

HAMILTON TRAFFIC AND PARKING ORDINANCE 2013

(made under section 38 (2) (c), (m) and (n) of the Municipalities Act 1923 title 4 item 1)

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An Ordinance to amend, consolidate and re-enact the Ordinances relating to parking and traffic control in the City of Hamilton, and to make connected provision.

PART 1

CITATION, COMMENCEMENT, INTERPRETATION AND APPLICATION

Citation and commencement

1. (1) This Ordinance (which revokes and replaces the Hamilton Fee Parking Ordinance 1981, the Municipalities (Hamilton Pay and Display Parking) Ordinance 1986, the Hamilton Traffic and Sidewalks Ordinance 1988, the Hamilton Pay and Display Voucher Parking Ordinance 1995 and the Municipalities (Hamilton Pay and Display Parking Vehicle Wheel Clamping) Ordinance 2007), may be cited as the Hamilton Traffic and Parking Ordinance 2013.
- (2) This Ordinance shall come into operation on such date as the Corporation may appoint by notice published in the Gazette; and the Corporation may appoint different dates for the coming into operation of different provisions of this Ordinance, and may make such appointments at different times.

Interpretation

2. (1) In this Ordinance, unless the context otherwise requires-
“auxiliary bicycle” has the meaning given in the Auxiliary Bicycles Act 1954, except that it does not include an auxiliary bicycle declared to be a motor cycle under the Motor Cycles and Auxiliary Bicycles (Special Measures of Control) Act

1953;

“carriage way” means that part of a street which is designed for the passage of vehicles;

“City car park” means any property owned or leased by the Corporation for the parking of vehicles and includes fee car parks;

“City street” means any street or part of a street within the municipal area of the city of Hamilton as described by section 6 (1) of and Schedule A1 to the Municipalities Act 1923;

“clamper” means any person acting under the authority of the Corporation whose function is to fit immobilization devices to vehicles in fee car parks or City streets during controlled hours and, as the case may be, to remove such devices;

“commercial vehicle” means a vehicle other than a private motor car (as defined by section 2 (1) of the Motor Car Act 1951) and, accordingly, includes a vehicle prohibited from being registered under section 16 by section 16 (9) of that Act;

"container" means any bag, bale, barrel, box, can, shopping cart, carton, crate, hogshead, puncheon, tank, or other type of package in which goods are placed, but does not include a shipping container;

"container-truck" means any vehicle designed for use in the transportation or movement of shipping containers;

"controlled hours" means the time beginning at 8.00 a.m. and ending at 6.00 p.m. on any day other than Sunday or any other public holiday under the Public Holidays Act 1947;

"Corporation" means the Corporation of Hamilton;

"curb" means any boundary of a carriage way whether marked by curbstones or not;

"cycle" includes a pedal cycle, a tricycle, or a similar vehicle which is not motor propelled, or whose propulsion is not electrically assisted;

"cycle parking area" means an area allotted or set aside by the Corporation for the exclusive purpose of parking cycles, and designated as such by traffic signs;

"driver", in relation to a vehicle, means any person driving, riding, or in charge of the vehicle and includes the rider of a horse, and "drivers" and other cognate expressions shall be construed accordingly;

"emergency vehicle" means any fire engine or auxiliary tender for fire-fighting apparatus conveying members of the Fire Service, any ambulance, and any police vehicle operated by the Bermuda Police Service;

"fee car park" means land appointed pursuant to paragraph 3 to be a fee car park for the purposes of this Ordinance;

"goods" includes all kinds of goods, livestock, merchandise and wares;

"goods vehicle" means a vehicle constructed or adapted to be used primarily for the carriage of goods, and includes a container-truck or shipping container;

"horse" includes any beast of draught or burden;

"immobilization device" means any device or appliance designed or adapted to be fixed to a vehicle or any class of vehicle for the purpose of preventing the vehicle from being driven or otherwise put in motion;

"immobilization device release fee" means the fee set out in Part C of Schedule 2 payable to the clamper by the driver of the vehicle to which the immobilization device has been fitted for the removal of the device from the vehicle;

"interruption of traffic" means any obstruction by which the passage of any vehicle, horse or pedestrian along any street is, or is likely to be, prevented or impeded;

"loading zone" means any space allotted by the Corporation for the loading and unloading of goods vehicles and designated as such by three white lines parallel to the curb or by a traffic sign, or both;

"motor car" has the meaning given in the Motor Car Act 1951;

"motor cycle" has the meaning given in the Motor Car Act 1951, and includes an auxiliary bicycle declared to be a motor cycle under the Motor Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953;

"motor cycle parking area" means an area allotted or set aside by the Corporation for the exclusive purpose of parking, auxiliary bicycles and motor cycles and designated as such by white lines painted on the carriage way or by traffic signs or both;

"owner" means the person in whose name a vehicle is registered and includes the person by whom the vehicle is kept and used (if different) and, in relation to a vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under the agreement;

"parking" means the standing on a street or fee car park of any vehicle, other

than an emergency vehicle, whether occupied or not except—

- (a) while passengers are entering or leaving the vehicle;
- (b) when in compliance with the directions of a police officer or of a traffic signal;
- (c) while temporarily stopped by reason of traffic conditions;
- (d) while stopped owing to mechanical breakdown or lack of fuel;

and "park" and other cognate expressions shall be construed accordingly;

"parking area" means any area allotted or set aside by the Corporation for the parking of vehicles or any class of vehicles and designated as such by public notice or by traffic signs or both;

"parking enforcement notice" means a notice left posted on a vehicle by a clamper, traffic warden or police officer to indicate that the vehicle is parked in contravention of this Ordinance;

"parking fee" means a fee prescribed in Schedule 2;

"parking pass" means a pass issued under paragraph 6;

"parking voucher" means any permit or device relating to the payment of parking fees of a type and design approved by the Corporation, including paper permits, electronic, smartphone and computer devices and applications, and includes a ticket;

"pay parking street" means every City street except those parts marked and identified as-

- (a) no parking zones;
- (b) taxi stands;
- (c) cycle parking areas;
- (f) pedestrian crossings; or
- (g) bus stops;

"pedestrian" means any person using a street on foot or in an invalid carriage for the purpose of passage but does not include a person propelling a vehicle;

"pedestrian crossing" means a part of the street for pedestrians to pass from one side of the carriage way to another and designated by markings on the carriage way;

"police officer" means any member of the Bermuda Police Service; or any traffic warden in uniform, or any other officer deemed to be a police officer by the Municipalities Act 1923;

"public carriage" has the meaning given in the Public Carriage Act 1949;

"service vehicle parking permit" means any permit or device of a type and design approved by the Corporation in relation to parking by a commercial vehicle, including paper permits, and electronic, smartphone and computer devices and applications;

"shipping container" means those receptacles commonly used for the storage and shipment of goods by sea;

"sidewalk" means any paved or unpaved portion of any street which is provided by the Corporation for the use of pedestrians, and includes a footpath;

"stopping" means the standing on a street of any vehicle, other than an emergency vehicle, whether occupied or not except—

- (a) when in compliance with the directions of a police officer or of a traffic sign or traffic signal;
- (b) while temporarily stopped by reason of traffic conditions;
- (c) while stopped owing to mechanical breakdown or lack of fuel;

and "stop" and cognate expressions shall be construed accordingly;

"street" includes any alley, highway, lane, parking area, pavement, public area, public passage, sidewalk, thoroughfare or wharf used by horses, pedestrians or vehicles;

"taxi" means any motor car which is being operated as a motor taxi under the authority of a valid permit granted under the Motor Car Act 1951, or a special permit granted under the Motor Taxi (Special Permits) Act 1970;

"taxi stand" means an area allotted by the Corporation for the exclusive parking of taxis and designated as such by traffic signs;

"ticket" means a parking ticket issued by a ticket-issuing machine;

"ticket-issuing machine" means a machine installed by the Corporation at a fee car park for the purpose of issuing tickets;

"tracked vehicle" has the meaning given in the Motor Car Act 1951;

"traffic sign" means a sign for regulating the movement of traffic or the parking of vehicles and which is lawfully erected, placed or marked on or near any street or any City car park;

"valid parking voucher" means a parking voucher which shows that the relevant parking fee has been paid and that the time for which it permits the vehicle to be parked for that fee has not expired, or from which the information referred to may be extracted, derived or confirmed; and

"vehicle" includes any motor car, motor cycle, auxiliary bicycle, cycle, wagon, carriage, cart, tractor, trailer, shipping container, hand cart, or other conveyance (except a baby carriage or perambulator) which is used for the transportation of passengers, animals, goods or other loads; and "vehicular" shall be construed accordingly.

- (2) For the purposes of this Ordinance, "displaying" a parking voucher means displaying the voucher on the inside of the windscreen or of a side window, or on the front dashboard, and in any event in such a manner that it can be clearly seen and read by any person from outside the vehicle.
- (3) Nothing in this Ordinance shall be construed as derogating from any public general Act of the Legislature of Bermuda, in particular, the Road Traffic Act 1947, the Traffic Offences Procedure Act 1974 or the Traffic Offences (Penalties) Act 1976.
- (4) Accordingly-
 - (a) nothing in this Ordinance excuses compliance with such Acts; and
 - (b) if any provision of this Ordinance is repugnant to any provision of such Acts, then the latter provision prevails to the extent of the repugnancy.
- (5) For the avoidance of doubt, the Interpretation Act 1951 applies in relation to this Ordinance as it applies to Acts of the Legislature of Bermuda and statutory instruments made, given or issued in Bermuda.

PART 2

FEE CAR PARKS

Fee car parks

3. Subject to this Part, the areas of land described in Schedule 1 are appointed for use as fee car parks during controlled hours.

Parking fees

4. (1) Unless otherwise lawfully authorised, the driver of a vehicle shall not park the vehicle in a fee car park unless he pays the parking fee prescribed by this Ordinance in respect of the parking of the vehicle in that car park in the manner set out in this paragraph.
- (2) The fee for parking in a fee car park shall be paid by the purchase in advance of a parking voucher from the Corporation or from any person for the time being authorised by the Corporation to sell parking vouchers.
- (3) No refund shall be payable by the Corporation or any such person in respect of any parking voucher surrendered to the Corporation or such person.
- (4) No person shall be parked in any one place in a fee car park for longer than is permitted by a traffic sign.
- (5) A vehicle which has been left in and thereafter removed from any place in a fee car park shall not again be left in that same place until the expiration of such period from the time it was removed as may be indicated by a traffic sign.
- (6) For the avoidance of doubt, this paragraph applies whether the vehicle parked or to be parked may also be said to be stopped within the meaning of paragraph 2 (1).

Display of voucher

5. (1) The driver of a vehicle shall display a valid parking voucher when the vehicle is parked in a fee car park.
- (2) A driver who, apart from this sub-paragraph, would be required by sub-paragraph (1) to display a parking voucher on a vehicle, is exempt from that requirement in the following circumstances-
 - (a) for the avoidance of doubt, where the vehicle is not parked within the meaning of paragraph 2 (1), because the circumstances fall within those set out in any of the exceptions to the definition of “parking” set out in that paragraph;
 - (b) where, even though he is parked within the meaning of that paragraph, the vehicle is standing due to any circumstances beyond his control or because-
 - (i) it is necessary to avoid an accident;
 - (ii) it is necessary for any other reason directly related to safety;

- (iii) the vehicle is a vehicle owned by the Corporation at that time in the course of carrying out the Corporation's business or affairs;
- (iv) the vehicle is standing only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic.

Parking passes

- 6. (1) The Corporation may issue to any person a parking pass granting to him—
 - (a) total or partial exemption from the payment of parking fees in respect of the vehicle specified in the pass;
 - (b) any other privilege in relation to, or any other exemption from, any provision of this Ordinance.
- (2) The production or display of a parking pass issued in respect of a vehicle is sufficient authority for the vehicle to be parked in a fee car park in accordance with the provisions of the parking pass, and this Part shall apply in relation to the vehicle accordingly.

Controls on parking

- 7. Except with the permission of the Corporation, the driver of a vehicle shall not cause or permit the vehicle-
 - (a) to be in contravention of directions contained in a notice referred to in paragraph 11 (2); or
 - (b) to be parked outside the designated space outlined by white lines or signage.

Restrictions on driving

- 8. The driver of a vehicle using a fee car park shall not drive the vehicle-
 - (a) recklessly or at a speed or in a manner which is dangerous to other users of that car park, or without due care and attention, or without reasonable consideration for other users of that car park, or
 - (b) otherwise than for the purpose of leaving that vehicle in the car park in accordance with this Part or a direction given under it, or than for the purpose of departing from the car park.

- (c) to enter a car park otherwise than by an entrance, or to leave a car park otherwise than by an exit, or to proceed within a car park otherwise than by a route, specified by notices or other indications displayed in or on the car park.

Removal of vouchers prohibited

- 9. (1) Where a valid parking voucher is being displayed on a vehicle no person (other than the driver) shall remove the voucher unless authorised to do so by the driver.
- (2) No person shall substitute another parking voucher for one which is or has been displayed on a vehicle for the purpose of remaining longer than is permitted under this Part in a fee car park.
- (3) No person shall alter any of the information on a valid parking voucher or otherwise tamper with it in any way for the purpose of avoiding the fees due under this Part.

