

This By-law is a consolidated version and includes amendments made by the amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

Consolidation Update: Jan, 2026

CITY OF HAMILTON

By-law No. 18-199

Being a By-law to Prohibit Driving School Instruction in the Restricted Areas

OFFICE CONSOLIDATION

Consolidated By-law No. 18-199

Incorporating amendments made by:

By-law No.	Effective Date:	
18-199	July 13, 2018	Initial By-law
19-033	February 27, 2019	Housekeeping amendments to update definitions and updates to restricted area maps (Appendices 1 and 2)
19-170	July 12, 2019	Updates to restricted area maps (Appendix 1)

CITY OF HAMILTON
BY-LAW NO. 18-199

A By-law to Prohibit Driving School Instructing in the Restricted Areas

⁽¹⁹⁻⁰³³⁾ **WHEREAS** subsection 10.(2) of the Municipal Act, 2001 permits a single-tier municipality to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property; and

WHEREAS pursuant to section 9 of the Municipal Act, 2001, the municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act; and

WHEREAS pursuant to subsection 8.(1) of the Municipal Act, 2001, the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Council for the City of Hamilton considers it desirable to regulate and govern the training of persons by a Driving School Instructor in designated restricted areas;

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

DEFINITIONS AND INTERPRETATION ⁽¹⁹⁻⁰³³⁾

1. For the purposes of this By-law, the following definitions shall apply:

"Authorized Sign" means any sign, pavement marking or other device which has been placed, installed or erected on a Highway under authority of this By-law to designate, regulate and/or enforce the provisions of this By-law;

"Director" means the Director of Licensing and By-law Services or any successor thereof, or their designate;

"Driving School" means any business or establishment which employs Driving School Instructors, to teach persons to operate Motor Vehicles;

"Driving School Instructor" means a Person who for compensation teaches others to drive a Motor Vehicle as a driving instructor and who is employed by a Driving School Operator or is self-employed in the business of teaching persons to operate a Motor Vehicle;

"Driving School Motor Vehicle" means a motor vehicle that is being used by a Driving School Instructor for the purpose of teaching a person to operate a

Motor Vehicle which is equipped with a properly functioning service brake actuator that may be operated by the driving instructor;

“Driving School Operator” means a person who runs, operates or carries on the business of a Driving School;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, 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;

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle, unless otherwise indicated in the *Highway Traffic Act*, 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;

“Officer” means a Police Officer or person responsible for the enforcement of the provision of this By-law;

“Person” means an individual, firm, corporation, association or partnership; and,

⁽¹⁹⁻⁰³³⁾ **“Restricted Area”** means the streets highlighted in Appendix 1 to this By-law.

GENERAL PROHIBITIONS ⁽¹⁹⁻⁰³³⁾

- 2.(1) No Driving School Instructor providing driving lessons shall operate or permit the operation of a Driving School Motor Vehicle on any Highway listed in Appendix 1 and located within a Restricted Area.
- 2.(2) No Driving School Operator shall cause or permit the operation of a Driving School Motor Vehicle providing driving lessons on any Highway listed in Appendix 1 and located within a Restricted Area.
- 2.(3) Notwithstanding Sections 2(1) and 2(2) a Driving School Motor Vehicle used by a Driving School Instructor for providing driving lessons may be operated on a Highway listed in Appendix 1 and located within the Restricted Area provided that:
 - (a) the student to whom Driving School instruction is being provided lives within the Restricted Area; and
 - (b) while in the “Restricted Area” the student carries proof of residence; and
 - (c) the Driving School Instructor proceeds to and from the student’s residence using the most direct route to and from the closest area outside the Restricted Area.

- 2.(4) Notwithstanding Section 2(1) and 2(2) a Driving School Motor Vehicle used for providing driving lessons by a Driving School Instructor who lives within the Restricted Area may be operated on a Highway listed in Appendix 1 providing no instruction of a student is being performed within the Restricted Area.

ENFORCEMENT AND ADMINISTRATION

- 3.(1) An Officer is hereby vested with the authority to administer and enforce the provisions of this By-law.
- 3.(2) The Director is hereby authorized to place, erect and maintain such Authorized Signs as may be necessary to give effect to the provisions of this By-law or which are authorized by the Schedule to this By-law.

PENALTY (19-033)

- 4.(1) Every person who contravenes any of the provisions of this By-law, and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 4.(2) Where a corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

GENERAL PROVISIONS

5. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be in force.

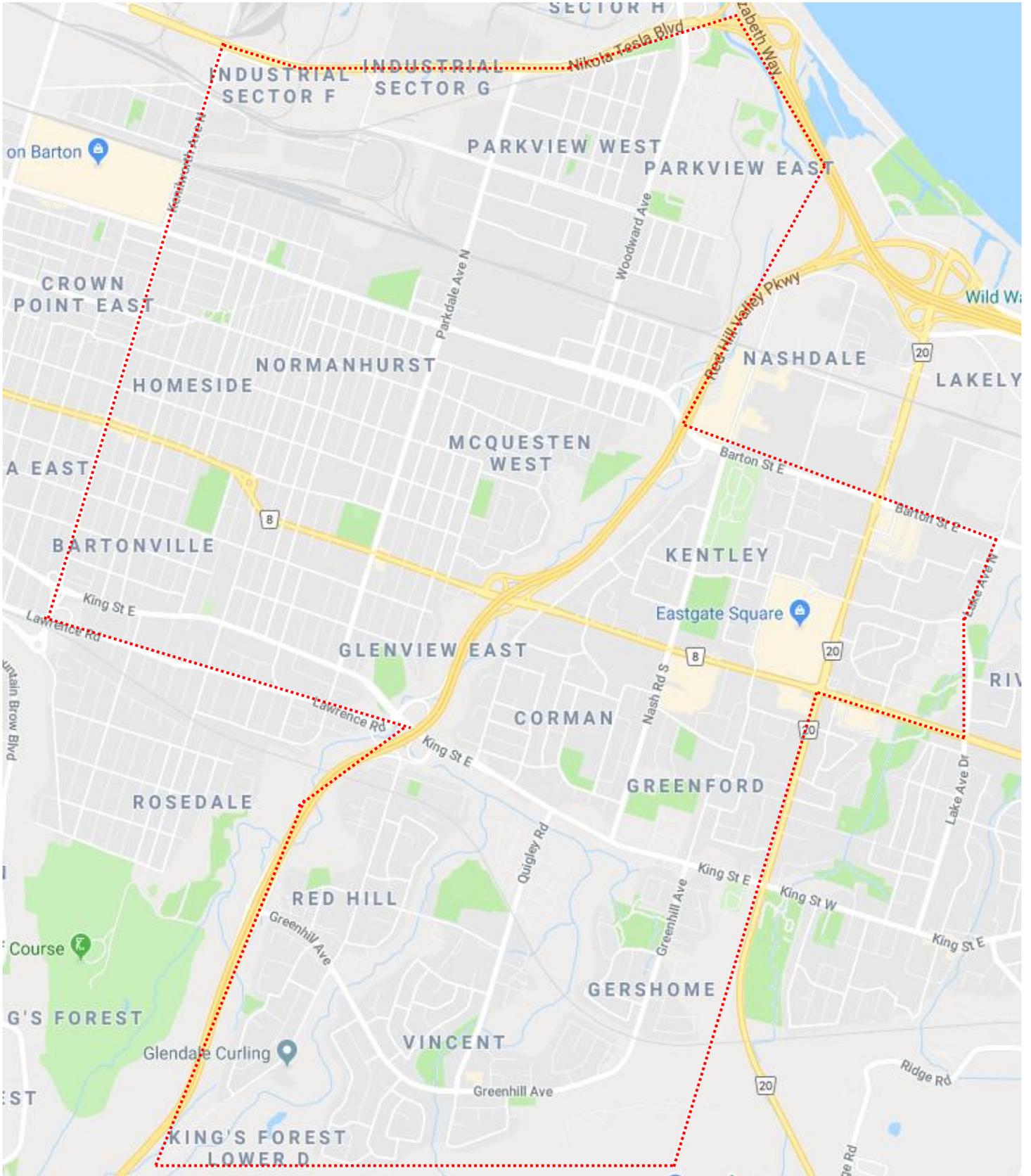
ENACTMENT

6. This By-law comes into force on the date of its passing.

PASSED this 13th day of July, 2018

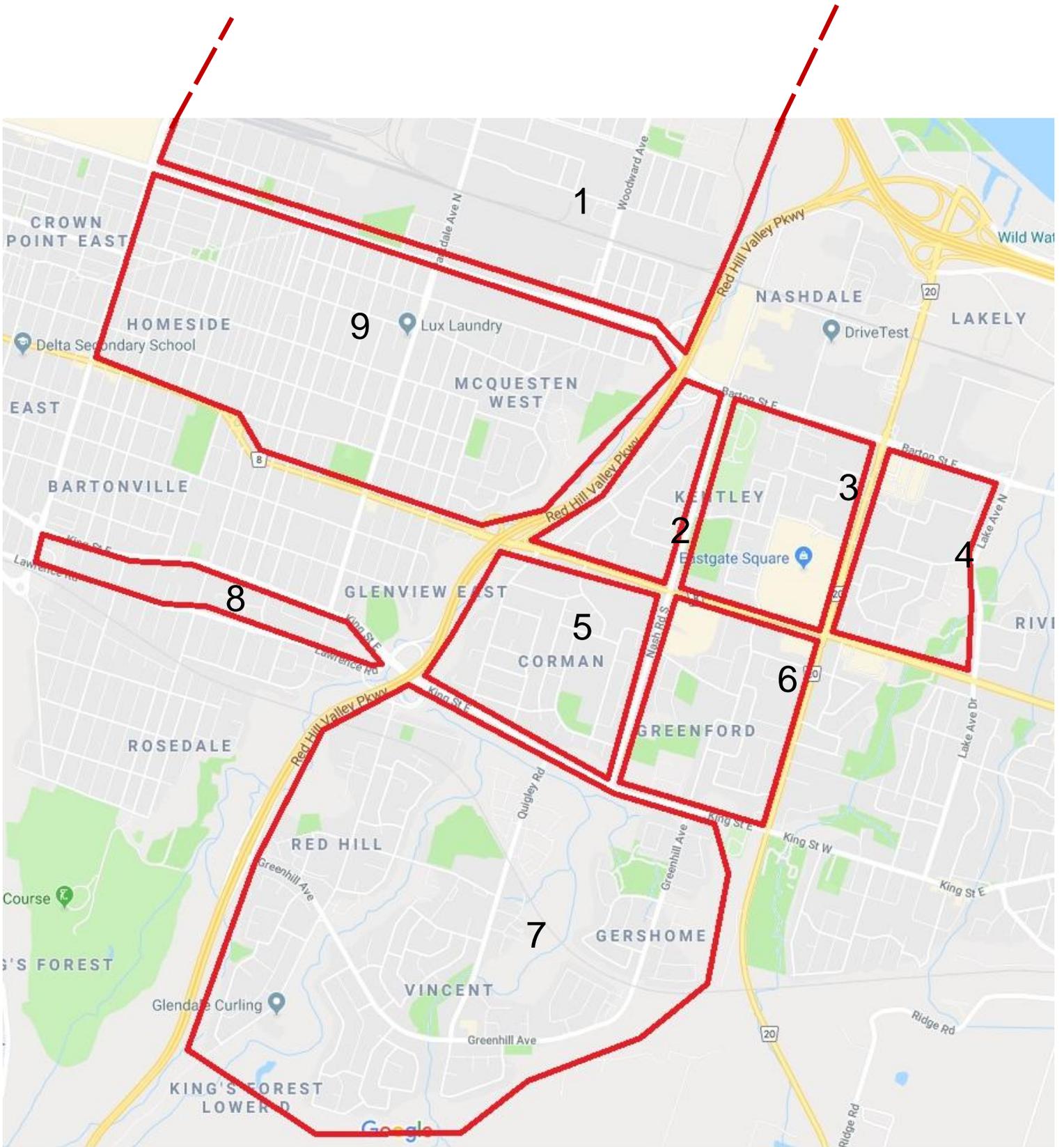
F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



Wards 4 and 5 Restricted Areas (19-170)

Appendix "1"



Appendix “2”

Ward 5 DriveTest Restricted Areas⁽¹⁹⁻⁰³³⁾

1. Subdivision, inclusive of all streets between Red Hill Valley Pkwy and Barton St and Nicola Tesla Blvd and Kenilworth Ave N.
2. Subdivision, inclusive of all streets between Barton St, Red Hill Valley Pkwy, Nash Rd and Queenston Rd.
3. Subdivision, inclusive of all streets between Barton St, Nash Rd, Queenston Rd and Centennial Pkwy N.
4. Subdivision, inclusive of all streets between Barton St, Centennial Pkwy N, Queenston Rd and Lake Ave.
5. Subdivision, inclusive of all streets between Nash Rd, Queenston Rd, Red Hill Valley Pkwy and King St.
6. Subdivision, inclusive of all streets between Nash Rd, King St, Queenston Rd and Centennial Pkwy S.
7. Subdivision, inclusive of all streets between Red Hill Valley Pkwy, King St, Greenhill Ave and all side streets on the left/ right side of Greenhill Ave.

Ward 4 DriveTest Exam Areas

8. Subdivision, inclusive of all streets between Red Hill Valley Pkwy, Lawrence Rd, Kenilworth Ave and King St.
9. Subdivision, inclusive of all streets between Red Hill Valley Pkwy and Barton St and Kenilworth Ave N and Main St/Queenston Rd.