

BERMUDA STATUTORY INSTRUMENT

BR 31/1995

**HAMILTON PAY AND DISPLAY VOUCHER PARKING
ORDINANCE 1995**

*[made under section 38 of the Municipalities Act 1923 [title 4 item 1] and
brought into operation on the 17 July 1995]*

ARRANGEMENT OF ARTICLES

- 1 Citation
- 2 Interpretation
- 3 Conditions and restrictions on vehicles left in pay parking streets
- 4 Payment of fees
- 5 Use of parking vouchers to indicate fee has been paid
- 6 Restrictions on removal or alteration of vouchers
- 7 Manner of standing in pay parking street
- 8 Restriction on waiting by vehicle in pay parking street
- 9 Power to suspend use of pay parking street
- 10 Removal of parked vehicles in emergency
- 11 Abandoned vehicles
- 12 Disclaimer
- 13 Offences
- 14 Commencement

**HAMILTON PAY AND DISPLAY VOUCHER PARKING
ORDINANCE 1995**

SCHEDULE 1
Pay parking streets

SCHEDULE 2
Parking fees

Citation

1 This Ordinance may be cited as the Hamilton Pay and Display Voucher Parking Ordinance 1995.

Interpretation

2 (1) In this Ordinance—

"carriage way" means that part of a street which is designated for the passage of vehicles;

"container-truck" means any vehicle designated for use in the transportation or movement of shipping containers;

"controlled hours" means the time beginning at 8:00 a.m. and ending at 6:00 p.m. on any fee parking day;

"Corporation" means the Corporation of Hamilton;

"cycle parking area" means an area allotted or set aside by the Corporation for the exclusive purpose of parking cycles, auxiliary bicycles and motor cycles and designated as such by white lines painted on the carriage way or by traffic signs;

"driver", in relation to a vehicle waiting in a pay parking street, means the person driving the vehicle at the time it was left in the street;

"emergency vehicle" means any fire engine or auxiliary tender for fire-fighting apparatus conveying members of the Fire Service, any ambulance, and any police vehicle operated by the Bermuda Police Service;

"fee parking day" means every day that is not a Sunday or a public holiday;

"fifteen-minute parking zone" means any area allotted or set aside by the Corporation for the parking of vehicles for up to a maximum of fifteen minutes and designated as such by public notice or by traffic signs;

"goods" includes all kinds of goods, livestock, merchandise and wares;

"goods vehicle" means a vehicle constructed or adapted to be used primarily for the carriage of goods, and includes a container-truck;

"loading zone" means any space allotted by the Corporation for the loading and unloading of goods vehicles and designated as such by a white line being painted on the sidewalk or curb with the words "loading zone" thereon;

"owner" means the person in whose name a vehicle is registered and the person by whom the vehicle is kept and used and, in relation to a vehicle which is the subject of a hire-purchase agreement, means the person in possession of the vehicle under the agreement;

"parking" means leaving a vehicle, whether attended or unattended, in a pay parking street during controlled hours, including for the purpose of loading or unloading goods or merchandise; and "park" and "parked" shall be construed accordingly;

"parking fee" means a fee prescribed in Schedule 2;

"parking voucher" means a parking permit device of a type and design approved and issued by the Corporation and bearing printed instructions for its validation on the reverse face;

"pay parking street" means any street designated as a pay parking street in Schedule 1 except those parts marked and identified as—

- (a) no parking zones;
- (b) loading zones;
- (c) fifteen-minutes parking zones;
- (d) taxi stands;
- (e) cycle parking areas;
- (f) pedestrian crossings; or
- (g) bus stops;

"pedestrian crossing" means a part of the street for pedestrians to pass from one side of the carriage way to another and designated by markings on the carriage way;

"shipping container" means those receptacles commonly used for the storage and shipment of goods by sea;

"taxi stand" means an area allotted by the Corporation for the exclusive parking of taxis and designated as such by traffic signs;

**HAMILTON PAY AND DISPLAY VOUCHER PARKING
ORDINANCE 1995**

"traffic sign" means a sign for regulating the movement of traffic or the parking of vehicles and which is lawfully erected, placed or marked on or near any street;

"valid parking voucher" means a parking voucher which identifies for the purposes of this Ordinance the commencement of the period when the vehicle on which it is displayed was left in a pay parking street by means of clear and appropriate indications made by or on behalf of the driver of—

- (a) the month;
- (b) the date in the month;
- (c) the day of the week;
- (d) the hour of the day; and
- (e) the next succeeding five minute index within the hour of the day at which the vehicle was first left in the pay parking street; and

"vehicle" means any vehicle of whatsoever description which is propelled by mechanical or electrical power other than—

- (a) a motor cycle;
- (b) an auxiliary cycle as defined in the Auxiliary Bicycles Act 1954 [title 21 item 7]; or
- (c) a cycle as defined by the Road Traffic Act 1947 [title 21 item 3].

(2) For the purposes of this Ordinance, "displaying" a parking voucher means displaying the voucher either against the internal face of the windscreen or against the internal face of a side window adjacent to the windscreen on the left or near side of the vehicle or on the front dashboard at a convenient and conspicuous place on the left or near side of the vehicle, in such manner that the month, date, day and time of arrival marked on the voucher may be clearly seen by any person from outside the vehicle.

[article 2 amended by 1997 : 37 effective by notice in Official Gazette]

Conditions and restrictions on vehicles left in pay parking streets

- 3 (1) This article has effect during controlled hours.
- (2) Except as provided in this Ordinance, no vehicle shall be parked in a pay parking street unless the fee prescribed in Schedule 2 has been paid in advance by means of a valid parking voucher.

(3) No vehicle shall be parked in any one place in a pay parking street for longer than one hour.

(4) A vehicle which has been left in and thereafter removed from any place in a pay parking street shall not again be left in that same place until the expiration of one hour from the time it was removed.

Payment of fees

4 (1) The fee for parking in a pay parking street shall be paid by the purchase in advance of a parking voucher from the Corporation or any of those persons for the time being authorised by the Corporation to sell parking vouchers.

(2) No refund shall be payable by the Corporation or those persons for the time being authorised by the Corporation in respect of any parking voucher surrendered to the Corporation or those persons for the time being authorised by the Corporation.

Use of parking vouchers to indicate fee has been paid

5 (1) The payment of a parking fee shall be indicated by the display on the vehicle of a valid parking voucher.

(2) When a vehicle displaying a valid parking voucher has been left in any place in a pay parking street and that vehicle is subsequently moved to another place in a pay parking street, the same valid parking voucher may be displayed, and the expiration of the period at the subsequent or any other place in a pay parking street shall be determined as if the vehicle had been left at the subsequent or any other place in a pay parking street at the time indicated on the valid parking voucher.

Restrictions on removal or alteration of vouchers

6 (1) Where a valid parking voucher is being displayed on a vehicle no person (other than the driver) shall remove the voucher unless authorised to do so by the driver.

(2) No person shall substitute another parking voucher for one which is or has been validly displayed on a vehicle for the purpose of remaining longer than is permitted under this Ordinance in a pay parking street.

(3) No person shall alter any of the information on a valid parking voucher for the purpose of avoiding the fees due under this Ordinance.

Manner of standing in pay parking street

7 Every vehicle left in a pay parking street in accordance with the foregoing provisions of this Ordinance shall so stand such that—

**HAMILTON PAY AND DISPLAY VOUCHER PARKING
ORDINANCE 1995**

- (a) it faces in the direction of travel for that street or that side of the street; and
- (b) the distance between the edge of the carriage way and the nearest wheel of the vehicle is not more than one foot.

Restriction on waiting by vehicle in pay parking street

8 (1) Notwithstanding the provisions of this Ordinance, a driver may cause his vehicle to wait in a pay parking street during controlled hours without displaying a valid parking voucher for any of the following reasons—

- (a) the vehicle is stopped only for so long as is necessary to enable a person to board or alight from the vehicle;
- (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (c) the vehicle is an emergency vehicle on emergency call or a vehicle (other than a passenger vehicle) in the service of the Corporation being used in pursuance of statutory powers or duties; or
- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic.

(2) Nothing in the foregoing provisions of this article shall be taken as authorising anything which would be in contravention of any Ordinances made by the Corporation under section 38(2)(c) of the Municipalities Act 1923 *[title 4 item 1]*.

Power to suspend use of pay parking street

9 (1) Any person duly authorised by the Corporation may suspend the use of a pay parking street or any part thereof whenever that person considers such suspension reasonably necessary for the purposes of—

- (a) facilitating the movement of traffic or promoting its safety;
- (b) enabling a public service vehicle to wait there;
- (c) the loading or off-loading of goods by goods vehicles;
- (d) any building operation, demolition or excavation adjacent to the pay parking street;

- (e) the maintenance, improvement or reconstruction of the road or the cleansing of gullies in or adjacent to the pay parking street;
- (f) the laying, erection, alteration, removal or repair in or adjacent to the pay parking street of any sewer or of any main, pipe or installation for the supply of water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1986 [title 24 item 10]; or
- (g) the placing, maintenance or removal of any traffic sign.

(2) A police officer in uniform may suspend for not longer than 24 hours the use of a pay parking street or any part thereof whenever he considers such suspension reasonably necessary—

- (a) for any of the purposes mentioned in paragraph (1) of this article;
- (b) on any occasion on which it is likely by reason of some special attraction that any street will be crowded or obstructed; or
- (c) for the convenience of occupiers of premises adjacent to the pay parking street at times of weddings or funerals, or on other special occasions.

(3) Any person suspending the use of a pay parking street or any part thereof in accordance with the provisions of paragraph (1) or (2) of this article, shall place or cause to be placed in the street or, as the case may be, that part thereof, a traffic sign indicating that waiting by vehicles is prohibited.

(4) No person shall cause or permit a vehicle to wait in any part of a pay parking street during such period as there is in or adjacent to that part of the pay parking street a traffic sign placed in pursuance of paragraph (3) of this article.

(5) Paragraph (4) of this article shall not apply—

- (a) in respect of any emergency vehicle on emergency call or any vehicle which is waiting for the reason specified in article 8(1)(b); or
- (b) to anything done with the permission of the person suspending the use of the pay parking street or part thereof in pursuance of paragraph (1) of this article, or of a police officer in uniform.

**HAMILTON PAY AND DISPLAY VOUCHER PARKING
ORDINANCE 1995**

Removal of parked vehicles in emergency

10 A police officer in uniform may move or cause to be removed to such place as he thinks fit any vehicle left in a pay parking street if, in his opinion, the moving of that vehicle is necessary in the course of an emergency.

Abandoned vehicles

11 (1) Where a vehicle is left in a pay parking street for a continuous period of 48 hours, the Corporation shall be entitled to treat the vehicle as abandoned and to dispose of it accordingly.

(2) Where the Corporation removes and disposes of a vehicle under paragraph (1), the Corporation may recover as a civil debt either from the person who parked the vehicle or from the owner the Corporation's reasonable expenses incurred in connection with the removal and disposal.

Disclaimer

12 The Corporation shall not be responsible or liable to any person as a bailee, or as if it were a bailee, in relation to any vehicle left in a pay parking street, whether or not a valid parking voucher has been displayed in respect of that vehicle.

Offences

13 A person commits an offence if he—

- (a) leaves a vehicle in a pay parking street during controlled hours without displaying a valid parking voucher; or
- (b) leaves a vehicle in a pay parking street during controlled hours after the expiry of the period of one hour as calculated from the arrival time displayed on the valid parking voucher; or
- (c) contravenes any other provision of this Ordinance.

Commencement

14 This Ordinance shall come into operation on such date as the Corporation may appoint by notice published in the Gazette.

[GN 446/1995 brought Ordinance into operation on 17th July 1995]

SCHEDULE 1 (Article 2)

PAY PARKING STREETS

1. FRONT STREET from Bermudiana Road to Court Street
2. REID STREET from Queen Street to Court Street
3. CHURCH STREET from Bermudiana Road to Court Street
4. VICTORIA STREET from Wesley Street to Court Street
5. ROSEBANK ROAD
6. BERMUDIANA ROAD
7. PAR-LA-VILLE ROAD from Front Street to Church Street
8. POINT PLEASANT ROAD
9. QUEEN STREET
10. WESLEY STREET south of the junction with Victoria Street
11. WASHINGTON STREET from Victoria Street to Church Street
12. BURNABY STREET
13. CEDAR AVENUE south of the junction with Victoria Street
14. PARLIAMENT STREET south of the junction with Victoria Street
15. COURT STREET south of the junction with Victoria Street

SCHEDULE 2 (Articles 2,3)

PARKING FEES

One hour or part of an hour	50 cents or such other fee, not exceeding \$2.00, as the Corporation may, by notice published not less than 14 days in advance in the Gazette, determine.
-----------------------------	---

**HAMILTON PAY AND DISPLAY VOUCHER PARKING
ORDINANCE 1995**

Amended by:

1997 : 37