

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 169-2020**

**A By-law to provide for the administration, issuance and enforcement of permits for commercial photography on City lands.**

**WHEREAS** subsection 8(1) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that the powers of a municipality under the Act be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs, as they consider appropriate, and enhance their ability to respond to municipal issues;

**AND WHEREAS** subsection 11(3)5. of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass by-laws respecting culture, parks, recreation and heritage;

**AND WHEREAS** sections 10 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 provide for a municipality to pass by-laws respecting the health, safety and well-being of persons, the protection of persons and property, and the economic, social and environmental well-being of the municipality;

**AND WHEREAS** subsection 11(3)11 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass by-laws business licensing;

**AND WHEREAS** section 434.1(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan has determined that it is appropriate to require commercial photographers seeking permission to use City-owned lands or property for photography purposes to apply for and obtain a permit from the City of Vaughan;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

### **1.0 Authority and Short Title**

(1) The By-law shall be known and referenced as the “Photography Permits By-law.”

## **2.0 Applicability and Scope**

- (1) This By-law applies to all *City Owned Lands*.
- (2) Where any provision of this By-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

## **3.0 Definitions and Interpretation**

- (1) In this By-law:
  - (a) "City" means the Corporation of the City of Vaughan, including its employees and agents, if applicable, or in the appropriate context, all lands within the jurisdictional boundaries of the Corporation of the City of Vaughan.
  - (b) "City Owned Lands" means any park, heritage site or other public site in the City of Vaughan that is owned by the City of Vaughan;
  - (c) "Commercial Photography" means photographs taken or other electronic images taken in the course of performance of a contract by a commercial photographer for a special occasion or event, including but not limited to weddings, graduations, family or other group photographs, and whether or not the contract is arranged with or has been entered into by a resident or a non-resident of the *City* for such services;
  - (d) "Director" means the Director of Recreation Services for the City of Vaughan, or his or her designate.
  - (e) "Permit" means any written authorization to conduct, carry out, engage in or otherwise perform *Commercial Photography on City Owned Lands* in accordance with the terms and conditions of this By-law.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(1) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

## **4.0 Administration**

- (1) Any person designated by the *Director* is hereby authorized to administer and issue *Permits* for *Commercial Photography on City Owned Lands* designated by the *City* as suitable for *Commercial Photography*, including but not limited to:

- (a) Thoreau MacDonald House; and
- (b) Vellore Hall, School and Heritage Square.
- (2) For greater clarity, no *Permits* shall be issued for Scout House and Railway Station.
- (3) The following persons are authorized to enforce the provisions of this By-law on behalf of the City:
  - (a) any person designated by the *Director*;
  - (b) any police officer, or by-law enforcement officer of the *City*.

## **5.0 Permits**

- (1) No person shall conduct or permit or allow *Commercial Photography* to take place on *City Owned Lands* without a valid *Permit* present and available on site for inspection by the *City*.
- (2) To obtain a *Permit*, an application shall be made through the Recreation Services Department of the *City*.
- (3) *Permits* for sites shall be issued on a first-come first-serve basis.
- (4) The issuance of *Permits* shall be subject to a determination by the *City* that the location selected is feasible for the purpose and not disruptive to the public's enjoyment of such the site or its facilities.
- (5) Unless otherwise specified, all *Permits* shall be for a one-hour block of time, inclusive of any set-up and take-down time.
- (6) A *Permit* shall be deemed valid once the applicant has:
  - (a) paid the applicable fees, as provided under Fees and Charges By-law 171-2013, as amended or its successor by-law;
  - (b) provided a valid credit card number for reimbursement to the *City* in the event of damages to *City Owned Lands* as a result of the *Commercial Photography* or any related activities;
  - (c) met any other requirements and conditions on the application form that have been imposed by the *Director*; and
  - (d) signed the *Permit*.
- (7) The *City* reserves the right to refuse any application for a *Permit* that the *Director* has determined not to be in the best interests of the *City* or the public, and to

revoke permission for a *Permit* without notice if any of the the terms and conditions of the *Permit* or this By-law are not met or are violated by the applicant.

## **6.0 Monitoring**

- (1) Every person on *City Owned Lands* who is subject to a *Permit* shall follow any and all directions provided by *City* staff on site with respect to access to any part of the *City Owned Lands* for the purpose of *Commercial Photography*.
- (2) Where a person is wanting to conduct *Commercial Photography* at *City Owned Lands* and such person does not hold a valid *Permit*, *City* staff on site may grant access, provided the person wanting access meets the requirements for a *Permit*, pursuant to 5.0(6), the following business day.
- (3) The decision to grant access under 6.0(2) is at the discretion of the *City* staff on site and such decision shall be final.

## **7.0 Conditions of Use**

- (1) All vehicles are to be parked in designated areas only.
- (2) All *Commercial Photography* session(s) must be conducted without disruption to the operations at or on *City Owned Lands* and without any obstructions or limitations to accessibility of stairwells, entrances, exits, high traffic areas or areas of interest to other visitors, users or guests.
- (3) The *Commercial Photography* session(s) shall not interfere with the enjoyment of the *City Owned Lands* by other visitors, users or guests.
- (4) To ensure the preservation of *City Owned Lands*, use of the following equipment or items is not permitted:
  - (a) fog machines;
  - (b) confetti, rice, or glitter;
  - (c) sparklers, fireworks and pyrotechnics;
  - (d) any other items that the *City* deems a hazard to the preservation of the *City Owned Lands*, or that may be hazardous to the safety or well-being of visitors, users or guests.
- (5) To ensure the safety of all visitors, users or guests, use of the following equipment or items is not permitted:

- (a) additional lighting or other equipment set up involving more than the use of a camera tripod;
  - (b) electrical equipment involving cables;
  - (c) outlets or generators;
  - (d) backdrops or set pieces;
  - (e) canopies or tents; or
  - (f) any other items that the *City* deems a hazard to the safety of *City Owned Lands* or to visitors or users.
- (6) The *Permit* holder and the photographer(s) shall be responsible for the conduct and supervision of all persons in his or her party, including employees or guests.
- (7) The *Permit* holder and the photographer(s) shall be responsible for payment of the costs of all repairs for any damages caused to the *City Owned Lands* during the use of the *City Owned Lands* by the *Permit* holder or his or her clients, party or guests, including but not limited to any and all damages to any building, structure, equipment, grass, flowers, or other plant material or other property of the *City*.
- (8) No person shall disturb any gardens, stand on rocks or displays, block paths, or climb garden or fountain walls.
- (9) No person shall use or have alcoholic beverages, cannabis, or other intoxicating substances while on *City Owned Lands* for the purpose of conducting *Commercial Photography*.
- (10) The *Permit* holder shall be responsible for ensuring that the *City Owned Lands*, including all grounds and facilities, are left clean and free of debris.
- (11) The conditions of use specified in this section 7.0 shall be in addition to any conditions set as part of the *Permit*.

## **8.0 Enforcement**

- (1) Any person authorized to enforce this By-law, pursuant to 4.0(3), is authorized to:
- (a) require any person to comply with this By-law or the conditions of a *Permit* issued under this By-law;
  - (b) require any person who is in contravention of this By-law to refrain from or take actions to correct a contravention or consequence of a contravention;

and

- (c) require any person to comply with this By-law or the conditions of a *Permit* to leave the *City Owned Lands*.

### **9.0 Administrative Monetary Penalties**

- (1) Instead of laying a charge under the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a notice under this By-law, a by-law officer may issue an administrative monetary penalty to the person who has contravened this By-law.
- (2) If a person has paid an administrative monetary penalty under section 9.0(1), no charge shall be laid against that same person for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$500.00.
- (4) A person who is issued an administrative monetary penalty shall be subject to the procedures provided for in the [Administrative Monetary Penalties By-law](#), as amended or its successor by-law.
- (5) An administrative monetary penalty imposed on a person is a debt to the *City* under the [Administrative Monetary Penalties By-law](#), as amended or its successor by-law, and may be added to the municipal tax roll and collected in the same manner as municipal taxes.

### **10.0 Fines**

- (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- (2) Every person who is convicted of an offence under this By-law is liable to a fine as provided under the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33, as amended.

### **11.0 Severability**

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council of the City of Vaughan in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

## **12.0 Repeal and Amendment of Other By-laws**

- (1) The following by-laws are hereby repealed: [Photography Permits By-law 82-2006](#) and its amendments, including [By-law 207-2006](#).

## **13.0 Designation**

- (1) This By-law is a Designated By-law pursuant to the [Administrative Monetary Penalties By-law](#).

## **14.0 Force and Effect**

- (1) This By-law shall come into force and effect on the date enacted by Council.

Enacted by City of Vaughan Council this 17<sup>th</sup> day of November, 2020.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk