



Request for Decision Update on Film By-law Development

Presented To:	Community Services Committee
Presented:	Monday, May 04, 2015
Report Date:	Tuesday, Apr 14, 2015
Type:	Managers' Reports

[show/hide decisions](#)

Decisions

THAT the City of Greater Sudbury directs staff to develop and amend appropriate by-laws in order to streamline regulation of filming on municipal property; and

THAT staff be directed to update existing processes and policies that may affect filming on private property in order to ensure expedited turnaround times and a more responsive service to the industry.

Recommendation

THAT the City of Greater Sudbury directs staff to develop and amend appropriate by-laws in order to streamline regulation of filming on municipal property; and

THAT staff be directed to update existing processes and policies that may affect filming on private property in order to ensure expedited turnaround times and a more responsive service to the industry.

Background

Since 2010 Greater Sudbury has seen significant growth in the film industry. During an

Signed By

Report Prepared By

Emily Trottier
Business Development Officer
Digitally Signed Apr 14, 15

Division Review

Ian Wood
Director of Economic
Development

average year, the city welcomes feature films, television series, commercial segments and student film projects. Film industry projects generally have a large economic impact over a condensed period of time, with the average feature film shooting for six weeks and hiring and training upwards of 50 crew members from northern Ontario. Estimates of direct local spending from film and television total more than \$31 million since 2012.

The City of Greater Sudbury supports the film industry by offering a number of services. An Economic Development staff person acts as Film Liaison to assist with identifying locations and other resources for filming and to refer production companies to the appropriate departmental contacts for specific permits based on the production's needs and municipal requirements. At the present time, the City also provides assistance with these common film production needs:

- Road occupancy permits, for example when vehicles are parked on the side of a road with no traffic interruption
- Facilitating with hiring on-set Paid Duty Police Officers to implement traffic control plans if the regular flow of traffic is being altered
- Developing parking plans if municipal lots or meters are being used for film vehicles
- Use of municipal facilities that are either regularly rented by the public (e.g.: community halls and arenas) or facilities that are not typically rented by the public (e.g.: Tom Davies Square, parks, fire halls and ski hill)
- Modifying municipal infrastructure (e.g.: removal of signage if Greater Sudbury is being portrayed as another city)
- Applying for by-law exemptions (e.g.: noise, parking, etc.)
- Managing risk and developing safety plans for stunts and special effects occurring on or near City property

In addition, municipal funding supports the activities of Cultural Industries Ontario North (CION). CION is a not-for-profit organization with a pan-northern mandate to support and promote the film and television industries through the activities previously offered by Music & Film in Motion. CION works with the CGS municipal Film Liaison to refer services accordingly in order to maximize availability and use of local services.

While the community has been accommodating and welcoming to film productions overall, by their very nature filming activities sometimes pose inconveniences to residents and neighbouring businesses – regardless of whether the filming takes place on public or private property. Proper and timely notification has proven critical to ensure that everyone who may be affected by filming is aware of parking, traffic, noise or unexpected activities, sometimes at odd hours. The film industry as a whole generally operates on a fast-paced basis with often-changing priorities, so efficient turnaround times are essential on all fronts so that notification can take place.

To respond to this emerging industry, City Council adopted a film policy in 2005 (By-law 2005-118, attached for reference). As noted above, the volume of film production in Sudbury has increased since 2005 and the current policy and by-law no longer reflect the way staff and the community have adapted to accommodate the needs of the film industry.

For example, the current CGS Road Occupancy Permit template does not offer adequate space to capture additional details specific to the filming activity, such as special effects or traffic control points that may be required by the production and that have the potential to disrupt regular business of citizens. This means that supplementary information is almost always required separately from the film production, and this extra step in the process can delay staff response time. The current noise by-law exemption is another case for streamlining: film productions work within tight timelines, often making decisions within days, which makes it difficult for these clients

Digitally Signed Apr 14, 15

Recommended by the Department

Paul Baskcomb
General Manager of Growth & Development

Digitally Signed Apr 21, 15

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer

Digitally Signed Apr 21, 15

to abide by the 30-day processing time generally required for a noise by-law exemption.

Based on these examples and others, it is recommended that the current film policy and by-law be revisited in order to create a permitting process that is streamlined and better able to accommodate the industry's expectations for turnaround times.

This report outlines a recommendation to streamline regulation of film and television productions on municipal property, while at the same time expediting permits most frequently requested by production companies when filming on private property (such as by-law exemptions and Road Occupancy Permits).

Industry scan

In 2010 a "Special Events Internal Team" was formed to facilitate interdepartmental communication and policies, in particular when a project, such as filming, requires collaboration among department and agency representatives (e.g.: Nickel District Conservation Authority, Greater Sudbury Police Services and the Sudbury District Health Unit). Staff from the Legal Department and Economic Development have initiated individual and group meetings to discuss the implications of filming on existing regulations and the potential for streamlining these processes.

An environmental scan was conducted to collect information about municipal film policies and by-laws in other cities. It is worth noting that although there are some standard approaches for specific requirements, some cities opt to regulate municipal property only, whereas other cities require a production to obtain a permit to film on private property as well as municipal property.

The table below represents the permitting approach adopted by a selection of Ontario municipalities:

Municipality	Permit Required to Film on Municipal Property	Permit Required to Film on Private Property
Sarnia	Yes (if public use will be impacted)	No
Clarington	Yes	Yes
Oshawa	Yes	Yes
Peterborough	Yes	Yes, if it impacts on the rights of others who are not home owners
Hamilton	Yes	Yes

Newmarket	Yes	Yes
St. Catharines	Yes	Yes
Markham	Yes	No
Mississauga	Yes	No
Bradford West Gwillimbury	Yes	No
Burlington	Yes, for specific properties available for filming	No
Regional Municipality of Waterloo	Yes	No
Toronto	Yes	No

Recommendation

Based on the current context for filming in Greater Sudbury and the models used by other cities, staff are recommending the development of a film policy and associated by-laws that streamline regulation of filming on municipal property. In order to remain responsive to the industry, it is also recommended that there be direction to expedite those permits most frequently requested by production companies when filming on private property as well:

- Under this direction, the CGS film policy and associated by-laws would be drafted and amended to reflect permitting when the filming activities take place on municipal property.
- Staff would also look for opportunities to standardize existing processes to ensure efficient permitting of film productions on CGS property.
- Standard insurance requirements and security deposits would be included for filming on City property, in addition to the introduction of case-specific risk management activities or insurance where required, and
- A public notification requirement would be included depending on the impact of the filming activities on the neighbourhood.

Although City staff would not necessarily be made aware of film-related activities or issues that take place on private property, potential neighbourhood concerns could be addressed under existing regulations (such as noise by-laws, open air burning permit, etc.), and associated permitting could be expedited to respond better to the industry:

- Council's direction to staff to develop an expedited permitting process specific to film productions would enable streamlining of permits or grant by-law exemptions for related activities, whether they occur on City-owned or private property, thus allowing for a more responsive service to this growing industry.
- This expediting is in recognition of the film industry's expectation of turnaround times. Such an effort also acknowledges the significant investment the film & television sector has made in this community over the past decade. The City could risk losing this important economic impact of the film and television industry (local spending and job creation) if the conditions are not

favourable for filming activities.

- This streamlined service should also have regard for existing staffing resources required to process each location-specific permit.

In addition, if the filming were to be situated on property that is not City-owned, staff would also provide a referral service to direct the film representatives to the relevant contact person, for example, at CION, Nickel District Conservation Authority (NDCA) or the Ontario Provincial Police.

Additional Information

Should Council wish to follow the lead of municipalities like Hamilton and regulate all filming activities, regardless of whether they take place on private or City-owned property, staff have outlined some of the implications of this alternative approach below.

- This all-encompassing approach would require the creation of a film policy and by-law to govern all filming within CGS boundaries (with the exception of minor scale productions and some other exclusions that would be considered by City Council in a draft by-law).
- This option would put pressure on the ability to deliver services within the existing staff complement and may require additional resources and coordination across multiple departments in order to complete each step. It represents significant staff time to develop the streamlined system as well as to address the ongoing work created by the resulting increase in volume of permits to be enforced.
- Should Council chose to regulate filming on both municipal and private property, Council may wish to exclude small scale film productions that take place entirely on private property with little to no impact on the public; this way they are not required to adhere to this wholesale CGS permitting and regulation process.
- This approach would, however, enable CGS staff to better track all film activity that takes place, identify frequently used locations and monitor growth within the local industry. The City would act as a main point of contact for permitting inquiries.

Conclusion

The goal of developing an updated film policy and associated by-laws is to streamline the permit requirements and create a process that enables efficient communication among departments for efficient turnaround times as required by the film industry.

Once staff receives direction, staff will work with the Special Events Internal Team to develop a draft film policy and associated by-law which will be presented for Council's review at an upcoming meeting of the Community Services Committee.

Supporting Documents

1. [By-law 2005 Film Policy \(pdf\)](#)

