1975

c 99 The City of Hamilton Act, 1975 (No. 3)

Ontario
CHAPTER 99

An Act respecting the City of Hamilton

Assented to May 16th, 1975

WHEREAS The Corporation of the City of Hamilton, herein called the Corporation, hereby represents that it is desirable to provide relief from the provisions of any by-law of the municipality requiring the provision or maintenance of parking facilities in respect of commercial development by permitting owners or occupants of land in commercial areas an option of making cash payments to the Corporation in lieu of all or part of the parking or maintenance of the said parking facilities, such funds to be used by the Corporation for an off-street parking program operated by the Parking Authority of the Corporation in commercial areas for the benefit of the business in the areas; and whereas the Corporation also represents that it is desirable to provide permit parking for a fee on streets; and whereas the Corporation hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

(a) "commercial area" means an area where the Parking Authority may operate public off-street parking facilities for the benefit of commercial uses;

(b) "cost" means the total cost of acquisition of lands, construction, equipment and devices estimated on the current cost for required parking space in the commercial area taking into account whether the parking facility will likely be a surface lot or a parking structure of more than one level;

(c) "Parking Authority" means The Parking Authority of the City of Hamilton.
(2) The council of the Corporation may by by-law authorize agreements with owners or occupants of buildings or structures to be erected, extended, enlarged or the use of which is changed, in commercial areas, providing for relief from the provisions in any other by-law of the Corporation requiring the provision or maintenance of parking facilities on land that is not part of a highway and exempting the owner or occupant to the extent specified in the agreement from the necessity of providing or maintaining such facilities.

(3) Every agreement referred to in subsection 1 shall,

(a) be subject to the approval of the Ontario Municipal Board;

(b) provide for the payment to the Corporation of at least 50 per cent of the cost of providing public off-street parking facilities in the commercial area, either in a lump sum payment or by instalments, together with interest at a rate therein specified; and

(c) provide that the amount payable under the agreement may be paid as required by the Corporation,

(i) upon the issue of a building permit, or

(ii) in not more than ten equal annual instalments including interest thereon concurrently with payment of real property taxes commencing in the calendar year during which the building permit is issued.

(4) All moneys received under an agreement made pursuant to a by-law authorized by subsection 2, shall be paid into a special account and the moneys in such special account shall be expended only for the provision of public off-street parking facilities at such times and at such locations as the Parking Authority considers advisable.

(5) Every agreement referred to in subsection 2 shall be registered against the land affected thereby in the proper land registry office.

(6) Upon registration of the agreement as required in subsection 5, the moneys payable under the agreement, 

(a) shall be a lien and charge upon the lands described therein; and
(b) may be collected in the same manner and with the same remedies as provided by The Municipal Act, for the collection of real property taxes.

(7) Upon the Corporation being paid in full, all moneys payable under the agreement or upon termination of the agreement, the clerk of the Corporation shall register in the proper land registry office against such lands, a certificate stating that the moneys payable under the agreement have been fully paid or that the agreement has been terminated.

(8) No person paying the cost referred to in clause b of subsection 3 and any interest thereon shall by reason only of having paid such cost acquire any right, title or interest in any parking facility or be entitled to free or reduced-rate parking.

2.—(1) The council of the Corporation may by by-law,

(a) allow the parking of motor vehicles at specified places on designated highways or designated parts of highways for specified periods and during specified hours pursuant to permits issued;

(b) charge such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides;

(c) provide for the commencement, expiry and cancellation of permits and the refunding of the unexpired portion of the fee;

(d) prohibit the parking, standing or stopping of motor vehicles at any place on the designated highways or the designated parts of highways during specified hours except by authority of a permit issued; and

(e) provide for exemptions from parking, standing or stopping prohibitions of any by-law of the Corporation regulating traffic where a permit is issued.

(2) No by-law passed under subsection 1 which affects a highway designated as a connecting link or extension of the King’s Highway pursuant to subsection 1 of section 19 of The Public Transportation and Highway Improvement Act shall become operative until approved by the Minister of Transportation and Communications.

(3) For the purpose of this section, “motor vehicle” does not include commercial motor vehicles as defined in The Highway Traffic Act, campers, trailers and motor homes.
(4) A constable or a by-law enforcement officer upon complaint of the person to whom a permit has been issued or upon discovery of any motor vehicle parking, standing or stopping in contravention of any provision of a by-law passed pursuant to this section may,

(a) cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges of removing the motor vehicle and the storage thereof, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided under section 48 of The Mechanics' Lien Act; or

(b) attach to the motor vehicle a serially numbered parking tag in accordance with the traffic by-law of the Corporation.

(5) A by-law passed pursuant to this section may provide a procedure for the voluntary payment of penalties and the amount of the penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of The Municipal Act applies.

(6) Every person who contravenes any provision of a by-law passed pursuant to this section is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as The City of Hamilton Act, 1975 (No. 3).