

## **By-law 2020-XX**

### **A By-law of the City of Greater Sudbury to Regulate Filming Activity on City of Greater Sudbury Property**

**Whereas** section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting the public assets of the municipality acquired for the purpose of exercising its authority, the economic, social and environmental well-being of the municipality, health safety and well-being of persons, the provision of any service or thing that it considers necessary or desirable for the public and the protection of persons and property;

**And Whereas** Council of the City of Greater Sudbury wishes to promote film production in the City of Greater Sudbury;

**And Whereas** Council of the City of Greater Sudbury deems it necessary to require permits for location filming in the City of Greater Sudbury and to regulate the use of properties under its jurisdiction for purposes of location filming;

**Now therefore Council of the City of Greater Sudbury hereby enacts as follows:**

#### Short Title

1.-(1) This By-law may be cited as the “Film By-law”.

#### Interpretation

2.-(1) In this By-law:

- (a) “City Property” means land owned, leased or occupied by the City, including buildings or other structures or facilities, and includes highways and parks.
- (b) “Director” means the Director of Economic Development or their designate.
- (c) “Film Permit” means any permit issued in accordance with this By-law.
- (d) “Filming” means recording, except in a film studio, for a feature film, television program or series, paid advertisement, including a commercial, music video, educational film, including the pre-production and post-production activities associated therewith, but does not include:
  - (i) activities by news media related to the dissemination of information;
  - (ii) location scouting; or

- (iii) recording personal movies or photographs.
- (e) "Filming Guidelines" means the guidelines for Filming in the City, as established by the Director from time to time, and includes the "Code of Conduct for Cast and Crew".

### Permit

**2.-(1)** No person shall occupy any City Property for Filming purposes except in accordance with a Film Permit.

(2) A Film Permit shall not be required where the Filming is undertaken by the City or by a contractor carrying out work on behalf of the City.

(3) Despite any other City by-law, where a Film Permit has been issued by the Director, the permit holder may use the City Property identified in the Film Permit for the purposes and during the period specified in the Film Permit, on the terms and conditions set out in the Film Permit and as contained in the agreement made under Section 3.2 herein.

### Procedure

**3.-(1)** An application for a Film Permit shall be made through the office of the Director on the form prescribed by the Director. The Director may prescribe any information to be given therein and other necessary documents to be completed or submitted by the applicant in conjunction with the application.

(2) The Director shall issue a Film Permit to the applicant subject to the applicant entering into an agreement with the City to:

- (a) comply with this By-law, the Filming Guidelines, and any other applicable by-laws;
- (b) indemnify and save harmless the City from any action, claim, damage or loss whatsoever and pay legal fees reasonably incurred by the City arising from the issuance of the Film Permit or the use of the City Property;
- (c) provide a certificate of insurance in accordance with the Filming Guidelines and in a form satisfactory to the Director; and

- (d) provide a security deposit, where deemed necessary in the sole determination of the Director, in an amount satisfactory to the Director to ensure that the City Property is restored to the condition it was in prior to its occupation or use.

(3) Where an applicant fails to comply with this By-law, the Filming Guidelines, any agreement entered into pursuant to Section 3.2 herein or any Film Permit, the Director may revoke or suspend the Film Permit forthwith without notice.

#### Prohibition

4.-(1) Without limiting Section 3.3 herein, no person shall:

- (a) cause, allow or permit Filming to occur on City Property, except in accordance with a valid Film Permit; or
- (b) participate in Filming on City Property, except in accordance with a valid Film Permit; or
- (c) fail to observe the Filming Guidelines.

(2) Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

(3) Prosecution under this By-law shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property, as the case may be.

#### Conflict

5.-(1) This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

(2) If there is a conflict between a provision of this By-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain a clean and tidy condition on land shall apply.

#### Severability

6.-(1) If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain

circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

Effective Date

7.-(1) This By-law comes into effect upon passage

(2) By-law 2015-227, as amended, is hereby repealed.

(3) The “Economic Development section of Schedule “A” to By-law 2020-26, as amended, is hereby deleted.

(4) Schedule “ED-1” to By-law 2020-26, as amended, is hereby deleted.

**Read and Passed in Open Council** this XX day of XX, 2020

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Mayor

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Clerk