

BERMUDA STATUTORY INSTRUMENT

HAMILTON TRAFFIC AND SIDEWALKS ORDINANCE 1988

*[made under section 38 of the Municipalities Act 1923 [title 4 item 1] on 20
December 1988 and brought into operation on 3 July 1989]*

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Citation and application within City of Hamilton

1 This Ordinance may be cited as the Hamilton Traffic and Sidewalks Ordinance 1988 and shall apply within the City of Hamilton.

Interpretation

2 In this Ordinance, unless the context otherwise requires:

"auxiliary bicycle" has the meaning given in the Auxiliary Bicycles Act 1954 [*title 21 item 7*], except that it does not include an auxiliary bicycle declared to be a motor cycle under the Motor Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 [*title 21 item 6*];

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

"City car park" means any property owned or leased by the Corporation for the parking of vehicles and includes fee car parks;

"container" means any bag, bale, barrel, box, can, carton, crate, hogshead, puncheon, tank, or other type of package in which goods are placed, but does not include a shipping container;

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

"the Corporation" means the Corporation of Hamilton;

"curb" means any boundary of a carriage way whether marked by curbstones or not;

"cycle" includes a pedal cycle, a tricycle, or a similar vehicle which is not motor propelled, and includes an electrically assisted pedal cycle;

"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" means any person driving, propelling, or in charge of any vehicle and includes the rider of a horse, and "drivers" and other cognate expressions shall be construed accordingly;

"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 car park" means any car park designated as a fee car park in Schedule 1 of the Municipalities (Hamilton Pay and Display Parking) Ordinance 1986;

"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 or shipping container;

"horse" includes any beast of draught or burden;

"interruption of traffic" means any obstruction by which the passage of any vehicle, horse or pedestrian along any street is, or is likely to be, prevented or impeded;

"loading hours" means any time between 8am and 5pm on any day other than a Saturday, a Sunday or other public holiday;

"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;

"motor car" has the meaning given in the Motor Car Act 1951 [*title 21 item 4*];

"motor cycle" has the meaning given in the Motor Car Act 1951 [*title 21 item 4*], and includes an auxiliary cycle declared to be a motor cycle under the Motor Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 [*title 21 item 6*];

"parking" means the standing on a street of any vehicle, other than an emergency vehicle, whether occupied or not except—

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- (a) while the vehicle is being loaded or unloaded;
- (b) while passengers are entering or leaving the vehicle;
- (c) when in compliance with the directions of a police officer or of a traffic signal;
- (d) while temporarily stopped by reason of traffic conditions;
- (e) while stopped owing to mechanical breakdown or lack of fuel;

and "park" and other cognate expressions shall be construed accordingly;

"parking area" means any area allotted or set aside by the Corporation for the parking of vehicles and designated as such by public notice or by traffic signs;

"pay parking area" means those streets or parts of streets designated as pay parking streets in Schedule 1 of the Hamilton Pay and Display Voucher Parking Ordinance 1995;

"pedestrian" means any person using a street on foot or in an invalid carriage for the purpose of passage but does not include a person propelling a vehicle;

"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;

"police officer" means any member of the Bermuda Police Service; or any traffic warden in uniform, or any other officer deemed to be a police officer by the Municipalities Act 1923 [*title 4 item 1*];

"public carriage" has the meaning given in the Public Carriage Act 1949 [*title 21 item 9*];

"restricted parking area" means all of Victoria Street and any street or any part of any street within the City of Hamilton, that lies south of Victoria Street, and includes all of Court Street, Wesley Street and Par la Ville Road, but excludes Richmond Road;

"service vehicle parking area" means an area allotted or set aside by the Corporation on a street or in a City car park for the exclusive purpose of parking of goods vehicles which have been issued service vehicle parking permits and is designated as such by public notice or by traffic signs;

"service vehicle parking permit" means a parking permit device of a type and design approved and issued by the Corporation for a goods vehicle;

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

"sidewalk" means any paved or unpaved portion of any street which is provided by the Corporation for the use of pedestrians, and includes a footpath;

"special goods vehicle parking area" means an area allotted or set aside on a street or in a City car park by the Corporation for the parking of goods vehicles which have been issued a special goods vehicle parking permit and is designated as such by public notice or by traffic signs;

"special goods vehicle parking permit" means a parking permit device of a type and design approved and issued by the Corporation for a goods vehicle;

"stopping" means the standing on a street of any vehicle, other than an emergency vehicle, whether occupied or not except—

- (a) when stopped in compliance with the directions of a police officer or of a traffic sign or traffic signal;
- (b) while temporarily stopped by reason of traffic conditions;
- (c) while stopped owing to mechanical breakdown or lack of fuel;

and "stopped" and cognate expressions shall be construed accordingly;

"street" includes any alley, highway, lane, parking area, pavement, public area, public passage, sidewalk, thoroughfare or wharf used by horses, pedestrians or vehicles;

"taxi" means any motor car which is being operated as a motor taxi under the authority of a valid permit granted under the Motor Car Act 1951 [*title 21 item 4*], or a special permit granted under the Motor Taxi (Special Permits) Act 1970 [*title 21 item 10*];

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

"tracked vehicle" has the meaning given in the Motor Car Act 1951 [*title 21 item 4*];

"traffic" means animals, pedestrians and vehicles using a street;

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"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 or any City car park;

"traffic signal" means a traffic sign which, for the purpose of regulating the movement of traffic, gives varying signals from time to time;

"tree" includes plant, shrub or vine;

"vehicle" includes any motor car, motor cycle, auxiliary cycle, cycle, wagon, carriage, cart, tractor, trailer, shipping container, hand cart, or other conveyance (except a baby carriage or perambulator) which is used for the transportation of passengers, animals, goods or other loads; and "vehicular" shall be construed accordingly;

"working hours" means any time between 9am and 5pm on any day other than a Sunday or other public holiday.

[Article 2 amended by 1997:37 effective 6 May 1999; and by BR 63/2002 effective 13 December 2002]

Time limit for parking

3 No vehicle other than a cycle, motor cycle, auxiliary bicycle, or shipping container, shall be parked in any restricted parking area for more than one hour in any one place during working hours, unless traffic signs permit parking for a longer period.

Restriction of parking of taxis

4 No taxi shall be parked in any restricted parking area during working hours unless that taxi is parked in a taxi stand and is plying for hire and the driver of that taxi is within 30 feet of that taxi.

Restriction of parking of motor cycle or auxiliary cycle

5 No motor cycle or auxiliary cycle shall be parked in any restricted parking area during working hours unless that motor cycle or auxiliary cycle is parked in a cycle parking area or is parked in conformity with traffic signs that permit such parking.

Positioning of motor cycle, cycle or auxiliary cycle when parked on any street

6 No motor cycle, cycle or auxiliary cycle shall be parked on any street in such a manner that any wheel of the vehicle is more than one foot from the curb, unless it is properly parked within a cycle parking area.

Parking which causes obstruction etc prohibited

7 No person shall park, or permit or cause any vehicle or part of any vehicle to be parked:

- (a) on any street or City car park in such position or in such manner so as to obstruct the entrance to any other street, entrance, private drive or City car park;
- (b) on any street or sidewalk or in any City car park in such manner as to be likely to cause danger to other persons using the street or sidewalk or City car park;
- (c) on any street, sidewalk, City car park or other property which is closed to traffic by order of the Corporation under the Road Traffic Act 1947.

[Article 7 rescinded and substituted by BR 63/2002 effective 13 December 2002; title added by editor on consolidation]

Single yellow line

8 No vehicle, horse or goods shall be parked on a street during working hours alongside a single yellow line.

Double yellow line

9 No vehicle, horse or goods shall be parked on any street at any time alongside a double yellow line.

Traffic signs restricting parking

10 (1) The Corporation may erect or place traffic signs restricting the parking of certain or all classes of vehicles on any street or part of any street, or in any City car park or part of any City car park, and may erect signs limiting the length of time vehicles, or certain classes of vehicles, may be parked on any street or part of any street, or in any City car park or part of any City car park.

(2) No vehicle shall be parked in contravention of a sign erected in conformity with subsection (1).

[Article 10 para (1) substituted by BR 63/2002 effective 13 December 2002]

Loading zones

11 (1) No vehicle other than a goods vehicle may be stopped or parked in a loading zone during loading hours.

(2) No goods vehicle other than a shipping container may be parked in a loading zone during loading hours for more than one hour.

(3) Within a pay parking area no goods vehicle other than a shipping container may be stopped or parked in any loading zone during

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loading hours for more than ten (10) minutes except while the goods vehicle is being loaded or unloaded, and in the event that a goods vehicle is parked in any loading zone for a period in excess of ten (10) minutes without any visible signs of goods being loaded or unloaded from the goods vehicle then it shall be presumed that the vehicle is being neither loaded nor unloaded.

(4) No vehicle other than a goods vehicle issued with a service vehicle parking permit shall be parked in a service vehicle parking area.

(5) No vehicle other than a goods vehicle issued with a special goods vehicle parking permit shall be parked in a special goods vehicle parking area.

(6) Nothing in this article shall be deemed to permit anything prohibited by any other article of this Ordinance.

[Article 11 rescinded and substituted by BR 63/2002 effective 13 December 2002]

Taxi stands

12 No vehicle other than a taxi shall park in a taxi stand during working hours or during such other times as may be prohibited by a traffic sign.

Vehicle stopping or parking so as to cause interruption of traffic

13 No vehicle shall be stopped or parked in any street or in any City car park in such a manner so as to cause an interruption of traffic.

[Article 13 rescinded and substituted by BR 63/2002 effective 13 December 2002]

Prohibition of parking vehicle or riding horse on sidewalk

14 No vehicle or horse shall be parked wholly or partly upon or driven or ridden along any sidewalk.

Cycle parking areas reserved for 2 or 3 wheeled vehicles

15 No vehicle other than one having only 2 or 3 wheels shall be parked within or partly within a cycle parking area.

Temporary sidewalk extending into street; prohibition of stopping or parking alongside or opposite

16 No vehicle may be stopped or parked alongside or opposite any street obstruction or temporary sidewalk that extends into the carriage way.

Causing interruption of traffic by making a "U" turn

17 No vehicle shall make a "U" turn in any street in such a manner as to cause an interruption to traffic.

Direction of travel in one-way street

18 No vehicle other than an emergency vehicle shall turn into any one-way street or proceed therein other than in the proper direction.

Restriction of parking of public carriage

19 No public carriage shall be parked in any street or in any City car park other than in an area designated for the parking of such vehicles.

[Article 19 rescinded and substituted by BR 63/2002 effective 13 December 2002]

Restriction of leaving of horse or horsedrawn vehicle in street

20 No horse or horse-drawn vehicle shall be left in any street without a proper person in attendance, unless that horse is securely tied to some post or other suitable object; but nothing in this Article shall be deemed to permit anything prohibited by Article 28.

Speed limit on wharf

21 No vehicle shall be driven on any wharf, or the enclosure to any wharf, at a speed greater than 15 kilometres an hour.

Speed limit for vehicle without springs

22 No vehicle without springs shall be driven or towed in any street at a speed greater than 15 kilometres an hour.

Permit for tracked vehicle to be driven on street

23 No tracked vehicle may be driven along any street without first obtaining a written permit from the Corporation.

Restriction of driving container truck on certain streets

24 No container truck shall be driven on Queen Street, Burnaby Street or Parliament Street, or that part of Reid Street or Front Street west of Court Street, but nothing in this Article shall prohibit a container-truck using the street in order to gain direct access to any premises on that street for the purpose of collecting or delivering goods to those premises.

Prohibition of driving container truck on certain streets

25 No container-truck shall be driven on Court Street north of Ewing Street, or on Burnaby Street south of Reid Street.

Time limit for leaving container truck standing on street

26 No container-truck, or part of a container-truck, or shipping container shall be left standing in any street for more than 24 hours.

27 *[omitted]*

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Certain activities prohibited

28 No person shall:

- (a) wash any vehicle in any street or in any City car park;
- (b) except as permitted by this Ordinance leave or allow to remain in any street or in any City car park any vehicle or derelict vehicle for a period exceeding 7 days;
- (c) leave or place, wholly or partly on any sidewalk anything calculated to endanger or obstruct pedestrians;
- (d) move, push or roll any container wholly or partly along any sidewalk except when necessarily crossing it in a direct line and by the shortest practicable course to and from the carriageway;
- (e) allow any goods or container in the course of delivery at or from any premises to remain in any street for longer than one hour;
- (f) sell or offer or expose for sale any goods or services on any street or in any City car park;
- (g) tie any animal to any tree or to any fence, guard, rail or other structure standing on Corporation property and erected for the protection of any tree;
- (h) tie any animal to any Corporation flagpole or to any stay or stays of such flagpole, or to any light standard or to any fencing standing on Corporation property;
- (i) break, climb, destroy, mark, pick, uproot or otherwise injure any tree, bulb or flower growing on property belonging to the Corporation unless that person is an employee of the Corporation acting in the course of his employment, or is a person acting as an agent of the Corporation;
- (j) break, climb, destroy, mark, pick, remove, uproot or otherwise damage any fence, guard, rail or other structure erected for the protection of any tree, standing on property belonging to the Corporation unless that person is an employee of the Corporation acting in the course of his employment, or is a person acting as an agent of the Corporation;
- (k) damage, destroy, uproot or otherwise injure any turf or grass growing on property belonging to the Corporation unless that person is an employee of the Corporation acting in the course of his employment, or is a person acting as an agent of the Corporation;

- (l) discard, throw or place any bottle, can, paper or trash in any street or in any City car park, except in a receptacle provided for that purpose;
- (m) deposit, leave, place or throw any filthy or offensive matter or substance in any street or in any City car park;
- (n) no person shall: roller skate, rollerblade, or ride any skateboard, or scooter in any street or in any City car park;
- (o) shine or clean shoes or boots in any street or in any City car park for payment or reward;
- (p) assemble, in any street or in any City car park, with other persons so as to cause or be likely to cause an interruption of traffic or, on being required to do so by a police officer, fail to move on or disperse in such a manner as to cease to cause an interruption to traffic;
- (q) play, in any street or in any City car park, any radio or operate any other device for the reproduction or creation of music or other sounds in such a manner that it may be heard beyond a distance of 30 feet;
- (r) being a pedestrian, wilfully and without lawful excuse disobey the direction or signal given by a police officer who is for the time being engaged in the regulation of traffic or deliberately fail to conform to the indication given to him by any traffic signal;
- (s) deliberately use or operate a traffic signal except with the intention and for the purpose of traversing a pedestrian crossing, unless that person is an employee of the Corporation acting in the course of his employment or otherwise duly authorised by the Corporation for that purpose;
- (t) place or erect any traffic sign, or any sign which so resembles any traffic sign that it may be understood as a traffic sign, on any street or in any City car park save with the written permission of the Corporation;
- (u) post or attach any bill, sign or poster to, or on, any Corporation property;
- (v) use or park any vehicle, or part of a vehicle, in such a manner as to cause damage to any street or in any City car park.

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[Article 28 amended by BR 80/2000 effective 6 November 2000; and by BR 63/2002 effective 13 December 2002]

Penalty for contravention

29 Any person who contravenes any of the provisions of this Ordinance commits an offence against this Ordinance and is liable to prosecution for such offence in accordance with the Municipalities Act 1923 [*title 4 item 1*], and the Road Traffic Act 1947 [*title 21 item 3*], and, where appropriate, shall be subject to the penalties specified in the Traffic Offences (Penalties) Act 1976 [*title 21 item 13*].

Saving for specific written permission

30 Nothing in the Ordinance shall prevent the Corporation giving written permission to any person, society, firm, or incorporated company, including the Corporation's own employees or agents, to do any act which in the absence of such permission might constitute a contravention of this Ordinance, and any such permission shall be good and valid authority to the holder thereof acting in accordance with such permission; however, in any court proceedings taken under this Ordinance the onus of proving that any such permission has been granted shall lie with the person asserting that fact.

Removal of vehicle left on street for 7 days

31 (1) When a contravention of Articles 7 or 28(b) of this Ordinance occurs then whether any proceedings are taken against the driver or not the vehicle concerned may be removed by any police officer, or by any Corporation employee or agent so instructed by the Corporation to such place as the police officer, Corporation employee or agent thinks fit; and no liability shall attach to any authorised person so moving the vehicle or causing it to be moved for any damage or loss occasioned thereby.

(2) When a contravention of Article 28(u) of this Ordinance occurs then whether any proceedings are taken against the person concerned or not the offending article may be removed by any police officer, or by any Corporation employee or agent so instructed by the Corporation, and no liability shall attach to any authorised person for any damage or loss occasioned thereby.

[Article 31 para (1) substituted by BR 63/2002 effective 13 December 2002]

Notice to remove vehicle left on street for 7 days

32 The Corporation may send a notice by registered mail to the registered owner of any vehicle contravening Article 28(b) requiring the owner to remove the vehicle within a period of 7 days of the posting of such notice. In the event that the vehicle is not removed by the registered owner within that period, the owner shall be liable to the

Corporation for any expenses incurred by the Corporation for the removal or storage of the vehicle, and the Corporation shall be entitled to recover such expenses from the owner as a civil debt.

Revocation

33 [omitted]

Commencement

34 [omitted]

[Amended by:

1997: 37

BR 80/2000

BR 63/2002]