

The Corporation of the City of Kawartha Lakes

By-law 2022-116

A By-law to Regulate Filming Activity in the City of Kawartha Lakes

Recitals

- 1.** Sections 8, 9 and 10 of the Municipal Act, 2001, S.D. 2001, c. 25, authorize the City of Kawartha Lakes to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 through 7 of subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25 authorize the City of Kawartha Lakes 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;
- 2.** Section 425(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001, S.O. 2001, c.25, as amended, is guilty of an offence.
- 3.** Section 429(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- 4.** The Municipal Act, 2001, S.O. 2001, c. 25 authorizes the City of Kawartha Lakes, amongst other things, to delegate its authority, to provide for inspections and inspection orders, to impose fees and charges for services and for the use of its property or property under its control.
- 5.** The Council of the City of Kawartha Lakes wishes to promote film production in the City of Kawartha Lakes.

Accordingly, the Council of the City of Kawartha Lakes enacts this By-Law 2022-xxx.

1.00: Definitions and Interpretation

1.01 Definitions: In this By-law:

"Applicant" includes but is not limited to a person seeking a film permit, or renewal of a film permit or a person whose film permit is being considered for revocation or suspension.

"Board of Management" means a board of management established for a Business Improvement Area in accordance with section 204 of the Municipal Act, 2001, S.O. 2001, c. 25.

"Business day" means Monday, Tuesday, Wednesday, Thursday, Friday excluding any holiday as defined by the Legislation Act, 2006, S.O. 2006, c.21, Schedule F, as amended.

"Business Improvement Area" means an improvement area designated by the City of Kawartha Lakes in accordance with section 204 of the Municipal Act, 2001, S.O. 2001, c. 25.

"Chief Building Official" means the person within the City's administration who fulfills the function of the chief building official as required by the Building Code Act, 1992, S. O. c.23, as amended or their delegate.

"Chief of Police" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated. **"Police"** may have a similar meaning.

"City", "City of Kawartha Lakes", "Kawartha Lakes" or "municipality" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Property" means land owned, leased or occupied by the City, including buildings or other structures or parks and facilities, and includes but is not limited to a building and Highway.

"Code of Conduct for Cast and Crew" means the code of conduct for cast and crew of film productions approved by the Director of Development Services.

"Consolidated Fees By-law" means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.

"Council" means the elected Council of the City of Kawartha Lakes.

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Film Liaison" means the person who works with the Film permit applicant to process the film permit.

"Filming Occurrence" means filming, videotaping, photography or any other form of visual recording, except in a film studio or film laboratory, for a feature film; television film, program or series; documentary; paid advertisement, including a commercial,

music video, educational film, be it pre-production and post-production activities associated therewith, but does not include:

- i. News media activities in the dissemination of information
- ii. Press conferences
- iii. Location scouting; or
- iv. recording personal movies or photographs or visual recordings for personal purposes only.

"Film Permit" means a permit issued pursuant to this By-law for each filming occurrence.

"Film Production" means one or more Filming Occurrence which are intended to form or be part of a feature film, television film, television program or series, documentary, paid advertisement, including a commercial, music video, educational film.

"Film Production Manager" means the person responsible for the film production activities permitted by the city.

"Fire Chief " means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Guidelines" — The Guidelines for Filming in the City of Kawartha Lakes .

"Highway" or "City Road" means a common and public highway, street, avenue, alleyway, lane, parkway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between lateral property lines thereof.

"Land" means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structures on the land or on or in any structure on the land.

"Manager of Municipal Law Enforcement and Licensing" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Municipal Law Enforcement Officer" is a person duly appointed within the City's administration to enforce the by-laws of the City, and includes the Licensing Enforcement Officer.

"Permit" means any permit issued in accordance with the provisions of this bylaw

"Permit Holder" means a Person to whom a Film Permit is issued and includes Persons doing work on behalf of the Permit Holder.

"Person" includes but is not limited to a natural person, individual, firm, partnership, association, corporation, company or organization of any kind whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators, successors and assigns or other legal representative of such person.

"Police" means the Chief of Police or other designated officer in charge of a police service or other police officer with jurisdiction in the relevant geographic area of Kawartha Lakes, or their delegate.

"Potentially Hazardous Activity" includes but is not limited to use of special effects, fire, fireworks, stunts or pyrotechnics.

"Property" includes any real property owned, leased or under the control or jurisdiction of the City of Kawartha Lakes.

"Recording" means filming, videotaping, photographing or any other form of visual recording.

"Restricted Lands, Buildings or Areas" means a City-owned or occupied building or part thereof or any lands within the geographic limits of the City in or on which a Filming Event is prohibited or restricted.

"Road Occupancy By-law" means A By-law of the City of Kawartha Lakes to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes and any successor by-law thereto.

1.02 Interpretation Rules

- i. The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- ii. This By-law may be cited as the "Filming Permit By-law".
- iii. The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- iv. Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- v. Except as provided, the fees established in the by-law shall be in accordance with the fees established within the Consolidated Fees By-Law of the City.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law

shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

- 1.05 **Conflicts:** If a provision of this by-law conflicts with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

2.00 Permit Requirements

- 2.01 No Person shall cause, allow or undertake a Film Occurrence unless they have been issued a valid Film Permit.
- 2.02 No Person shall participate in a Film Occurrence unless a filming permit has been issued.

3.00 Film Permit Application

- 3.01 Every person who intends to undertake a Film Occurrence shall apply to the Film Liaison for a Film Permit.
- 3.02 No person shall undertake or permit the undertaking of a filming occurrence and its supporting activities without a valid Film Permit issued under this by-law by the Film Liaison: on any City property; or on any property under the authority of the Provincial or Federal Government, or private property if the filming activity on any of those properties requires exemption of City bylaws or resources or is in the view of the public and includes the presence of replica weapons, replica emergency vehicles or uniforms.
- 3.03 Every person who applies for a Film Permit shall provide the Film Liaison with:
- i. the person's name, signature, position, organization, street address, telephone number, fax number and e-mail address;
 - ii. the name, position, organization, street address, telephone number before and during the Film Occurrence, fax number and e-mail address of the Film Officer who will carry out the responsibilities listed in sections 4 of this By-law;
 - iii. the primary contact name, position, legal name, street address, telephone number, fax number and e-mail address of the organization undertaking the Film Occurrence;
 - iv. the type and purpose of the Film Occurrence;
 - v. the date(s) and day(s) of the week when the Film Occurrence is to be held and, if the Film Occurrence is postponed, an alternative date(s), day(s) of the week and times;

- vi. for each date of the Film Occurrence, the time that set-up will commence, the time that the Film activity will commence, and the time that the Film Occurrence will finish including clean-up time;
- vii. the City premises, if any, to be used for the Film Occurrence;
- viii. the City roads, if any, to be used for the Film Occurrence;
- ix. any potentially hazardous activities associated with the Film Occurrence;
- x. the Applicant shall provide a certificate of insurance as evidence of the following coverage:
 1. Commercial General Liability Insurance, including bodily injury including death, property damage including loss of use thereof, products or completed operations liability, non-owned automobile liability, personal injury, blanket contractual liability, cross liability and severability of interests' clause. The minimum limit of liability required is not less than \$2,000,000.00 per occurrence. The Corporation of the City of Kawartha Lakes shall be named as additional insured on the policy.
 2. Standard Form Automobile Liability Insurance with a minimum limit of liability of not less than \$2,000,000.00 per occurrence for Third Party Liability including bodily injury, death and damage to property, in respect of the use or operation of all motor vehicles owned, operated or leased by the Applicant.
 3. The Applicant shall forward with the Film Permit Application a Certificate of Insurance as evidence of the above required insurance coverage. All policies shall be with insurers licensed to underwrite insurance in the Province of Ontario. All policies shall be endorsed to provide the City with not less than thirty (30) days' written notice of cancellation, change or amendment restricting coverage.
 4. All applicable deductibles under the above required insurance policies are at the sole cost of the Applicant. All policies shall apply as primary and not as excess of any insurance available to the City.
 5. The City reserves the right to require the Applicant to provide and maintain a higher limit of liability or additional insurance coverage(s) specific to the Permit Application.
- xi. the City reserves the right to deny any Permit Application if deemed a risk to public safety.
- xii. an advance payment in the form of cash, a money order or a certified cheque in an amount equal to the anticipated municipal fees and charges for the Film Occurrence;
- xiii. a security deposit in the form of cash, a money order, a letter of credit or a certified cheque in an amount satisfactory to the Film Liaison;

- xiv. any additional information or documentation for the purposes of administering this By-law as requested by the Film Officer; and,
 - xv. if UAV is a component of the film plan, it must comply with the Guidelines and provincial and/or federal regulations
- 3.04 No person applying for a Film Permit shall knowingly provide false information to the Film Liaison.
- 3.05 Every person who applies for a Film Permit must submit in enough advanced notice to comply with the timeline outlined in the Guidelines.
- 3.06 Application Review: The Film Liaison or delegate shall review the Film Permit application package, collect associated fees, provide circulation internally and externally to various agencies and provide a response back to the applicant.
- 3.07 Following the review, the Film Liaison will provide a response to the applicant within 3 business days, which will detail required permitting with timelines, granting, grant with conditions or refusal of the application permit.

4.00 General

- 4.01 The Film Liaison may modify the time period prescribed for submitting an application for a Film Permit set out in section 3.05 of this By-law.
- 4.02 The Film Liaison may use the advance payment and the security deposit to pay for municipal fees and charges for the Film Occurrence. The Film Liaison may also use the security deposit to pay for any municipal damages, costs or expenses in connection with the Film Occurrence;
- 4.03 If the municipal fees and charges together with municipal damages, costs and expenses in connection with the Film Occurrence are more than the amount of the advance payment provided and security deposit, the Film Liaison will invoice for the difference.
- 4.04 If the municipal fees and charges together with municipal damages, costs and expenses in connection with the Film Occurrence are less than the amount of the advance payment provided, the Film Liaison will return the difference along with the security deposit.
- 4.05 The person applying for a Film Permit shall comply with any conditions imposed under this By-law.
- 4.06 While a Film Occurrence is underway, the Film Production Manager shall:
 - i. be present at the Film Occurrence;

- ii. produce the Film Permit to the Film Liaison, a Manager or Director (employed within Development Services of the City), Chief Building Official, Municipal Law Enforcement Officer, Police Officer or Fire Chief, on his or her demand;
- iii. ensure that there is a minimum of disruption to businesses, residents and institutions during the Film Occurrence;
- iv. ensure proper site security and safety;
- v. pay any invoices from the municipality for the Film Occurrence;
- vi. ensure compliance with any conditions imposed under this Bylaw that are required to be carried out while the Film Occurrence is underway; and
- vii. advise the Film Liaison of the name, position, organization, street address, telephone number before and during the Film Occurrence, fax number and email address of the Film Production Manager, should there be any change in this information as identified on the Film Permit.

4.07 The Film Production Manager shall clean up and restore the municipal premises or the municipal road immediately following the conclusion of the Filming Occurrence and where a permit has been issued on private property, clean up and restoration is also required.

4.08 When a municipal lane or a municipal road is closed by municipal permit for a Film Occurrence, the municipality where the lane or road is located and any utility service may enter at any time to carry out their services.

4.09 The person applying for a Film Permit under this By-law, the Film Production Manager and the participants in the Filming Occurrence shall not do or permit to be done on municipal premises or on a municipal road anything that may:

- i. constitute a nuisance;
- ii. make structural alterations without proper permitting;
- iii. cause damage;
- iv. cause injury or annoyance to the occupants of neighbouring premises;
- v. make void or voidable any applicable insurance; or
- vi. constitute a breach of any by-law, statute, order or regulation of any municipal, provincial, federal or other competent authority, including

those pertaining to filming, special events, fees, charges, work within a road, signs, traffic, parking, noise, pyrotechnics, alcohol, firearms, building, smoking, and use of municipal property and equipment.

