

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend City of Hamilton By-law No. 01-218, being a By-law to Regulate On-Street Parking

WHEREAS Council enacted a By-law to Regulate On-Street Parking within the limits of the City of Hamilton, being By-law 01-218;

AND WHEREAS this amending by-law amends By-law 01-218 to allow for more modern technology to be used as parking meters and to address housekeeping matters as hereinafter described and depicted;

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

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That the definition of “parking meter” be deleted and replaced with the following definition:
 - (w) “parking meter” means a device and/or software application that shall indicate thereon or therein the interval of time during which a vehicle may be parked in a parking meter space or parking meter zone, and which shall have a receptacle or system for receiving payment, and which shall also indicate when said interval of time shall have elapsed.
3. That the words “adjacent” in paragraphs 8. (3) (a) be deleted.
4. That subsection 8. (5) (a) be deleted and replaced with the following:
 - (a) No person shall park a vehicle at a parking meter space for a period of time greater than the parking time limit indicated by a sign, sticker, software application or otherwise, either affixed to the parking meter related to the parking meter space or otherwise posted in proximity to the parking meter space.
5. That subsection 8. (5) (b) be deleted and replaced with the following:
 - (b) No person shall park a vehicle in a location indicated in Schedule 5 without activating the parking meter related to the parking space that is occupied by their vehicle at any time during the days and times posted on or around the parking meter indicating when the parking meter regulations are in force and effect, 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;
- (ii) depositing money of Canadian or United States of America currency in the amount of the parking fee prescribed in said Schedule 5 into the meter, if any, to an extent sufficient to activate the meter; or
- (iii) online payment as indicated in writing on or around the parking meter.

This provision shall not be deemed to apply when it is shown that the parking meter is out of order.

This provision shall not be deemed to apply where a parking meter was previously activated and has not yet expired as shown on the subject parking meter.

6. That subsection 8. (5) (c) be deleted and replaced with the following:

(c) No person shall park a vehicle or leave a vehicle parked at any parking meter space, at any time during the days and times posted on or around the parking meter indicating when the parking meter regulations are in force and effect, when the time has expired for that parking meter space, save and except that this provision shall not be deemed to apply when it is shown that the parking meter is out of order.

7. That subsection 8. (5) (d) be deleted and replaced with the following:

(d) No person shall deposit or cause to be deposited in any parking meter anything save such money in Canadian or United States of America Currency as is 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 money, shall be permitted.

8. The subsection 8. (5) (e) be deleted.

9. That the following subsections be added to Section 31:

31. (3) Pursuant to the City's Administrative Penalties by-law, certain sections of this By-law have been designated as a by-law to which the City's Administrative Penalties by-law applies.

(4) The owner of a vehicle that is parked, stopped or left standing in contravention of the designated sections of this By-law, when given a penalty notice in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in Schedule A of the City's Administrative Penalty By-law and any fees related thereto, unless the owner proves to the satisfaction of the City that at the time of the offence, the vehicle was in the possession of another person without the owner's consent, expressed or implied.

(5) Any person who violates a designated section of this By-law, when given a penalty notice in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in Schedule A of the City's Administrative Penalty By-law and any fees related thereto.

10. That in all other respects By-law 01-218 is confirmed; and

11. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this 17th day of July, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk