

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

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 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

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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 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.

BY-LAW 2005-118


**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ADOPT A FILM POLICY**


WHEREAS the Council of the City of Greater Sudbury wishes to adopt a Film Policy;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. The Film Policy attached hereto as Schedule "A" and forming part of this By-law is hereby adopted.
2. This By-law shall come into force and take effect immediately upon the final passing of same.

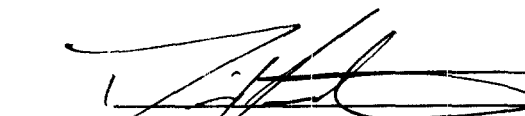
READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 12th day of May, 2005.




Mayor


Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN
COUNCIL** this 12th day of May, 2005.



Mayor


Clerk

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The City of Greater Sudbury recognizes the important economic and social benefits of film, television and video production in our community. More so, the community recognizes the short and long-term impact that the growth of this sector will have on Greater Sudbury. As such, the City of Greater Sudbury will — with the assistance of Music and Film in Motion — continue to liaise with provincial and federal government agencies in support of film production and incentives in the area.

A partnership between Music and Film in Motion and the City of Greater Sudbury has been established to provide local support to the film and television industry considering locations work in the area. The partnership seeks to further film development in Greater Sudbury and will, wherever possible, assist in the provision of services and resources in keeping with industry standards.

The rights, safety and privacy of the citizens and businesses are very important to our community and therefore the City of Greater Sudbury requires all film, television, and video production to be reported and coordinated with Music and Film in Motion and the City of Greater Sudbury.

Purpose

The Greater Sudbury Film Policy has been developed to provide guidelines for a coordinated approach to film and television production in the area and on streets and properties falling under the jurisdiction of the City of Greater Sudbury. It is intended to attract, encourage and facilitate film and video projects in the City of Greater Sudbury.

Filming Guidelines

1. Key Contacts

Music and Film in Motion and the Development Officer - Culture, of the City of Greater Sudbury, Growth and Development Department, will facilitate the permit application and notification processes. The production company should contact Music and Film in Motion or the City of Greater Sudbury as early in the location identification process as possible, in order to better serve and facilitate the project, including the application process.

Should assistance be required, the Development Officer - Culture, of the City of Greater Sudbury and Music and Film in Motion will guide the production company through the permit/approval process.

Music and Film in Motion will act as the agent and main point of contact for productions interested in filming in the City of Greater Sudbury, and will support the production by providing the following (but not limited to) services:

- Location scouting and management, particularly of non-city owned properties and locales

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- Access to contacts and resources as required (crew, cast, equipment, ancillary services like catering, hospitality, etc.)
- On-set problem solving as required.

Music and Film in Motion is an independent not-for-profit corporation.

The Development Officer - Culture, of the City of Greater Sudbury will serve to protect the production company from unnecessary delays and provide quick and accurate solutions to ensure that the production unfolds smoothly.

Specific duties of the Development Officer - Culture may include:

- Assist the production company, businesses and residents affected by production as required
- Ensure compliance with necessary agreements, permits, procedures, policies and by-laws
- Provide estimates of required fees and costs. While no fee is required for filming permit applications, fees and costs may apply, depending on the City services required for the filming activity.

Contact:

Music and Film in Motion
45 Durham Street, Suite 105
Sudbury, ON P3E 3M2
Phone: 705.674.9954
Fax: 705.674.9990
Email: info@musicandfilminmotion.com
www.thinknorth.ca

City of Greater Sudbury
Growth and Development Department
Development Officer - Culture
PO Box 5000 Stn A, 200 Brady Street
Sudbury, ON P3A 5P3
Phone: 1.800.708.2505
Email: film@sudburv.ca

2. Permit Application

Permits are required for location filming (save for current affairs and newscasts) on the streets or property under the jurisdiction of the City of Greater Sudbury. Permit applications by the production company will be accepted by the Development Officer - Culture of the City of Greater Sudbury and channeled through the necessary City departments for review. The General Manager of the Growth and Development Department, or designate, has the authority to issue filming permits.

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To avoid unnecessary delays, the City of Greater Sudbury should be notified as early as possible. Advance notice of 10 days is recommended.

3. Notification

- **Community/Residents/Businesses:** The production company will notify affected residents, occupants and businesses at least five business days in advance of filming. Duration, location of filming, special effects, full or partial lane closures, sidewalk usage and street parking restrictions will be communicated to areas affected by filming activity. Notification will include the name of the production manager, title of the production, and a key contact. A copy of any notification letters will be provided to the City of Greater Sudbury. The City of Greater Sudbury will assist the production company in securing the addresses of those individuals and businesses affected.
- **Council:** Council will be notified by the General Manager of the Growth and Development Department, or designate, of any film activity five business days prior to filming, whenever possible. Council will be notified immediately of any exception to the policy. The notification will include (whenever possible) the name of the production company, title, genre, content synopsis, director, production manager, location manager and principal cast.
- **Traffic, Police, Fire, Emergency, and Property Services:** Depending on the nature and requirements of the production, the applicant may require the approval from the above-mentioned departments. The Development Officer - Culture will facilitate this review. In the event that City of Greater Sudbury by-laws require public notification through local media, the production company will absorb said costs.

4. Consideration to the Citizens of Greater Sudbury

Residents and area business operators should not experience undue conditions resulting from the production. This includes, but is not limited to, spillover lighting, vehicle exhaust and noise, which may negatively impact the ability to conduct business or enjoy property.

- The production company shall adhere to the City of Greater Sudbury Noise By-Law
- Lighting should be oriented away from neighbouring residences

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- Filming will not proceed between 11:00 p.m. and 7:00 a.m. without appropriate notification to residents
- All generators used in public areas will be equipped with silencing mechanisms as required

Necessary exceptions to the above specifications will require approval from Council.

5. Quality of Place

The production company is responsible to ensure that company staff operates in a safe and professional manner throughout the course of their duties.

The production company shall ensure the minimum effect on the quality of place and safety of residents and/or businesses in the filming area, including access to property and vehicular, pedestrian and special needs access to adjacent properties.

Production crews are responsible to clean the location at the end of the shoot day with minimum noise and disruption. Upon shoot completion, the production company shall return the location to its original condition. Materials and debris are not to be washed into area catch basins. The production company shall arrange for the proper disposal of all waste and recyclable materials. Private waste disposal and recycling companies are listed in the Yellow Pages under "Rubbish Removal" and "Recycling".

Production crews shall adhere to the City of Greater Sudbury Smoking By-Law.

Removal, trimming and/or cutting vegetation or trees is prohibited unless approved by the City of Greater Sudbury.

In the event of any damage to public or private property, the production company or applicant will be responsible for all fees associated with restoration.

6. Traffic Disruption

Traffic and pedestrian control will be undertaken in consultation with and under the supervision of City of Greater Sudbury Police Services and Traffic Services.

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- Approvals are required when pedestrian or vehicular traffic will be affected. No interference with pedestrian or vehicular traffic is to occur without being noted on the permit.
- Every opportunity must be allowed to ensure access to vehicle or pedestrian traffic, or people with disabilities.
- Production vehicles shall comply with existing traffic regulations.
- Save for roads closed for filming, all moving vehicles shall adhere to posted speed limits and regulations unless otherwise directed by a supervising Police Officer.
- Traffic stoppages due to filming shall be limited to a maximum 3 - 5 minutes unless otherwise specified in the permit. Stoppages will occur under the supervision of a Police Officer.

The production company will arrange for Police Officers as required, and shall cover, alter, remove and/or reinstall traffic or street signs as necessary and in concurrence with Traffic Services. All costs incurred are the expense of the production company.

Traffic matters involving Provincial Highways under Ontario Provincial Police (OPP) jurisdiction should be referred to the OPP for consultation.

7. Parking

Production vehicles shall adhere to parking regulations of the City of Greater Sudbury and shall not block fire hydrants, including sprinkler and standpipe connections, impede emergency vehicle access, or park within 9 metres of an intersecting street. The production company shall also comply with any other requirements as specified on permits issued from the requisite department of the City of Greater Sudbury.

As a general rule, production vehicles shall not block bus stops, pedestrian crossovers, signalized intersections, driveways, accesses/egresses/ingresses, ramps, parking lot entrances and accessible parking for persons with disabilities. Exceptions must be identified on the permit.

8. Special Effects

Use of guns, gunfire, explosives, bombs/mock ups, flash power, detonators, flammable liquids or materials, and stunt work requires approval of the Police Services and Fire Services. Police Officers and Emergency Medical Services personnel are required when detonating pyrotechnic effects or filming dangerous situations. All costs associated with complying with the above including cleanup are at the expense of the production company or applicant.

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9. Indemnification

An indemnity clause will form part of the permit application process.

The production company or applicant shall indemnify and save harmless the City of Greater Sudbury from and against all claims, actions, damages, injuries, costs, expenses or losses whatsoever, which may arise or be brought against the City of Greater Sudbury as a result of or in connection with the use of said location(s) by the applicant, its employees, contractors, agents or representatives. Specifically, the City of Greater Sudbury will not be responsible for any liability arising from these activities with respect to advertising, copyright or trademark infringements.

10. Insurance

The applicant shall provide and maintain - at its own expense including deductibles - the following:

- i) A comprehensive general liability insurance in the amount of not less than \$2,000,000 (two million dollars) inclusive limit for any occurrence required. Additional insurance may be required depending on other specific activities, in which case the amount will be determined by the Risk Management Team of the City of Greater Sudbury. An insurance company registered to do business in the Province of Ontario must provide liability coverage.
- ii) Automobile third-party liability insurance in the amount of not less than \$1,000,000 (one million dollars) inclusive limit covering all vehicles used in connection with the filmmaking activities required.
- iii) On all policies, the City of Greater Sudbury must be named as an additional insured and a cross-liability clause must be included.
- iv) A thirty day notification prior to the cancellation of policy must be included.
- v) The City of Greater Sudbury Special Events Certificate shall be completed for insurance verification.
- vi) User Group insurance may be available for purchase.

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11. Safety

- All electrical work and equipment shall be inspected and/or approved by the Electrical Safety Authority's Electrical Inspection as per the Ontario Electrical Safety Code.
- Interior signage (including exit and fire) shall not be covered unless expressly agreed upon by the property manager.
- The production company must adhere to the Ontario Ministry of Labour *Safety Guidelines for the Film & Television Industry* in Ontario and the Ontario Ministry of Transportation *Manual of Uniform Traffic Control Devices for Temporary Work Sites*.

The above information can be obtained from respective ministries, Music and Film in Motion, and the City of Greater Sudbury, Growth and Development Department.

12. Local Sourcing

The production company will make every effort to utilize local businesses and services throughout the course of production activity, including 'pre' and 'post' production work. Music and Film in Motion is a source of information for local services.

13. Acknowledgment

The City of Greater Sudbury wishes to enhance its ability to attract commercial, video and film production and promote the City and asks for:

- A letter confirming that the City of Greater Sudbury will receive a screen credit on the final film/video
- An economic impact statement outlining the dollars spent by the production company in Greater Sudbury
- Any stills/clips/etc. filmed in Greater Sudbury may be utilized by the City of Greater Sudbury for promotional activities

14. Expenses and Permit Fees

All out-of-pocket expenses and fees related to the use of city roads, properties, parks or equipment is the responsibility of the production company. The company shall be provided with an estimate of these costs prior to permitting and/or film activity. Once filming begins, the company shall be informed immediately of any changes to these arrangements.

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15. Security Deposit

The applicant may be required to provide a cash payment or letter of credit as deemed necessary. The deposit shall be returned when all conditions, including cleanup, have been paid.

16. Disclaimer

The City of Greater Sudbury reserves the right to refuse to allow filming or issuance of a permit to a production company or individual that does not comply and/or satisfy the criteria outlined in these guidelines or for any reason. Decisions will be made on an individual basis.