- 4.10 No person shall install, maintain, move or remove signing and barricades on municipal roads without the permission of the Film Office except a competent person who may, at an appropriate location, move and then immediately restore a barricade to its original position to allow ingress/egress to the Filming Occurrence site without changing the intent of the barricade set-up.
- 4.11 The person who applied for the Filming Permit, the Filming Production Manager and the organization undertaking the Filming Occurrence as identified in the Filming Permit shall not permit:
- i. a product resulting from the Filming Occurrence that would be refused approval or classified as an adult sex film by the Ontario Film Review Board.
- 4.12 A permit granted under this By-law:
- i. shall not be transferable from one person to another, from one Filming Occurrence to another, from one date and time to another nor from one location to another without the permission of the Film Liaison; and
 - ii. shall expire when the Filming Occurrence finishes as indicated on the Filming Permit.
- 4.13 Where the film permit holder requires a permit extension they may apply in writing and pay any applicable fee as per the Fees By-law. Each permit extension shall be subjected or consider location availability and limited to a 30-day period.

5.00 Grant, Refusal or Revocation of Filming Permit

- 5.01 The Film Liaison may grant a Film Permit, refuse to grant a Film Permit or may grant a Film Permit imposing conditions as a requirement of obtaining and continuing to hold it, including, but not limited to, the condition that a notice setting out the location, date, time and other information as required be delivered not less than 5 days or as required by the Film Liaison in advance of the Film Occurrence to all affected homes, businesses and institutions, as determined by the Film Liaison.
- 5.02 In considering the grant, refusal or grant with conditions of a Film Permit, the Film Liaison may have regard to:
- i. whether or not, considering past Film Occurrences, the Film Occurrence is likely to be carried out in compliance with the Film Permit and this Bylaw;

- ii. a conflict with a previously scheduled activity for which the City has granted a permit;
- iii. the disruption to municipal work of any type;
- iv. the disruption of traffic or public transit;
- v. the response of City of Kawartha Lakes Police Services to the application; and
- vi. whether or not the Film Occurrence may result in a threat to public safety, resolutions or policies.

5.03 At any time after a Film Permit has been granted by the Film Liaison, the Film Liaison, a Director (employed with Development Services Department of the City), Chief Building Official, Municipal Law Enforcement Officer, Police Officer or Fire Chief may revoke the Film Permit or impose a condition on the Film Permit upon giving verbal notice, in person or over the telephone, or written notice, by regular mail, fax or e-mail to the person who applied for the Film Permit or the Film Production Manager.

5.04 If an applicant fails to comply with the provisions of this bylaw, the Guidelines, the Code of Conduct for Cast and Crew, any agreement entered into pursuant to this bylaw or any permit issued pursuant to this bylaw, the Film Liaison may revoke or suspend the permit forthwith without notice

6.00 Rights of the Permit Holder

6.01 Despite any other by-law of the City, where a permit has been issued, the Film Permit holder of it may use the location, highway, premises, property or park named in the permit for the purposes and during the period specified in the permit, upon the terms and conditions set out in the permit and as contained in the agreement.

7.00 Enforcement and Penalties

7.01 **Enforcement:** This by-law may be enforced by Municipal Law Enforcement Officers, the Licensing Enforcement Officer, Peace Officers, any other persons authorized/delegated by council.

7.02 **Offence and Penalty:** Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

7.03 **Offence and Penalty:** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

7.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00.

7.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

8.00 Administration and Effective Date

8.01 **Administration of the By-law:** The Manager of Economic Development and Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.

8.02 **Effective Date:** This by-law shall come into force and take effect on the date of passing.

By-law read a first, second and third time and finally passed, on this 21st day of June, 2022.

Andy Letham, Mayor

Cathie Ritchie, Clerk