

Authority: Item 8, Planning Committee
Report 19-003 (PED17179(b))
CM: February 27, 2019
Ward: 4, 5

Bill No. 033

CITY OF HAMILTON
BY-LAW NO. 19-033

**A By-law to Amend By-law No. 18-199, being a By-law to Prohibit Driving School
Instructing in the Restricted Areas**

1. The Whereas Clauses are hereby deleted and the following substituted:

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;

2. Section 1 is hereby amended by deleting the following definitions:

"Driving School Permit" means a valid driving school licence issued by the Province of Ontario pursuant to the Highway Traffic Act;

"DriveTest Examiner" means a person employed by a DriveTest Centre who evaluates individual driving skills on Ministry of Transportation approved routes and provides a pass/fail report; and

"Residential Local Road" means an Urban Residential Local Road as described in the City's Transportation Master Plan;

3. Section 1 is hereby amended by deleting the definition of Restricted Area and the following is substituted:

"Restricted Area" means the streets highlighted in Appendix 1 to this By-law.

4. Section 2 is hereby deleted and the following substituted:

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.

5. Section 4 is hereby deleted and the following substituted:

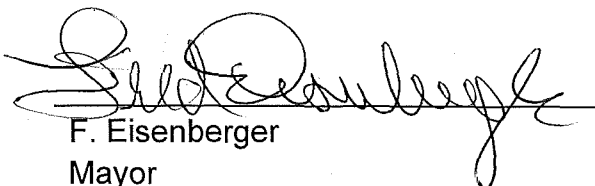
4.(1) Every person who contravenes any of the provisions of this By-law, and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

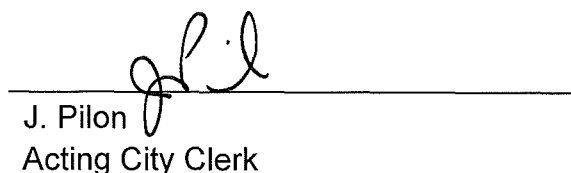
4.(2) Where a corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

6. Appendix 1 is hereby deleted and substituted with Appendix 1 as attached hereto.

7. Appendix 2 is hereby deleted and substituted with Appendix 2 as attached hereto.

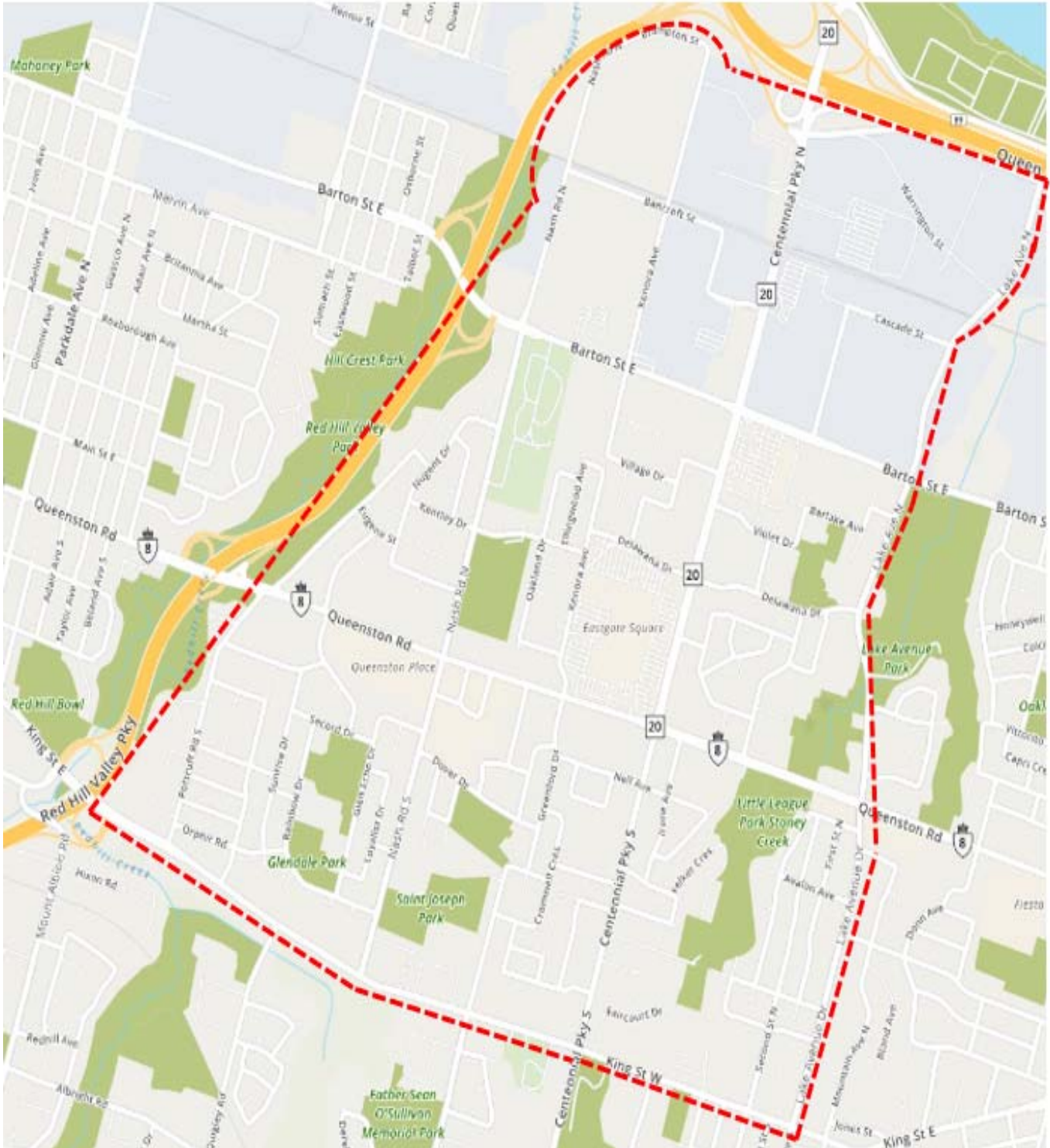
PASSED this 27th day of February, 2019.


F. Eisenberger
Mayor


J. Pilon
Acting City Clerk

Appendix "1"

Ward 5 Restricted Area



Appendix "2"

Ward 5 DriveTest Restricted Areas

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.