



BY-LAW 2007-173

A By-law to amend By-law 167-92, A By-law for the General Management and Regulation of Parks within the Town of Markham

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council to pass by-laws for regulating and prohibiting matters, including the providing for a system of permits respecting the matter, and to impose conditions as a requirement of obtaining and continuing to hold a permit; and

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council to pass by-laws respecting matters dealing with, among other things, parks; and

WHEREAS Council deems it necessary having regard, among other matters, to the use of public and private property by wedding parties and photographers who create a nuisance to members of the community and residents, and a safety concern regarding parking of vehicles, to regulate the activities of wedding photography by prohibiting the use of the park for such activities, unless a permit is issued therefore; and

WHEREAS a public information meeting was held in Council Chambers of the Town of Markham to discuss the proposed amendments on January 16, 2007; and

WHEREAS the General Committee of the Town of Markham considered the report of the Clerk on March 5, 2007; and

WHEREAS the Council of the Town of Markham adopted the recommendation of the Finance and Administration Committee at its meeting on March 27, 2007;

NOW THEREFORE the Council of The Corporation of the Town of Markham ENACTS AS FOLLOWS:

1. That By-law 167-92 as amended, be amended by adding the following as section 4.1:
 - 4.1 No person shall use or shall cause to be used any park or any part of a park for the activity of wedding photography, including taking photographs of wedding participants, except under the authority of a permit issued by the Town.
 - i) Applications for a permit issued pursuant to this section shall be on the form approved and provided by the Clerk and shall include the permit fee pursuant to By-law 2002-276.
 - ii) Permits shall be issued by the Clerk once the application is completed in accordance with this By-law.
 - iii) The Clerk may issue a permit with terms and conditions that relate to the permit holders and wedding photography participants. Such terms and conditions may include, but are not limited to:
 - a) a prohibition on the possession or consumption of alcohol;
 - b) a prohibition on the non-idling of motor vehicles, including vehicles for hire;

- c) a prohibition against parking in non-designated areas;
 - d) a prohibition against trespassing on private property;
and
 - e) a prohibition on disorderly or disruptive conduct.
- iv) All permit holders and wedding photography participants shall comply with the terms and conditions contained on the permit.
- v) The Clerk may deny the issuance of a permit if the applicant has not complied with the conditions of previous permits issued pursuant to this By-law, or has previously violated any law during the activity of wedding photography.
- vi) A permit may be revoked by the Clerk for failure to comply with the terms and conditions of the permit. There shall be no refund of the permit fee upon revocation.
- vii) An applicant may appeal the refusal to issue a permit or the imposition of terms and conditions to the Licensing Committee of the Town of Markham.
- viii) At such a hearing, the applicant
- (a) shall be accorded its rights pursuant to the *Statutory Powers Procedure Act* and any applicable procedural rules, including the right to appear and speak to the matter; and
 - (b) when he or she has been provided with notice of the meeting and does not attend, the Licensing Committee may proceed with the meeting in the absence of the applicant.
- ix) The Licensing Committee may recommend to Council and Council may,
- (a) refuse to issue a permit; or
 - (b) impose other terms and conditions or confirm the terms and conditions recommended by the Clerk.
- x) Council shall exercise its power under subsection 4.1(ix) of this By-law where the applicant has not met the requirements of this By-law.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
26TH DAY OF JUNE, 2007.


SHEILA BIRRELL, TOWN CLERK


FRANK SCARPITTI, MAYOR