

Authority: Item 3(iii), Planning Committee
Report 20-005 (PED20116)
CM: July 17, 2020
Ward: City Wide
Bill No. 140

CITY OF HAMILTON
BY-LAW NO. 20-140

To Amend City of Hamilton By-law No. 01-216, being a By-law Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities

WHEREAS Council enacted a By-law Respecting the Construction, Maintenance, Operation, Management and Regulation of Municipal Parking Facilities within the limits of the City of Hamilton, being By-law 01-216;

AND WHEREAS this amending by-law amends By-law 01-216 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 space in a metered car park, 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 subsection 2 (2) be deleted and replaced with the following:

(2) Provisions requiring payment of parking fees and prohibitions against using a parking space when the time has expired for that parking space shall only apply on those days and during such periods of time as are indicated on the parking meter or on signs erected in the car park.
4. That section 8 be deleted and replaced with the following:

8 (1) Except as provided in subsection (2), no person shall, in any car park where parking meters are installed:

 - (a) park or stop any vehicle without activating the parking meter related to the parking space that is occupied by their vehicle either by:

- (i) Inserting a valid credit 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 by sign or otherwise;
- (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.

- (b) park a vehicle or leave a vehicle parked at any parking 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 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.
- (c) park or stop any vehicle in any area of any car park where pre-paid parking meters have been provided without first purchasing a ticket in accordance with the prescribed parking fees and displaying the ticket in the windshield on the driver's side of the vehicle in full and clear view from the exterior of the vehicle, when required to do so.
- (d) open or attempt to open a parking meter unless authorized to do so.

(2) A vehicle may be parked, or stopped in a car park without activating the parking meter:

- (a) For a period of time, if any, which is paid for and unexpired as shown on the parking meter;
- (b) Where there is displayed in or upon the vehicle a valid permit issued by the Parking Operations Section for use in the car park in which the vehicle is parked.
- (c) Where there is displayed in or upon the vehicle a Disabled Person Parking Permit, issued by the Ministry of Transportation Ontario, clearly identifying the vehicle as being operated by, in the service of, or on behalf of, a physically disabled person.

5. That subsection 18 (3) be deleted and the following subsections added:

(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.

6. That in all other respects By-law 01-216 is confirmed; and
7. 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