Duty to comply with directions

- 10. A driver about to enter, or in, or leaving, a fee car park during controlled hours shall comply with any direction contained in any sign, notice or other indication erected by the Corporation in or about the fee car park for the regulation of traffic in the fee car park.

Saving

- 11. (1) Nothing in this Part entitles a person to bring any vehicle into a fee car park, whether during controlled hours or not, without the Corporation's consent.
- (2) Nothing in this Part prevents the Corporation, by notice displayed at a fee car park—
 - (a) from setting aside particular parts of the fee car park for particular uses at particular times; or
 - (b) from closing the fee car park for any period.

Offences

- 12. A person who contravenes any provision of paragraphs 4 (1), 5 (1), 7, 8, 9 or 10 commits an offence.

PART 3

STREET PARKING

Parking fees

13. (1) Unless otherwise lawfully authorised, the driver of a vehicle shall not park the vehicle on a pay parking street during controlled hours unless he pays the parking fee prescribed by this Ordinance in respect of the parking of the vehicle in that street in the manner set out in this paragraph.
- (2) The fee for parking on a pay parking street shall be paid by the purchase in advance of a parking voucher from the Corporation or from any person for the time being authorised by the Corporation to sell parking vouchers.
- (3) No refund shall be payable by the Corporation or any such person in respect of any parking voucher surrendered to the Corporation or such person.
- (4) No vehicle shall be parked in any one place in a pay parking street for longer than one hour unless otherwise indicated by a traffic sign or unless the vehicle is otherwise permitted by a service vehicle parking permit.
- (5) A vehicle which has been left in and thereafter removed from any place in a pay parking street shall not again be left in that same place until the expiration of one hour from the time it was removed.
- (6) For the avoidance of doubt, this paragraph applies whether the vehicle parked or to be parked may also be said to be stopped within the meaning of paragraph 2 (1).

Display of voucher

14. (1) The driver of a vehicle shall display a valid parking voucher when the vehicle is parked on a pay parking street.
- (2) A driver who, apart from this sub-paragraph, would be required by sub-paragraph (1) to display a parking voucher on a vehicle, is exempt from that requirement in the following circumstances-
 - (a) for the avoidance of doubt, where the vehicle is not parked within the meaning of paragraph 2 (1), because the circumstances fall within those set out in any of the exceptions to the definition of “parking” set out in that paragraph;
 - (b) where, even though he is parked within the meaning of that paragraph, the vehicle is standing due to any circumstances beyond his control or because-

- (i) it is necessary to avoid an accident;
- (ii) it is necessary for any other reason directly related to safety;
- (iii) the vehicle is a vehicle owned by the Corporation at that time in the course of carrying out the Corporation's business or affairs;
- (iv) the vehicle is standing only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic.

Removal of vouchers prohibited

- 15. (1) Where a valid parking voucher is being displayed on a vehicle no person (other than the driver) shall remove the voucher unless authorised to do so by the driver.
- (2) No person shall substitute another parking voucher for one which is or has been displayed on a vehicle for the purpose of remaining longer than is permitted under this Part on a pay parking street.
- (3) No person shall alter any of the information on a valid parking voucher or otherwise tamper with it in any way for the purpose of avoiding the fees due under this Part.

Manner of standing in pay parking street

- 16. Every vehicle left in a pay parking street shall so stand such that-
 - (a) it faces in the direction of travel for that street or that side of the street; and
 - (b) the distance between the edge of the carriage way and the nearest wheel of the vehicle is not more than one foot.

Power to suspend use of pay parking street

- 17. (1) Any person duly authorised by the Corporation may suspend the use of a pay parking street or any part thereof whenever that person considers such suspension reasonably necessary for the purposes of—
 - (a) facilitating the movement of traffic or promoting its safety;
 - (b) enabling a public service vehicle to wait there;
 - (c) the loading or off-loading of goods by goods vehicles;
 - (d) any building operation, demolition or excavation adjacent to the pay parking street;

- (e) the maintenance, improvement or reconstruction of the road or the cleansing of gullies in or adjacent to the pay parking street;
 - (f) the laying, erection, alteration, removal or repair in or adjacent to the pay parking street of any sewer or of any main, pipe or installation for the supply of water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1986;
 - (g) the placing, maintenance or removal of any traffic sign; or
 - (h) any event authorised by the Corporation.
- (2) A police officer in uniform may suspend for not longer than 24 hours the use of a pay parking street or any part thereof whenever he considers such suspension reasonably necessary—
- (a) for any of the purposes mentioned in sub-paragraph (1);
 - (b) on any occasion on which it is likely by reason of some special attraction that any street will be crowded or obstructed; or
 - (c) for the convenience of occupiers of premises adjacent to the pay parking street at times of weddings or funerals, or on other special occasions.
- (3) Any person suspending the use of a pay parking street or any part thereof in accordance with the provisions of sub-paragraph (1) or (2), shall place or cause to be placed in the street or, as the case may be, that part thereof, a traffic sign indicating that stopping, standing, waiting or parking by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to stop, stand, wait or park in any part of a pay parking street during such period as there is in or adjacent to that part of the pay parking street a traffic sign placed in pursuance of sub-paragraph (3).
- (5) Sub-paragraph (4) shall not apply—
- (a) in respect of any emergency vehicle on emergency call or any vehicle which is waiting for the reason specified in paragraph 14 (2) (b); or
 - (b) to anything done with the permission of the person suspending the use of the pay parking street or part thereof in pursuance of sub-paragraph (1), or of a police officer in uniform.

Removal of parked vehicles in emergency

18. A police officer in uniform may move or cause to be removed to such place as he thinks fit any vehicle left in a pay parking street if, in his opinion, the moving of that vehicle is necessary in the course of an emergency.

Offences

19. A person who contravenes any provision of paragraphs 13 (1), (4) or (5), 14, 15, 16, or 17 (4) commits an offence.

PART 4

PARKING ENFORCEMENT

Fitting of an immobilization device to vehicles

20. (1) A clamber may fit an immobilization device to any vehicle which is parked in contravention of this Ordinance and shall leave a parking enforcement notice posted on the vehicle in such a manner that it is clearly visible.
- (2) The parking enforcement notice shall state that the vehicle is parked in contravention of this Ordinance, shall specify the provision of this Ordinance being contravened, shall contain the name of the clamber and the telephone number at which the clamber can be reached and shall otherwise be in such form as the Corporation may determine.

Removal of immobilization device

21. (1) No person shall interfere with an immobilization device other than a clamber unless expressly authorised by the Corporation.
- (2) In order to have an immobilization device removed the driver of the vehicle to which the immobilization device is attached must call the clamber on the telephone number designated on the parking enforcement notice.
- (3) The clamber must respond to calls from drivers to remove immobilization devices made during controlled hours.
- (4) An immobilization device may only be removed from a vehicle by the clamber following payment of the immobilization device release fee payable to the clamber by the driver of the vehicle to which the immobilization device has been fitted.

- (5) Any person who interferes with an immobilization device in contravention of this paragraph and in doing so causes any damage to the device shall be liable to pay to the Corporation the charge set out in Part D of Schedule 2.

Payment for removal of immobilization device

22. Payment of the immobilization device release fee must be made directly to the clamber in cash or by credit or debit card only, following which the clamber must give the driver of the vehicle a receipt showing the time that the immobilization device was fitted by the clamber, the time the immobilization device was removed by the clamber and the amount of the immobilization device release fee paid.

Immobilization device notification

23. The Corporation must affix at the entrance of every fee car park and at every entrance to the City a notice-
- (a) advising drivers of this Ordinance;
 - (b) specifying the contact details of the clamber;
 - (c) specifying the amount of the immobilization device release fee;
 - (d) specifying the hours that the clamber must respond to calls from drivers to have the immobilization device removed from a vehicle.

Notification of clamber details and payment sums for removal of immobilization device to be published in Gazette

24. In addition to notification by publication of this Ordinance, the Corporation must also notify the general public of the immobilization device release fee or any change of any such fee, in addition to any change of clamber contact details, by giving at least seven (7) days prior notice in the Gazette.

Disclaimer

25. Neither the Corporation nor the clamber shall be liable for any damage caused by the fitting or removal of an immobilization device.

Offences

26. Any person who-
- (a) interferes with an immobilization device without authority from the Corporation; or
 - (b) obstructs a clamber in the execution of his duties under this Part,

commits an offence.

PART 5
REMOVAL OF VEHICLES

Towing and impounding

27. (1) Any person authorised by the Corporation may tow and impound a vehicle under the following conditions-
- (a) if the vehicle has been left on a City street in contravention of this Ordinance or any notice, direction or traffic sign under it; or
 - (b) if the immobilization device release fee is not paid within 48 hours of the issue of a parking enforcement notice.
- (2) As soon as possible after the towing and impounding and, in any event, within two business days thereafter, the Corporation shall publish a notice in the Gazette containing such information as to the vehicle and its whereabouts as will permit the owner to retrieve it.
- (3) Any vehicle towed and impounded shall be released, in a case under sub-paragraph (1) (b), upon payment of both the immobilization release fee, and the towing and impounding charges set out in Parts E and F of Schedule 2, and in any other case, upon payment of those charges.
- (4) Any vehicle impounded which is not retrieved after 21 business days or more may be disposed of at the discretion of the Corporation, which shall be entitled to recover the expenses of such disposal from the owner of the vehicle as a civil debt, in addition to any unpaid fees or charges.
- (5) The Corporation shall not be liable for any damage caused by the towing and impounding of a vehicle.

Corporation not a bailee

28. The Corporation shall not be responsible or liable to any person as a bailee, or as if it were a bailee, in relation to any vehicle brought into a fee car park, or left on a pay parking street, or towed and impounded.

PART 6

MISCELLANEOUS RULES CONCERNING PARKING

SUBPART A

Parking

Restriction of parking of taxis

29. (1) Whilst being operated as such, a taxi shall be parked and shall ply for hire only in a taxi stand and the driver of the taxi shall remain within 30 feet of the place where the taxi is parked.
- (2) A taxi shall not be parked on any pay parking street without displaying a valid parking voucher.

Positioning of motor cycle when parked on any street

30. All motorcycles shall be parked in motor cycle parking areas.

Parking which causes obstruction etc prohibited

31. No person shall stop or park, or permit or cause any vehicle or part of any vehicle to be stopped or parked-
 - (a) on any street or City car park in such position or in such manner so as to obstruct the entrance to any other street, entrance, private drive or City car park;
 - (b) on any street or in any City car park in such manner as to be likely to cause danger to other persons using the street or City car park;
 - (c) on any street, City car park or other property which is closed to traffic by order of the Corporation under the Road Traffic Act 1947;
 - (d) on any sidewalk in the City.

Construction vehicles

32. (1) The Corporation may issue permits authorizing construction vehicles to be operated in the City.
- (2) The Corporation may issue a permit in such form and on such terms and conditions as it thinks fit, including, in particular, terms as to the payment of a fee for the issue of the permit.
- (3) No person shall operate any construction vehicle in the City unless he has a valid

permit in that regard issued under this paragraph and otherwise than in accordance with the terms and conditions of the permit.

- (4) In this paragraph, “construction vehicle” includes cranes, forklifts, hi lifts, excavators, backhoes and any like vehicle or equipment.

Single yellow line

33. No vehicle, horse or goods shall be parked on a street during controlled hours alongside a single yellow line.

Single dashed yellow line

34. No vehicle, horse or goods vehicle shall be parked on a street alongside a dashed yellow line in contravention of traffic signs.

Double yellow line

35. No vehicle, horse or goods shall be parked on any street at any time alongside a double yellow line.

Traffic signs restricting parking

36. (1) The Corporation may erect or place traffic signs restricting the parking of certain or all classes of vehicles on any street or part of any street, or in any City car park or part of any City car park, and may erect signs limiting the length of time vehicles, or certain classes of vehicles, may be parked on any street or part of any street, or in any City car park or part of any City car park.
 - (2) No vehicle shall be parked in contravention of a sign erected in conformity with subparagraph (1).

Loading zones

37. No vehicle other than a goods vehicle or shipping container may be parked in a loading zone during controlled hours.

Shipping containers

38. (1) The Corporation may issue permits authorizing the parking or leaving of shipping containers on any City street.
 - (2) The consignee of the goods contained in the shipping container is the person responsible for obtaining a permit under this paragraph.
 - (3) The Corporation may issue a permit in such form and on such terms and conditions

as it thinks fit, including, in particular, terms as to the payment of a fee for the issue of the permit.

- (4) No shipping container shall be parked or left on any City street without a permit issued under this paragraph.
- (5) No shipping container shall be parked or left on any street unless mounted on a chassis.

Taxi stands

- 39. No vehicle other than a taxi shall park in a taxi stand during controlled hours or during such other times as may be prohibited by a traffic sign.

Vehicle stopping or parking so as to cause interruption of traffic

- 40. No vehicle shall be stopped or parked on any street or in any City car park in such a manner so as to cause an interruption of traffic.

Prohibition of parking vehicle or riding horse on sidewalk

- 41. No vehicle or horse shall be parked wholly or partly upon or driven or ridden along any sidewalk.

Motorcycle parking area

- 42. No vehicle other than one having only 2 or 3 wheels shall be parked within or partly within a motor cycle parking area.

Temporary sidewalk extending into street; prohibition of stopping or parking alongside or opposite

- 43. No vehicle may be stopped or parked alongside or opposite any street obstruction or temporary sidewalk that extends into the carriage way.

Restriction of parking of public carriage

- 44. No public carriage shall be parked in any street or in any City car park other than in an area designated for the parking of such vehicles.

Restriction of leaving of horse or horse drawn vehicle in street

- 45. No horse or horse-drawn vehicle shall be left in any street without the driver in attendance.

SUBPART B

Traffic Control

Restriction of driving container truck on certain streets

46. No container truck shall be driven on Queen Street, Burnaby Street or Parliament Street, or that part of Reid Street or Front Street west of Court Street, but nothing in this paragraph shall prohibit a container truck using the street in order to gain direct access to any premises on that street for the purpose of collecting or delivering goods to those premises.

Prohibition of driving container truck on certain streets

47. No container-truck shall be driven on Court Street north of Ewing Street, or on Burnaby Street south of Reid Street.

Causing interruption of traffic by making a “U” turn

48. No vehicle shall make a “U” turn in any street in such a manner as to cause an interruption of traffic.

Direction of travel in one-way street

49. No vehicle other than an emergency vehicle shall turn into any one-way street or proceed therein other than in the proper direction.

Speed limit on wharf

50. No vehicle without springs shall be driven or towed in any street at a speed greater than 15 kilometers an hour.

Permit for tracked vehicle to be driven on street

51. (1) The Corporation may issue permits permitting tracked vehicles to be driven along a street or streets.
- (2) The Corporation may issue a permit in such form and on such terms and conditions as it thinks fit, including, in particular, terms as to the payment of a fee for the issue of the permit.
- (3) No tracked vehicle may be driven along any street without first obtaining a written permit from the Corporation.

Certain activities prohibited

52. No person shall-

- (a) wash any vehicle in any street or in any City car park;
- (b) allow any goods or container in the course of delivery at or from any premises to remain in any street for longer than one hour;
- (c) sell or offer or expose for sale any goods or services on any street or in any City car park;
- (d) discard, throw or place any bottle, can, paper or trash in any street or in any City car park, except in a receptacle provided for that purpose;
- (e) deposit, leave, place or throw any filthy or offensive matter or substance in any street or in any City car park;
- (f) roller skate, rollerblade, or ride any skateboard, or scooter in any street or in any City car park;
- (g) shine or clean shoes or boots in any street or in any City car park for payment or reward;
- (h) assemble, in any street or in any City car park, with other persons so as to cause or be likely to cause an interruption of traffic or, on being required to do so by a police officer, fail to move on or disperse in such a manner as to cease to cause an interruption to traffic;
- (i) play, in any street or in any City car park, any radio or operate any other device for the reproduction or creation of music or other sounds in such a manner that it may be heard beyond a distance of 30 feet;
- (j) place or erect any traffic sign, or any sign which so resembles any traffic sign that it may be understood as a traffic sign, on any street or in any City car park save with the written permission of the Corporation;
- (k) use or park any vehicle, or part of a vehicle, in such a manner as to cause damage to any street or in any City car park;
- (l) place a flyer, brochure, leaflet, advertisement or the like on any vehicle parked on any City street or in any fee car park.

Penalty for contravention

53. Any person who contravenes any of the provisions of this Part commits an offence.

Saving for specific written permission

54. Nothing in the Part shall prevent the Corporation giving written permission to any person, society, firm, or incorporated company, including the Corporation's own employees or agents, to do any act which in the absence of such permission might constitute a contravention of this Part, and any such permission shall be good and valid authority to the holder thereof acting in accordance with such permission; however, in any court proceedings taken under this Part the onus of proving that any such permission has been granted shall lie with the person asserting that fact.

PART 7

REVOCATION AND TRANSITIONAL

Revocation

55. The Hamilton Fee Parking Ordinance 1981, the Municipalities (Hamilton Pay and Display Parking) Ordinance 1986, the Hamilton Traffic and Sidewalks Ordinance 1988, the Hamilton Pay and Display Voucher Parking Ordinance 1995 and the Municipalities (Hamilton Pay and Display Parking Vehicle Wheel Clamping) Ordinance 2007 are revoked.

Transitional

56. In addition to any transitional provisions contained in the Interpretation Act 1951 which apply in relation to this Ordinance, the Corporation may also provide in a notice under paragraph 1 (2) for such further or other transitional arrangements and matters as may be necessary or expedient in relation to the coming into operation of any provision of this Ordinance.

