONS

24. (1) For the purpose of this section, a Snow Emergency is a period of time commencing with a declaration by the Chief of Police that a Snow Emergency is in effect, and ending with a declaration by the Chief of Police that the Snow Emergency has ended. The Chief of Police may declare a Snow Emergency when a snow emergency condition exists, and the Snow Emergency may be declared to be in effect for some or all of the Snow Routes listed in Schedule 21.
- (2) A snow emergency condition shall exist for that period of time during which it is necessary, in the opinion of the Chief of Police, to prohibit the parking or standing of motor vehicles on, and to require the moving or removal of vehicles from some or all of the Snow Routes listed in Schedule 21, in order to facilitate the ploughing or removal of snow.
- (3) A Snow Route is a highway which is so designated by the Council of the City of Hamilton and is listed in Schedule 21 and which is signed with official signs indicating that:
- (a) parking is prohibited at all times, or,
  - (b) parking is prohibited during a Snow Emergency.
- (4) The Chief of Police is hereby authorized to use whatever means he may deem advisable to advise the general public of the commencement or termination of a Snow Emergency.
- (5) Notwithstanding any other provisions of this By-law, no person shall park or stand or leave parked or standing any vehicle other than an authorized emergency vehicle, on any Snow Route during a Snow Emergency.

- (6) In this section the parking or standing of a vehicle on a Snow Route within the City of Hamilton shall constitute an offence and upon the elapse of each subsequent 12 hour period during which the vehicle is parked or allowed to remain standing on the said Snow Route, while the Snow Emergency remains in effect, a separate offence shall be deemed to have been committed and a violation tag may be issued for each 12 hour period for which the vehicle is alleged to be in violation.
  
- (7) Schedule 21 describes the following:
  - (a) in column one thereof, the name of the highway or part highway where parking is prohibited during a declared snow emergency;
  - (b) in column two thereof, the point at which the subject parking regulation commences; and,
  - (c) in column three thereof, the point at which the subject regulation concludes.

## **PARKING EXEMPTIONS FOR THE PHYSICALLY DISABLED**

25. (1) For the purpose of this section:
- (a) "permit" shall mean a permit or an identifying marker issued by the Ministry of Transportation Ontario to a physically disabled person, said marker being a Disabled Person Parking Permit; and,
  - (b) "Ministry" shall mean the Ministry of Transportation Ontario.
- (2) No person shall use, other than in the manner provided for in this Section a permit issued by the Ministry.
- (3) The permit shall be affixed to the sun visor of the driver's side of the motor vehicle being used to transport the permit holder, and such permit shall be affixed in such a manner to that it is readily visible from outside of the vehicle when the visor is turned down, or it shall be displayed on the left hand side dashboard of the vehicle in such a manner as to be in clear view from the exterior of the vehicle.
- (4) A permit shall be deemed to be properly displayed when the permit is entirely and readily visible from the exterior of the vehicle and only if the face of the permit is entirely unobstructed.
- (5) Notwithstanding all other provisions of this By-law and notwithstanding the display of authorized signs to the contrary, the owner or driver of a vehicle properly displaying an identifying marker, is exempt from the following provisions of said By-law:
- (a) Section 8(5)(a), (b) and (c); and,
  - (b) Section 9(1);

however, nothing in this section shall be deemed to annul or waive the any other provision of this By-law.

**PART 3 - PARKING CONTROL DEVICES**

**POLICE "NO PARKING" AND "NO STOPPING" SIGNS**

26. (1) Pursuant to Section 22 and in the exercise of the power to direct traffic, a Police Officer may erect or cause to be erected "No Parking" and "No Stopping" signs in such places and for such temporary periods as may be reasonably necessary or advisable.
- (2) Subject to Sections 22 and 26, no unauthorized person may erect, install, place or otherwise use a "No Parking" or a "No Stopping" sign which is, or which appears to be, a Police "No Parking" or "No Stopping" sign.
- (3) Subject to Sections 22 and 26, no unauthorized person may remove, alter, injure, obstruct or otherwise interfere with a Police "No Parking" or "No Stopping" sign.

**SIGNS AND TRAFFIC CONTROL DEVICES**

27. (1) It shall be the duty of the Manager to erect and maintain or cause to be erected and maintained all parking meters, parking regulation signs and other traffic control devices as may be required or authorized by statute or by this By-law, or such as may be required to manage or regulate parking for the safety or convenience of the public.
- (2) The Manager is authorized to temporarily remove or otherwise annul such parking meters, parking regulation signs and other traffic control devices as may be necessary to accommodate the interests of the City.

