

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
P0 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.