SCHEDULE 1

(Paragraphs 2, 3)

FEE CAR PARKS

1. Par-la-Ville

The whole of the premises known as the Par-la-Ville Car Park, bounded on the north by Church Street West, on the east by the entrance road leading to the Par-la-Ville Car Park, on the south by the Par-la-Ville Park, and on the west by Par-la-Ville Road.

2. **City Hall**

The whole of the premises known as City Hall Car Park, bounded on the north by Victoria Street West, on the east by the road running in a north south direction immediately to the west of City Hall building, on the south by Church Street, and on the west by Wesley Street.

3. **Number One Dock**

The whole of the Number One dock which extends between Front Street and the waters of Hamilton Harbour.

4. **Number Five Dock**

The whole of that portion of Number Five dock situate to the west of the Corporation of Hamilton park established between the Number Five and Number Six docks, and which extends between Front Street and the waters of Hamilton Harbour.

5. **Number Eight Dock**

That part of the Number Eight dock situate immediately to the south of that part of Front Street that lies between its junction with Fagan's Alley and its junction with King Street.

6. **Cavendish**

The premises bounded on the north by premises of the Fire Services Headquarters on the north east and east by Property belonging to Dorothy Halstead Harvey, on the south by Reid Street extension, and on the west by eastern boundary of the City of Hamilton.

7. **King Street**

The whole of Lot 24 King Street situate to the east of King Street immediately to the north of the premises of the Fire Services Headquarters.

8. **Union Street**

The whole of Lot 13 Dundonald Street situate on the south west corner of the Junction of Union Street and Dundonald Street.

9. **Dundonald Street**

The premises extending between Court Street and Union Street and bound to the South by Dundonald Street and by buildings to the North.

10. **Elliott Street**

The premises extending between Dundonald Street and Elliott Street, comprising Lots 35, 37, 39, 41 and 43 (eastern part) Elliott Street and Lot 44 Dundonald Street.

11. **Bull's Head Multi-Storey**

The premises situated immediately east of Jackson's Way.

12. **Laffan Street**

The premises situated immediately North of Canal Road.

SCHEDULE 2

PART A

Parking Fees (Fee Car Parks)

The fee for parking in fee car parks shall be, in respect of the fee car park described in the first column of the table below, such hourly fee set out in the second column in relation thereto as the Corporation may, by notice published not less than 14 days in advance in the Gazette, determine.

| Car Park | Fees |
|-------------------------|-------------------------------|
| City Hall | Not to exceed \$2.00 per hour |
| Par-La-Ville | Not to exceed \$2.00 per hour |
| Number One Dock | Not to exceed \$2.00 per hour |
| Number Five Dock | Not to exceed \$2.00 per hour |
| Number Eight Dock | Not to exceed \$2.00 per hour |
| Cavendish | Not to exceed \$2.00 per hour |
| King Street | Not to exceed \$2.00 per hour |
| Elliott Street | \$5.00 per day |
| Bulls Head Multi-storey | Not to exceed \$5.00 per day |
| Union Street | Not to exceed \$1.00 per hour |
| Laffan Street | Not to exceed \$1.00 per hour |

| | |
|------------------|-------------------------------|
| Dundonald Street | Not to exceed \$1.00 per hour |
|------------------|-------------------------------|

PART B

Parking Fees (Pay Parking Streets)

The fee for parking on pay parking streets shall be, in relation to the Zone within the City referred to in the first column of the table below and described in the second, the hourly rate set out in the third column in relation thereto, or such other fee as the Corporation may, by notice published not less than 14 days in advance in the Gazette, determine.

| Zone | Location | Fee |
|-------------|--|-----------------|
| 1 | All streets or parts of streets South of Church Street including Church Street | \$2.00 per hour |
| 2 | All streets or parts of streets North of Church Street, not including Church Street, and South of Dundonald Street, including Dundonald Street | \$1.50 per hour |
| 3 | All streets or parts of streets North of Dundonald Street, not including Dundonald Street | \$1.00 per hour |

PART C

Immobilization Device Release F

\$100

PART D

Immobilization Device Damage Fee

Motor Cycle: \$100

Motor Car: \$500

Truck: \$750

PART E

Towing Fee

Motor Cycle: \$100

Motor Car: \$100

PART F

Impound Fee

\$4.00 per hour up to a maximum of \$28.00 per day.

An \$18 administration fee shall in addition be payable in respect of all impounded vehicles.