## OFFICIAL SIGNS

28. (1) Where under The Highway Traffic Act an official sign is required to be erected and no official sign for the purpose has been designated under that Act or the regulations made thereunder, each such sign shall correspond with one of the illustrations in Schedule 22, notwithstanding that a sign illustrated is identical with an official sign that has been designated.
- (2) Every sign illustrated in Schedule 22 may be varied by supplementary information as may be necessary or appropriate to indicate the conditions under which the sign applies including the following and any combination thereof:
- (a) Time or times of the day;
  - (b) Day or days of the week;
  - (c) Month or months of the year;
  - (d) The use by specific types or classes of vehicles;
  - (e) Number of hours or minutes; and,
  - (f) Any other information that serves to indicate conditions under which the sign applies.

**UNLAWFUL SIGNS**

29. (1) No unauthorized person shall place, maintain or display upon or in view of any highway any sign, marking or device which is or which resembles an official sign or traffic control device, to such a degree that it may be mistaken for an official sign or traffic control device, or which is so located as to interfere with the effectiveness of an official sign or traffic control device.
- (2) No person shall without lawful authority move from its proper position or otherwise interfere with any authorized or official traffic sign or other traffic control device.

**COMPLY WITH SIGNS**

30. Save as may be otherwise more specifically provided in this By-law or the Highway Traffic Act, it shall be an offence against the provisions of this By-law for any person to fail to comply with the directions of any official traffic sign or traffic control device regulating traffic on a highway.

## **PART 4 - OFFENCES AND PENALTIES**

### **OFFENCE AND PENALTIES**

31. (1) The owner of a vehicle that is parked, stopped or left standing in contravention of this By-law is guilty of an offence and is liable to such penalties as are provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33., as amended, unless the owner proves to the satisfaction of the Court that at the time of the offence the motor vehicle was in the possession of another person without the owner's consent, expressed or implied.
- (2) Any person who violates any provision of this By-law is guilty of an offence and is liable to such penalties as are provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

### **TOWING**

32. A Police Officer or a Municipal Law Enforcement Officer appointed to enforce the provisions of this By-law, upon discovery of a vehicle parked or standing contrary to the provisions of this By-law, may cause the vehicle to be moved or taken to and placed or stored in a suitable place and all costs for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by Repair and Storage Liens Act, R.S.O. 1990, c.R.25.

### **TAGGING**

33. Where a vehicle is found parked, standing or stopped in contravention of the provisions of this By-law, the Police Officer or Municipal Law Enforcement Officer so finding the vehicle may attach to the vehicle a Parking Infraction Notice in the form of a serially numbered ticket stating:
- (a) the license number and description of the vehicle;
  - (b) the alleged offence;
  - (c) the date, time and place of the alleged offence; and,
  - (d) the early payment and set fine penalties attendant to the alleged offence.

## **VOLUNTARY PAYMENT OF PARKING PENALTIES**

34. Notwithstanding all other provisions of this By-law in respect to penalties for violations of any provisions of this By-law, any person may pay out of court the specific penalty provided for such violation by mailing or otherwise presenting the Parking Infraction Notice alleging the said violation, accompanied by payment of the early amount indicated on the Parking Infraction Notice within seven consecutive days of the issuance of the Notice and upon such payment no further proceedings shall be taken under this By-law in respect of the said offence alleged in the Parking Infraction Notice.

**PART 5 - REPEALS AND ENACTMENT**

35. (1) By-law R89-038 of the Regional Municipality of Hamilton-Wentworth, passed and enacted on the 21st day of March, 1989; By-law 76-46 of the Corporation of the Town of Ancaster, passed and enacted on the 28th day of June, 1976; By-law 3366-82 of the Corporation of the Town of Dundas, passed and enacted on the 18th day of October, 1982; By-law 90-31-T of the Corporation of the Town of Flamborough, passed and enacted on the 18th day of April, 1990; By-law 515-95 of the Corporation of the Township of Glanbrook, passed and enacted on the 16th Day of January, 1995; By-law 89-72, of the Corporation of the City of Hamilton, passed and enacted on the 28th day of February, 1989; and By-law 4818-98 of the Corporation of the City of Stoney Creek, passed and enacted on the 22nd day of September, 1998; each as amended, and including all amendments thereto, are hereby repealed.
- (2) Every reference to the aforesaid By-laws with respect to matters relating to parking and antedating the enactment of this By-law shall be deemed to be a reference to this By-law.
36. The short title of this By-law shall be "The On-Street Parking By-law".
37. This By-law shall come into force and effect upon the date of the issue of an order by the Regional Senior Justice establishing set fines for this by-law.

PASSED AND ENACTED on this                      day of                      , A.D. 20001.

Office Consolidation - Updated as Amended

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk