

Authority: Item 5, Public Works Committee Report 23-012 (PED20168(b))
Council Meeting: September 13, 2023 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2023-03 dated
September 27, 2023

Bill No. 177

CITY OF HAMILTON

BY-LAW NO. 23-177

To Amend By-law No 01-218, as amended, being a By-law to Regulate On-Street Parking Respecting Free-Floating Carshare Vehicles

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

WHEREAS this By-law amends By-law No. 01-218, as amended, with respect to free-floating carshare vehicles;

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 By-law No. 01-218 is hereby amended by deleting section 11.1 and replacing it with the following:

Free-floating Carshare Permit Regulations

11.1 (1) In this section:

- (a) “clustering” means more than three (3) free-floating carshare vehicles from the same free-floating car-share operator within a street block for any length of time.
- (b) “end of trip” means the user has ended their trip and has returned the vehicle keys. The vehicle is now released to be booked by the next user.
- (c) “free-floating carshare operator” means an organization that provides a model of mobility in which its members can pick up and drop off a

free-floating carshare vehicle in any authorized on-street parking space within the City of Hamilton.

- (d) “free-floating carshare permit” means a permit issued by Hamilton Municipal Parking System to a free-floating carshare operator for a free-floating carshare vehicle, allowing that vehicle to end its trip by using on-street parking spaces within the City of Hamilton in accordance with the provisions of this By-law.
 - (e) “free-floating carshare vehicle” means a vehicle owned by a free-floating carshare operator which is shared among the operator’s members and has no fixed or dedicated public parking space.
 - (f) “HMPS” means Hamilton Municipal Parking System.
- (2) HMPS may issue a free-floating carshare permit to a free-floating carshare operator for a free-floating carshare vehicle for a fee.
 - (3) Except where the free-floating carshare permit is not in force, every free-floating carshare permit shall commence on the day on which the permit is issued and shall expire on the last day of the term for which the permit was issued.
 - (4) The fee for each free-floating carshare permit shall be an amount approved by Council from time to time and as set out in the City of Hamilton’s User Fees and Charges By-law. The fee shall be payable in advance and shall be pro-rated for the balance of the first year, and thereafter shall be renewable on a calendar year basis, on or before the first day of January of each year but not earlier than November 1 of the current year.
 - (5) HMPS shall not issue more than one (1) free-floating carshare permit per free-floating carshare vehicle.
 - (6) An application for a free-floating carshare permit shall provide the following information:
 - (a) Name, phone number, address and email address of the free-floating carshare operator;
 - (b) Name, phone number and email address for referring complaints related to free-floating carshare vehicle parking;
 - (c) Licence number, make and colour of the vehicle for which the application is being made;
 - (d) Proof of insurance and registration for the vehicle for which the application is being made; and

- (e) Such further and other information as HMPS may require for the purpose of the application.
- (7) No free-floating carshare operator shall operate a free-floating carshare vehicle within the City of Hamilton without a valid free-floating carshare permit in the form of a mirror hang tag, facing the exterior of the vehicle, such that the permit is entirely and clearly in view from the exterior of the subject vehicle.
- (8) Every free-floating carshare operator shall equip each free-floating carshare vehicle for which a permit under this section is sought, with geofencing technology to prevent it from ending a trip within a Municipal Car Park.
- (9) Subject to the restrictions set out in Section 11.1(10) herein, a free-floating carshare vehicle displaying a current and valid free-floating carshare permit, may park in a space on an unregulated highway or time limited street so designated by Council and set out in Schedule 6 to this By-law within the City of Hamilton for up to a maximum of 72 hours at a time at the end of trip.
- (10) Notwithstanding Section 11.1 (9) above, and for greater certainty, a free-floating carshare vehicle shall not park in any of the following locations at the end of trip:
 - (a) Through highways;
 - (b) Metered parking spaces except where designated for the use of carshare vehicles;
 - (c) Parking by Permit Only Areas;
 - (d) Municipal Car Parks; or
 - (e) Any location if clustering would result.
- (11) Notwithstanding Section 11.1 (9) above, a free-floating carshare vehicle shall not be parked contrary to:
 - (a) The direction of a Police Officer, a member of the Hamilton Fire Department; or an agent of the City; or
 - (b) The direction of the operator of an authorized emergency vehicle.
- (12) Notwithstanding Section 11.1(9) above, a free-floating carshare operator shall, within 24 hours of receiving notice of a complaint relating to a free-

floating carshare vehicle from the City of Hamilton or the public, relocate the free-floating carshare vehicle out of the zone to another permitted location.

- (13) Notwithstanding Section 11.1(9) and 11.1(12) above, a free-floating carshare operator shall, within 2 hours of receiving notification of clustering of free-floating carshare vehicles from the City of Hamilton or the public, relocate the free-floating carshare vehicle out of the zone to another permitted location.
- (14) Notwithstanding all other provisions of this By-law and notwithstanding the display of authorized signs to the contrary, a free-floating carshare vehicle properly displaying a current and valid free-floating carshare permit, is exempt from the following provisions of said By-law:
 - (a) Section 9(1);

however, nothing in this section shall be deemed to annul or waive any other provision of this By-law.
- (15) Free-floating carshare permits remain the property of the City of Hamilton and the HMPS may, with 24 hours notice, and at their absolute discretion, recall, void, cancel or otherwise revoke any free-floating carshare permit, and the unexpended portion of the fee paid by the permit holder shall be refunded at the convenience of the City.
- (16) Notwithstanding that an application has been made for a free-floating carshare permit, or that a free-floating carshare permit has been issued and is in force or is not in force, no provision of this by-law shall oblige HMPS to issue, renew or reinstate a free-floating carshare permit and no person shall enjoy a vested right in the issuance or continuance of a free-floating carshare permit.
- (17) Each free-floating carshare operator shall, on a monthly basis, provide to HMPS anonymous trip-related data including:
 - (a) number of vehicles;
 - (b) number of active members;
 - (c) number of free-floating vehicle trips;
 - (d) average trip duration;
 - (e) average trip length;
 - (f) percentage of trips after which the vehicle was parked for greater than 72 hours;
 - (g) average length of time between two usages;
 - (h) number of time clustering was observed and location; and
 - (i) other key information to aid in assessing the success of the program and future expansion opportunities.

3. That in all other respects By-law 01-218 is confirmed.
4. That the provisions of this by-law shall become effective when ratified by Council.

PASSED this 27th day of September, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk