

**BERMUDA STATUTORY INSTRUMENT**

**HAMILTON FEE-PARKING ORDINANCE 1981**

*[made under section 38(2)(n) of the Municipalities Act 1923 [title 4 item 1]  
and brought into operation on 3 July 1981]*

ARRANGEMENT OF PARAGRAPHS

- 1 Citation
- 2 Interpretation
- 3 Parking tokens
- 4 Parking fees
- 5 Parking passes
- 6 Duty of driver
- 7 Controlled hours
- 8 Abandoned motor vehicles
- 9 Disclaimer
- 10 Offences

SCHEDULE

**Citation**

1 This Ordinance may be cited as the Hamilton Fee-Parking Ordinance 1981.

**Interpretation**

2 In this Ordinance—

"attendant" means an employee of the Corporation assigned by the Corporation (whether alone or along with one or more other persons so assigned) to supervise a fee car park;

## **HAMILTON FEE-PARKING ORDINANCE 1981**

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"controlled hours" means the hours in a fee-parking day which are specified in the Schedule as the hours in respect of which fees are payable for the parking of motor vehicles in a fee car park;

"Corporation" means the Corporation of Hamilton;

"fee car park" means land belonging to, or under the control of, the Corporation and designated by the Corporation by notice published in the Gazette as a car park where parking fees are payable;

"fee-parking day" means a day specified in the Schedule as a day when fees are payable in respect of the parking of motor vehicles in fee car parks during controlled hours;

"parking fee" means a fee prescribed in the Schedule, and "appropriate parking fee" means a parking fee appropriate to the circumstances;

"parking token" has the meaning assigned to it in sub-paragraph (2) of paragraph 3.

3 (1) Subject to paragraph 5, an attendant shall not permit any person during controlled hours to drive a motor vehicle into, or to place a motor vehicle in, a fee car park unless the attendant has first—

(a) stamped on a parking token the time of the commencement of the parking; and

(b) issued the parking token so stamped to that person.

(2) in this Ordinance the expression "parking token" means a token—

(a) provided by the Corporation;

(b) showing the list of fees set forth in the Schedule;

(c) containing provision for an attendant to record the time when parking of a motor vehicle in a fee car park commenced.

(3) Nothing in this Ordinance shall be taken as conferring a right on any person to bring any vehicle of any kind into a fee car park, whether during controlled hours or not, without the consent of the corporation.

### **Parking tokens**

4 Subject to paragraph 5, a person shall not during controlled hours remove from a fee car park a motor vehicle in respect of which a parking token has been issued under paragraph 3 unless he has first paid the appropriate parking fee to the attendant.

**Parking fees**

- 5 (1) The Corporation may issue to any person a pass granting—
- (a) total or partial exemption from the payment of parking fees in respect of the motor vehicle specified in the pass; and
  - (b) any other privilege in relation to, or any other exemption from, any provision of this Ordinance that the Corporation deems fit.
- (2) The production of a parking pass issued in respect of a motor vehicle shall be sufficient authority for the motor vehicle to be parked in a fee car park in accordance with the provisions of the pass, and the provisions of this Ordinance shall apply in relation to the motor vehicle accordingly.

**Duty of driver**

- 6 (1) The driver of any motor vehicle about to enter, or in, or leaving, a fee car park during controlled hours ("a driver") shall comply with any direction contained in any sign erected by the Corporation in or about the car park for the regulation of motor vehicles entering, in or leaving the car park.
- (2) A driver shall park his motor vehicle in the place and manner directed by the attendant, and shall obey any other lawful direction given to him by the attendant.
- (3) A driver shall give his name and address to the attendant if the attendant requires him to do so.

**Controlled hours**

- 7 (1) The following provisions of this paragraph shall apply in relation to the parking of motor vehicles in a fee car park wholly or partly outside controlled hours.
- (2) Apart from sub-paragraph (3) of paragraph 3, nothing in this Ordinance shall apply in relation to a motor vehicle which is brought into a fee car park outside controlled hours, and remains there so that no part of the time when the vehicle is in the car park falls within controlled hours, on any fee-parking day.
- (3) Where a motor vehicle in respect of which a parking token was issued on any fee-parking day is in a fee car park at the time of the expiry of controlled hours on that day without the appropriate parking fee having been paid, it shall be the duty of the person to whom the parking token was issued to pay the appropriate parking fee to the attendant on or before the expiry of controlled hours on the next succeeding fee-parking day.

## **HAMILTON FEE-PARKING ORDINANCE 1981**

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(4) Where at the time of the commencement of controlled hours on a fee-parking day the attendant finds in a fee car park a motor vehicle which is not a motor vehicle referred to in sub-paragraph (3), he shall prepare and keep for the person in charge of the motor vehicle a parking token in respect of that vehicle, stamping that time on the token as the time of commencement of the parking; and thereupon this Ordinance shall apply in relation to the parking of that motor vehicle as nearly as may be as if—

- (a) the person in charge of the motor vehicle had himself presented the vehicle to the attendant with a view to its being parked in the car park with effect from that time; and
- (b) the attendant had admitted the vehicle accordingly.

### **Abandoned motor vehicles**

8 (1) Where a motor vehicle is left in a fee car park for the period of three consecutive fee-parking days without the appropriate parking fee having been paid, the Corporation shall be entitled to treat the vehicle as abandoned and to dispose of it accordingly.

(2) Where in virtue of sub-paragraph (1) the Corporation treats a vehicle left in a car park as abandoned and removes and disposes of it under that sub-paragraph, the Corporation may recover as a civil debt either from the person who brought the vehicle into the car park or from its owner the Corporation's reasonable expenses incurred in connection with the removal and disposal.

### **Disclaimer**

9 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 motor vehicle brought into a fee car park, whether or not a parking token has been issued to any person in respect of the vehicle.

### **Offences**

10 Contravention of—

- (a) paragraph 4; or
- (b) a direction referred to in sub-paragraph (1) of paragraph 6; or
- (c) a direction given, as mentioned in sub-paragraph (2) of paragraph 6; or
- (d) a requirement made as mentioned in sub-paragraph (3) of paragraph 6; or
- (e) sub-paragraph (3) of paragraph 7,

shall be an offence.



**HAMILTON FEE-PARKING ORDINANCE 1981**

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**SCHEDULE (Paragraphs 2, 3)**

Fees for parking in Fee Car Parks during controlled hours\* on fee-parking days\*\*

Period	Fee
(a) for the first hour or part of an hour	.50
(b) for second hour or part of an hour	.50
(c) thereafter, for each hour or part of an hour	\$1.00

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\* controlled hours are the hours from 8.00 a.m. to 6.00 p.m.

\*\* fee-parking days are every day that is not a Sunday or public holiday.