

Authority: Item,
Report
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Amend City of Hamilton By-law 01-220, being a By-law to Regulate the Parking of Motor Vehicles on Private and Municipal Property and to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council has identified certain areas in Hamilton where special enforcement is required;

AND WHEREAS this by-law amends By-law 01-220, being a By-law to Regulate the Parking of Motor Vehicles on Private and Municipal Property and By-law 17-225, being a By-law to Establish a System of Administrative Penalties to address areas in Hamilton where special enforcement and higher fines are required;

AND WHEREAS this amending by-law also amends By-law 01-220 to provide for housekeeping amendments as hereinafter described and depicted;

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

1. The amendments in By-law 01-220 include any necessary grammatical, numbering and letter changes.
2. That the following definitions be added to section 1 in By-law 01-220:

"motor vehicle" or "vehicle" includes an automobile, a motorcycle, and any other vehicle propelled or driven otherwise than by muscular power and includes a trailer.

"Special Enforcement Area" means an area set out in Schedule "A" where the owner of the property provided the City with written authorization to designate their property as a "Special Enforcement Area" and authorized Officers to enforce parking violations, as contemplated under this By-law. Schedule "A" describes the following:

- (a) in column one thereof, the address of the property that is designated as a Special Enforcement Area;
- (b) in column two thereof, the specific location on the property where the Special Enforcement Area regulation applies;

- (c) in column three thereof, those periods during which the Special Enforcement Area regulation is in force and effect.

3. That the following chart be added as Schedule “A” to By-law 01-220:

Schedule “A” – Special Enforcement Area		
Address	Location	Increased Fine in Effect
625 Harvest Rd.	Entire property at Greensville Elementary School	March 15 – November 15

4. That the following section be added to By-law 01-220 after section 8:

- 8.1 (1) No person shall park a motor vehicle in a Special Enforcement Area without the consent of the owner.
- (2) No person shall park a motor vehicle in a Special Enforcement Area without the authority of the owner, and in any case, not in a parking space set aside and signed for use by vehicles used for transporting disabled persons, unless there is clearly displayed on the driver’s side and fully visible from external view, an Accessible Parking Permit issued by the Ministry of Transportation Ontario.
- (3) Where the owner, has posted suitable signs stating conditions on which a motor vehicle may be parked or may be left on the property or prohibiting the parking or leaving of a motor vehicle on the said property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions shall be deemed to have been parked or left without consent.
- (4) Notwithstanding the above, no property owner shall be required to post signs in any area not set aside and improved for the parking of motor vehicles.
- (5) Any person parking a vehicle in an area not set aside and improved for the parking of motor vehicles shall, in the absence of evidence to the contrary, be deemed to have parked without authorization or consent.
- (6) Where a driver of a motor vehicle, not being the owner, parks the motor vehicle contrary to this section 8.1 and is liable to a penalty, the owner of the motor vehicle is also liable to such penalty unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner without the owner's consent.
- (7) An Officer, upon discovering a violation under section 8.1 of this By-law, may:
- (a) 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 the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25; and

- (b) issue a penalty notice pursuant to the City’s Administrative Monetary Penalty by-law, as amended.
- 5. That section 6 of By-law 01-220 be amended by removing the words “Parking Infraction Notice” and replacing those words with “penalty notice pursuant to the City’s Administrative Penalties by-law.”
- 6. That sections 10, 11 and 12 of By-law 01-220 be repealed and replaced with the following:
 - 10. (1) Pursuant to the City’s Administrative Penalties by-law, this By-law has been designated as a by-law to which the City’s Administrative Penalties by-law applies.
 - (2) The owner of a vehicle that is parked, stopped or left standing in contravention 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.
 - (3) Any person who violates 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.
- 11. (1) An Officer observing a vehicle alleged to be parked on,
 - (a) class 1 private property contrary to section 2; or
 - (b) class 2 private property contrary to section 2, provided that a suitable sign has been erected on said property;
 - (c) class 3 private property contrary to section 3, or
 - (d) Special Enforcement Area contrary to section 8.1may affix a penalty notice to the motor vehicle or otherwise issue said penalty notice to the person having care and control of said motor vehicle.
- 7. That the words “Disabled Person Parking Permit” be repealed throughout By-law 01-220 and replaced with the words “Accessible Parking Permit”.
- 8. That Schedule A of By-law No.17-225 be amended by repealing Table 5: and replacing it with the following:

TABLE 5: BY-LAW NO. 01-220 REGULATING PARKING ON PRIVATE AND MUNICIPAL PROPERTY

ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-220	2 (1)	Unauthorized Parking – Private Property	\$55.00
2	01-220	3 (1)	Unauthorized Parking – Municipal Property	\$55.00
3	01-220	2 (2)	Park in a Reserved Accessible Parking Space	\$350.00
4	01-220	3 (3)	Park in a Reserved Accessible Parking Space	\$350.00
5	01-220	8.1 (1)	Unauthorized Parking – Special Enforcement Area	\$250.00
6	01-220	8.1 (2)	Park in a Reserved Accessible Parking Space	\$350.00

9. That in all other respects, By-law 01-220 and By-law 17-225 are confirmed; and

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

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk