

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 82-2006

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

WHEREAS the Council of The Corporation of the City of Vaughan (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;

AND WHEREAS the City of Vaughan wishes to authorize City employees to administer the issuance of permits and to enforce this By-law;

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

1. Interpretation

In this by-law,

(a) "permit" means any written authorization to conduct photography on property under the ownership of the City of Vaughan (hereinafter referred to as "City sites") in accordance with the terms and conditions of this By-law.

(b) "City site" means any park, heritage site or other public site in the City of Vaughan owned by the City of Vaughan.

2. Administration

Subject to the provisions of this By-law:

(1) Any person employed by the City of Vaughan Department of Recreation and Culture is hereby authorized to administer and issue permits for commercial photography on City owned lands or property, including but not limited to the Kleinburg Scout House and Railway Station, the Thoreau MacDonald House, and the Vellore Hall, School and Heritage Square.

(2) The following persons are authorized to enforce the provisions of this By-law on behalf of the City:

(a) Any person employed by the City of Vaughan Departments of Recreation and Culture, Parks, or Buildings and Facilities;

(b) Any police officer, provincial offences officer, by law enforcement officer or other municipal law enforcement officer is authorized to enforce the provisions of this By-law.

3. **Permits**

- (1) City sites designated as suitable for commercial photography will be adequately signed to require that permits first be obtained, to ensure the control of conflicts among users.
- (2) To reserve a City site, callers will be required to contact the Recreation and Culture Client Services Division, Facility Booking Staff at 905-832-8500.
- (3) Bookings for City sites will be accepted on a first-come first-served basis.
- (4) Permits may be issued once the location has been determined to be feasible and not disruptive to the public's enjoyment of such facility.
- (5) An issued permit will reserve a 1 hour block of time unless otherwise specified, which includes the time from arrival, to taking of photographs through to departure time from the photography site.
- (6) A permit becomes valid once signed by the applicant, any applicable fees are paid in full as provided under the *Fees and Charges By-law*, By-law Number 396-2002, as amended, a valid credit card number is provided for reimbursement to the City in the event of damages to a City site, and any supplementary requirements and conditions of the issuance of the permit are met.
- (7) Once a permit is issued, it must be carried at all times by the permit holder or by the photographer, if he or she is not the permit holder, while conducting activities at the City site on the date of the booking.
- (8) Multiple, non-exclusive permits may be processed during the peak wedding period, on Saturdays from noon to 6:00 p.m., for the Kleinburg Scout House and Railway Station only, provided that the permit will grant access to this City site for the complete time period from noon to 6:00 p.m. and provided that the permit-holder will have non-exclusive use of the property on a first-come, first-served basis.
- (9) An emergency contact phone number will be provided to all permit holders to contact By-law Enforcement, Parks and/or Buildings and Facilities staff should a conflict arise at the City site during the permit period and staff be required to assist with conflict resolution.
- (10) The City of Vaughan reserves the right to refuse any application for a permit that is not in the best interests of the City or to revoke permission for a permit without notice if the terms and conditions of the permit are not met or violated by the applicant.

4. **Monitoring**

- (1) By-law Enforcement, Parks and/or Buildings and Facilities staff will receive ongoing permit information to assist in the monitoring of permit compliance.
- (2) For those permits scheduled during peak periods at selected City sites, Enforcement Services, Parks and/or Building and Facilities staff will enforce the order of arrivals and will only allow access to those without a permit, provided they are able to obtain the required details, payment of fees and other information necessary to process and issue a permit the following business day.

5. **Conditions of Use**

- (1) All vehicles are to be parked in designated areas only.
- (2) All photography session(s) must be conducted without disruption to the operations at or on City site(s) and without any limitations to accessibility of stairwells, entrances, exits, high traffic areas or areas of interest to other visitors, users or guests.
- (3) The photography booking or session(s) must not interfere with the enjoyment of the City site(s) by other visitors, users or guests.
- (4) To ensure the preservation of City sites, 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 sites, property or 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:
 - (b) additional lighting or other equipment set up involving more than the use of a camera tripod;
 - (c) electrical equipment involving cables;
 - (d) outlets or generators;
 - (e) backdrops or set pieces;
 - (f) canopies or tents; or
 - (g) any other items that the City deems a hazard to the safety of City sites or to visitors or users.
- (6) The permit holder or photographer shall be responsible for the conduct and supervision of all persons in his or her party, including employees or guests.
- (7) The permit holder or photographer shall be responsible for payment of the costs of all repairs for any damages caused to the City sites during the use of the sites

by the said 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 of Vaughan.

- (8) Disturbing any gardens, standing on rocks or displays, blocking paths, or climbing garden or fountain walls is prohibited.
- (9) The use or presence of alcoholic beverages or other intoxicating substances is prohibited in accordance with subsection 31(2) of the *Liquor Licence Act* of Ontario.
- (10) It is the responsibility of the permit holder or photographer, and his or her clients or guests, to ensure that the City sites and grounds are left clean and free of debris for other permit holders, visitors, users or guests.

6. Enforcement

- (1) Any police officer, provincial offences officer, by-law enforcement officer, municipal law enforcement officer, or any other employee of the municipality referred to in subsection 2(1) and designated by the Commissioner of Community Services, is authorized to inform any person of the requirements of this By-law and to request compliance therewith.
- (2) In addition to any other authority he or she may have, any police officer, provincial offences officer, by-law enforcement officer, municipal law enforcement officer, or any other employee of the municipality whose duties include the enforcement of this by-law, is authorized to order any person(s) believed by such officer or employee to be contravening or to have contravened any provision of this By-law:
 - (a) to desist or refrain from the activity constituting or contributing to such contravention;
 - (b) to leave the City site forthwith.

7. Offences and Penalties

- (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, c. P. 33, as amended.

8. Severability

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

9. **Short Title**

The short title of this By-law shall be the "Photography Permits By-Law".

10. **Effective Date**

This By-law shall come into force and effect on the 1st day of April, 2006.

READ a FIRST, SECOND and THIRD time and finally passed this 20th day of March, 2006.

Michael Di Biase, Mayor

J. D. Leach, City Clerk