

Presented To: Community Services Committee

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Type: Managers' Reports

Request for Decision

Update on Film By-law Development - Draft for Review

Recommendation

THAT the City of Greater Sudbury replaces the Film Policy (By-law 2005-118) with the Film By-law and related by-law amendments as outlined in the report dated September 9, 2015 from the General Manager of Growth and Development.

Background

At the May 4, 2015 meeting of the Community Services Committee, staff were given direction to draft a Film By-Law and to amend related existing by-laws in order to streamline the permitting system for filming on municipal property. These drafts were presented to the Community Services Committee meeting on August 10, 2015, at which point staff received direction to solicit public input on the drafts as per the Notice Policy (By-law 2012-204). This was conducted following the plan outlined at that meeting:

- A public service announcement (PSA) was distributed to the media regarding the Proposed Draft By-laws, outlining the channels for public input.
- This PSA was also shared on the City's social media outlets along with the links to the relevant information on the City's website. This resulted in coverage in four local media outlets with three staff interviews.
- Paper copies of the input form were circulated to all Citizen Service Centres.
- Electronic copies of the input form were available on the City's website.
- Staff hosted a public meeting at Tom Davies Square on August 17th to present the highlights of the Proposed Draft By-laws and to solicit input. Invitation details of this meeting were sent to film stakeholders, the Business Improvement Association and through the media to the general public.

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Summary of Comments Submitted Regarding the Draft Film By-law

Results from this public input process have been summarized below, including suggestions for how this input has been considered in the revised draft film by-law.

	Public Feedback	Staff Response
Definitions/ Interpretation in By-law	1. It would be helpful to have a definition of the term "cultural and heritage resources" (section 16-1-e) and include environment. 2. The definitions of "Filming Event" and "Film Production" should be revised to include pre-production and post-production work. 3. Permitting processes should not be too onerous for small scale productions (e.g.: short films, budgets under \$20,000, film students, two-person crews, etc.), otherwise this could stifle the growth of the industry.	Staff amended section 16-1-e to broaden the list of property and assets to include environment. Post-production has been included in the definition. Staff to work with productions to assist new film permit applicants in the process.

Traffic Impacted by Filming	4. The definition of “business day” may be too restrictive considering the fast-paced nature of filming.	Staff is unable to process permit requests during non business days.
	5. Traffic control plans for intermittent interruptions or full closure to a public right of way should follow the same requirements as for City crew work (MTO Book 7). Due to quick turnaround times Paid Duty Police Officers are often employed to manage traffic. Coning and signage are not always in place for filming according to the same standards as, for example, construction work.	This is an operational issue. Staff are recommending that this be at the discretion of the General Manager of Infrastructure Services and may take into account additional conditions on a road occupancy or closure permit.
	6. Film crews and vehicles should be more careful so as to ensure access to sidewalks and safe crossing of roads. Film crews have taken over the sidewalks with equipment, forcing residents and children to cross the roads at unsafe spots.	This is an operational issue. Staff are recommending that this be at the discretion of the General Manager of Infrastructure Services and may take into account additional conditions on a road occupancy or closure permit.
Filming in Parks/Green Spaces	7. There should be more stringent regulations when filming on municipal green space and ecologically sensitive areas.	Staff are recommending that this be at the discretion of the Director of Assets and may take into account additional conditions on a film permit.
	8. Any filming in parks should have a written agreement with an appropriate code of conduct for cast and crew.	Written film permits would be in place to outline expectations of CGS and film productions, including a code of conduct.
	9. As an alternative, filming should be encouraged in natural areas that are not protected and the City should create a catalogue of these areas for film companies to browse.	Beyond the scope of this by-law. Classifications of municipal parks are mapped out on the CGS geographic information system and this can serve as a starting point.
	10. The Director of Assets and representatives from the Parks Department may not be the best authorities to ensure that parks are restored to their original state. In some instances a neighbourhood group would be a better choice.	Staff are recommending that this be at the discretion of the Director of Assets and may take into account additional conditions on a film permit.
	11. Ecological reserves and natural parks within urban areas (as identified by the City’s geographic information system’s maps) should be off limits for filming. In some cases it is difficult to assign a dollar value to the damage in order for proper recourse.	Staff are recommending that this be at the discretion of the Director of Assets and may take into account additional conditions on a film permit.
	12. Vegetation, which includes shorelines and wetlands should not be cut, nor displaced, dug, perturbed or trampled. Similarly, foreign plant matter and toxic substances should not be introduced.	Code of conduct would outline specific activities such as this, and would be included in the permit.
	13. There should be some way to refuse permit requests if activities are expected to damage environmental values.	Staff are recommending that this be at the discretion of the Director of Assets and may take into account additional conditions on a film permit.
Filming in Residential Areas	14. There has been too much filming in specific neighbourhoods (e.g.: Roxborough area), so consider specifying a maximum number of filming days permitted per year in a given location, after which a temporary moratorium should be in place. The by-law should clearly indicate who has authority to permit filming in neighbourhoods that have seen high volumes of film traffic (section 16-1-g).	Staff are recommending that this be at the discretion of the Director of Assets (for film permits) and the General Manager of Infrastructure Services (for road occupancy permits). Consideration may be paid to past filming activities known to the City (section 16-1-g).
	15. There is a fine balance between supporting progress in the film industry and taking over a neighbourhood. For example, rescheduling tree removal around a film shoot – safety should be the first consideration at all times.	Staff will endeavour to avoid issuing permits in areas that are slated for City maintenance or other work (section 16-1-b).
	16. It should be well communicated to film companies that the use of water or other utilities belonging to private residents should not be used without prior consent.	Code of conduct would outline specific activities such as this, and would be included in the permit.
	17. Access to homes must be maintained unless otherwise negotiated with the property owner.	Film and road occupancy permits do not permit film companies to block driveways.
	18. Crew members should not be shouting while filming in residential areas, especially at night when they are packing up from a shoot.	Code of conduct would outline specific activities such as this, and would be included in the permit. Film companies may request a noise by-law exemption when the scene requires it. Staff are recommending that this be at the discretion of the General Manager of Growth & Development.

	<p>19. The disruption caused by filming has been acceptable so far, however night-time filming is a challenge and this should be considered in the by-law when granting parking or film permits in residential areas. In some cases the residents should be consulted prior to a permit being granted (section 16-1-g).</p>	<p>Film by-law includes consideration of filming during times of day that may be considered disruptive (section 16-1-h).</p>
<p>Code of Conduct and Enforcement of By-laws</p>	<p>20. Film crews shooting in the downtown core should be aware that they are in a highly visible business area and should be respectful of the businesses, vehicular traffic and pedestrian traffic.</p>	<p>Code of conduct would outline specific activities such as this, and would be included in the permit.</p>
	<p>21. The code of conduct should be required at each filming location, and not “from time to time” (section 53-c).</p>	<p>Code of conduct would be included in the permits granted for use of municipal property. It is at the film company’s discretion as to enforcement on private property.</p>
	<p>22. It is unclear how crew behaviour will be policed on set, especially outside of the City’s business hours, and what effective recourse is in place should there be a breach of conduct.</p>	<p>Multiple options are outlined for enforcement, including revoking or suspending existing permits, refusing future permits, imposing a fine, holding the security deposit and pursuing claims through insurance.</p>
	<p>23. By-law enforcement should have a response service standard or another mechanism to ensure quick and fair response times resulting from complaints. Fines should be in place in the event of non compliance with the code of conduct.</p>	<p>Multiple options are outlined for enforcement, including revoking or suspending existing permits, refusing future permits, imposing a fine, holding the security deposit and pursuing claims through insurance.</p>
	<p>24. The wording under the enforcement section is confusing (sections 40 through 42).</p>	<p>Standard wording has been used for by-law enforcement.</p>
	<p>25. All crew members working on a production are employed by the producer/production company, who is the official holder of the film permit. Any disciplinary measures being taken in the case of an offence should be directed at the company whom the individuals are being paid to represent (section 43).</p>	<p>Enforcement would be directed at the person legally responsible for the offence.</p>
	<p>26. There should be clear and enforceable recourse in place in the event of damage to public property.</p>	<p>Multiple options are outlined for enforcement, including revoking or suspending existing permits, refusing future permits, imposing a fine, holding the security deposit and pursuing claims through insurance.</p>
	<p>27. When there is non-compliance with a film permit there should be clear repercussions, e.g.: first it is a warning, then a fine/withheld security deposit, then finally permits are no longer granted.</p>	<p>Multiple options are outlined for enforcement, including revoking or suspending existing permits, refusing future permits, imposing a fine, holding the security deposit and pursuing claims through insurance.</p>
	<p>28. With regards to security deposits (section 28) there should be reference to a timeframe within which the City may use the security deposit if the film company does not rectify an issue.</p>	<p>The timeframe is outlined in section 28 and release of the deposit would be at the discretion of the Director of Assets.</p>
	<p>29. Set etiquette courses and knowledge of industry standards should be a mandatory requirement prior to crew working on a set in Sudbury.</p>	<p>Standards would be set out in the code of conduct. Specific courses required by crew are beyond the scope of this by-law, but will be a consideration during activities to grow the industry.</p>
	<p>30. Although most new crew members are keen to learn from more experienced film industry professionals, there are some that have an attitude of entitlement and are not respecting the neighbourhoods where they are filming.</p>	<p>Standards would be set out in the code of conduct. Specific courses required by crew are beyond the scope of this by-law, but will be a consideration during activities to grow the industry.</p>
<p>Public Notification of Filming</p>	<p>31. When there is to be street closure, intermittent traffic (vehicular/pedestrian) disruption, use of parking, etc. a notification must be circulated to impacted businesses in the area at least one week in advance (including dates, purpose, contact).</p>	<p>Notification for traffic interruptions (not parking) would be required in a form and timeline to be determined by the General Manager of Infrastructure Services.</p>
	<p>32. It is always recommended that this notice be accompanied by a “sign-off sheet” that is signed acknowledging receipt.</p>	<p>Public notification protocols would follow those currently in place for related CGS activities.</p>
	<p>33. In some instances it would be helpful if residents could weigh in on whether filming takes place on public property.</p>	<p>Staff are recommending that this be at the discretion of the Director of Assets (for film permits) and the General Manager of Infrastructure Services (for road occupancy permits). Consideration may be paid to past filming activities known to the City (section 16-1-g).</p>

	34. Film permit approvals should not require the support of the business improvement association (section 24-c-ii), rather the BIA should be notified by the film company of the filming activity in the area.	Staff are recommending that when filming takes place in business improvement area that the BIA be consulted. Permit approval would remain with the Director of Assets (for film permits) and the General Manager of Infrastructure Services (for road occupancy permits).
	35. Notification letters need to be more specific regarding the location of parked film trucks and all-night generators that would be running.	Notification letter templates can be provided to the production company to ensure key information is covered.
	36. Notification letters should go out to tenants, but also to homeowners.	This provision is covered in section 24-b-i.
Parking of Filming Vehicles	37. Only essential film vehicles should be parked in the downtown as much as possible so as not to adversely impact adjacent businesses.	Staff encourage parking of film vehicles in alternate locations wherever possible.
	38. Film permits for downtown on-street parking should consider street-level retail businesses and restaurants.	Staff encourage parking of film vehicles in alternate locations wherever possible.
	39. Crew vehicles should never be permitted in filming areas. They can be shuttled in from base camp, which should be concentrated in lots instead of lined along streets.	Staff encourage parking of film vehicles in alternate locations wherever possible.
	40. Craft (snack) trucks should not be parked directly in front of houses because it increases the chances of noise disruption.	Staff encourage parking of film vehicles in alternate locations wherever possible.
Film Permit Applications	41. Due high volume of filming in Sudbury, the development of this by-law is very timely. The economic impact is felt in multiple areas of the community. A smoother and quicker process that does not compromise the quality of the process would help draw more productions to the area.	Noted.
	42. Locations Managers often fill out paperwork while on the road or on set, so all permits and permit applications should incorporate electronic signatures in order to expedite turnaround times on both ends.	Online permit templates will be considered once the film by-law is in place.
	43. Information and documentation required from a film company (section 11) refers to indemnification, release of responsibility and insurance, so it should be revised to avoid duplicate terminology.	These three provisions are required for different purposes and will all be included in one permit.
	44. Two weeks is too much time for application for a noise by-law exemption. With many productions, they have not yet found their locations two weeks in advance due to truncated prep times and schedule changes outside of their control.	Currently 30 days notice is required for noise by-law exemption requests, however this has frequently been expedited based on the schedules of filming and staff will continue to seek efficient and quick turnaround time.
	45. There seems to be too many grounds for permit refusal (section 16).	Staff are recommending that this be at the discretion of the Director of Assets (for film permits) and the General Manager of Infrastructure Services (for road occupancy permits) subject to the filming activity and the location.
	46. Refusal of a permit application should be limited to a production company (or its owners) that have been definitively guilty of permit violations in the past, and should not be tied to the individual Location Manager (section 16-1-a).	Location Managers are the link between the production company, the City and the public. They must be able to withhold the conditions outlined in the permit.
	47. It is unclear what guidelines will be used to determine what is considered derogatory and/or offensive (definitions for violent and sexual content – perhaps replace with “criminal inference”), and this should not imply censorship.	Staff are recommending that the by-law wording be replaced to reference content that may cause offence in light of community standards, which would take into account the location and potential public impact (section 16-1-i).
	48. Given the schedules of most filming in the city, it is unrealistic for an appeal process to be useful (section 31) when a permit is refused. Instead there should be a mechanism for discussion of possible remedies at the time of the infraction.	An appeal process must be an option for the production company, however permit amendments, conditions and suspensions are other options to remedy situations in a more timely manner.
	49. Lead time required to process permits (section 12) refers to four business days. This is unrealistic for the film industry, especially for schedules of television series, and could be reduced to 48 hours. Likewise, requiring up to 30 days for more complex shoots makes it nearly impossible to schedule a television series. Consider acknowledging that “potentially hazardous activity” may delay permitting processes, but answers should be provided sooner.	48 hours would not likely give staff adequate time to coordinate among necessary CGS departments to review filming requests and apply additional conditions as warranted.

	50. Requesting two business days for film permit extensions or amendments (sections 36 and 37) is unrealistic and should be changed to 24 hours prior to filming.	24 hours would not permit staff with adequate time to review implications of amendments.
	51. If the film company is required to have an insurance policy with an insurer licensed in Ontario this implies that California studio policies would not be accepted (section 23-h-i) and this is a hindrance.	Section 23-h-i has been changed to stipulated that the insurer must be licensed to provide insurance in Ontario regardless of where the insurer is based.
	52. When a film permit is suspended or revoked (section 26) there should be reference to a timeline by which the film company may remedy any issue of non-compliance.	Timelines will be determined on a case by case basis.
	53. It is not clear who will determine the amount required for security deposits and the process for charging these.	Staff are recommending that this be at the discretion of the Director of Assets (for film permits) and the General Manager of Infrastructure Services (for road occupancy permits) and would be established in consultation with Risk Management.
	54. The City should never request private property agreements in order to release a film permit because they should remain confidential and because these are usually in the process of being finalized while permit requests are being processed.	The draft by-law does not apply to private property. Film permits would not grant access to private property.
	55. It states that the Director of Asset Services is not required to review or process incomplete applications (section 13). It is unclear how the applicant will know that the permit application is incomplete if it is not reviewed.	By-law wording has been revised (section 13).
Development of the Local Film Industry	56. When filming in the downtown core, every effort should be made by the film companies to source out props and staff food/refreshments from the downtown business community.	Beyond the scope of this by-law.
	57. Raise taxes to add revenue, and do not change the current by-law.	Raising taxes is beyond the scope of this by-law. Council has already directed staff to draft a film by-law for municipal property.
	58. Consolidated billing for multiple permits would be greatly appreciated by film companies so that one cheque can be issued per owner, instead of one cheque per location or per City department. A "draw down" system, requesting money up front for estimated permits and costs would expedite payment turnaround times and guarantee that the City is paid for its services.	This will be explored by staff when the permitting process is developed.
	59. Union representatives must be more involved in the development of the film industry in Sudbury to curb bad behavior and help support crew development so that they can be competitive in the industry.	Beyond the scope of this by-law, but staff will maintain communications with union representatives on this topic.
	60. In some cases when it takes more than a few hours to obtain an answer, it has already become obsolete. That is how quick this business moves.	Staff aim to respond to film production requests according to the CGS service standards.

Review of User Fees

Staff was directed to review the fees typically associated with facility use permits in light of the proposed filming permitting system. Below is an overview of the proposed approach to fees for filming on municipal property.

Staff recommend that the City of Greater Sudbury should operate on a cost recovery basis when determining fees for filming. This is a similar approach used in other municipalities. Examples of fees that are currently being incurred by film companies include the following:

- When a production is requesting the use of municipal parking lots or meters, the usage fees would be charged back to the production company.
- When filming takes place on municipal properties covered under the *Miscellaneous User Fees for Certain Services Provided by the City of Greater Sudbury By-law* (By-law 2015-8), the associated user fee would apply.
- When City staff is required to be on-set during filming, or if staff is needed to perform duties specific to the filming, staff time costs would be invoiced back to the production company.

If approved, the film by-law would bring into effect a new permitting system streamlined specifically for filming needs. Staff are proposing an administrative fee to issue film location permits, which would be included in a proposed amendment to the *Miscellaneous User Fees for Certain Services Provided by the City of Greater Sudbury By-law* (By-law 2015-8). This proposed administrative film permit fee would be scheduled to go before Council as part of the annual review and it would be in addition to any facility usage fees, staffing costs, etc.

There are municipal properties for which there is currently no user fee. Over the next few months staff will be working toward developing fees which will be proposed to Council. During the interim, staff will continue to charge fees for development of facility use permits and any additional costs to be recovered.

Conclusion

The comments received through the public input process provide a clear indication that this by-law will need to delicately balance the needs of three perspectives: the film company, the public and the various departments functioning within the City of Greater Sudbury. Staff are suggesting a February 1, 2016 implementation for the by-laws (Film By-law and amendments to Road Occupancy, Delegation and Traffic and Parking). If approved by the Community Services Committee, the draft film by-law and the amendments to the related by-laws would be presented to Council later this fall. A new film permitting process would then be developed to implement this by-law in coordination with the various department representatives of the "Special Events Internal Team". Amendments to the user fee by-law would be brought forward for Council's review early next year.

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By-law 2015-xx

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

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

And Whereas section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorize 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 subsections 425(1) and 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize a municipality to pass by-laws providing that any person who contravenes a municipal by-law passed under that Act be guilty of an offence and for establishing a system of fines for offences under such by-law;

And Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council, 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 a municipality's control;

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

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

Part 1 - Interpretation

Definitions

1. In this By-law:

“Appointment By-law” means By-law 2007-161 being *A By-law of the City of Greater Sudbury respecting the Appointment of Officials of the City of Greater Sudbury*;

“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,

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“Business Day” means any day excluding Saturdays, Sundays and statutory or City holidays;

“Business Improvement Area” means an improvement area designated by the City of Greater Sudbury in accordance with section 204 of the *Municipal Act, 2001*, S.O. 2001, c. 25;

“By-law Enforcement Officer” means a member of any police service with jurisdiction in the City or any natural person appointed by Council for the enforcement of by-laws, including this by-law;

“Chief Building Official” means the designate appointed in the City’s Appointment By-law and any amendments or successive By-laws thereto pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23;

“Chief of Fire and Paramedic Services” means the designate appointed in the City’s Appointment By-law and any amendments or successive By-laws thereto;

“Chief of Police” means the Chief of Police of the Greater Sudbury Police Service;

“City” means the municipality of the City of Greater Sudbury or the geographic area, as the context requires;

“City Property” means land owned, leased or occupied by the City, including buildings or other structures or 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 Asset Services;

“Council” means the municipal council of the City of Greater Sudbury;

“Delegation By-law” means By-law 2014-225 being *A Bylaw of the City of Greater Sudbury Respecting the Delegation of Authority to Various Employees of the City*;

“Filming Event” means Recording, except in a film studio or film laboratory, for a feature film, television film, television program or series, documentary, 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;

“Film Permit” means a permit issued under Part 3 of this By-law;

“Film Production” means one or more Filming Events 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;

“Director of Asset Services” means the Director of Asset Services of the City of Greater Sudbury or his designate;

“Hearing Committee” means the Hearing Committee appointed by Council from time to time to hear matters referred to the Hearing Committee by By-law;

“Highway” 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 or Facility Use Permit” means a permit issued for use of land for a Filming Event issued under the authority of this By-law;

“Mayor” means the head of the Council;

“Permit Holder” means a Person to whom a Film Permit has issued and includes Persons doing work on behalf of the Permit Holder;

“Person” includes a natural person, 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;

“Personal Information” means information about an identifiable individual, including,

- (i) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (ii) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

- (iii) any identifying number, symbol or other particular assigned to the individual,
- (iv) the address, telephone number, fingerprints or blood type of the individual,
- (v) the personal opinions or views of the individual except if they relate to another individual,
- (vi) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (vii) the views or opinions of another individual about the individual,
- (viii) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; and
- (ix) images of a person or recordings of a person's voice.

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

"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 By-law 2011-218 being *A By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes* [and any successor by-law thereto](#);

"Senior Management Team" has the same meaning as defined in By-law 2014-225 being *A By-law of the City of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City*;

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“User Fee By-law” means By-law 2015-8 being *A By-law of the City of Greater Sudbury to Establish Miscellaneous User Fees for Certain Services Provided by the City of Greater Sudbury* By-law and any amendments or successive By-laws thereto; and

“Ward Councillor” means a member of Council for a ward established by By-law 2005-250 being *A By-law of the City of Greater Sudbury to Dissolve the Existing Wards, to Divide the City into Twelve New Wards, and to Create Single Member Wards* and any amendments or successive By-laws thereto

Interpretation

2. The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.
3. The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.
4. Specific references to laws, including By-laws, in the By-law are printed in italic font and are meant to refer to the current laws applicable as at the time that the By-law was enacted, as they are amended or replaced from time to time.

Application

5. This By-law shall apply within the geographic limits of the City.

Part 2 – Prohibitions

Prohibitions

6. No Person shall cause, allow or permit a Filming Event to occur on City Property except in accordance with a valid Film Permit.
7. No Person shall participate in a Filming Event on City Property except in accordance with a valid Film Permit.

Part 3 – Permit

Permit – Eligibility

- 8.-(1) Subject to Subsection (2), a Person who intends to cause a Filming Event on City Property shall apply to the City for a Film Permit.

(2) A Person who intends to cause a Filming Event on a Highway under the jurisdiction of the City shall apply to the City for a permit under the Road Occupancy By-law.

No Permit Required – City

9. Despite sections 6 and 7, a Film Permit shall not be required where the Filming Event is undertaken by the City or by a contractor carrying out work on behalf of the City.

No Permit Required – Road or Box Occupancy or Road Closure Permitted

10. Despite sections 6 and 7, a Film Permit shall not be required where the applicant has obtained a valid Road Occupancy Permit, a valid Road Closure Permit or a valid Box Occupancy Permit for the Filming Event issued in accordance with the Road Occupancy By-law.

Permit – Information and Documentation Required

11. In making application for a Film Permit, an applicant shall:

- (a) File an application with the Director of Asset Services in a form established by the Director of Asset Services from time to time which shall include:
 - (i) Applicant's legal name;
 - (ii) Name of the authorized representative of the applicant;
 - (iii) Contact information, including telephone number, email address, municipal address and fax number for the applicant and authorized representative(s) of the applicant;
 - (iv) If the applicant is a corporation, the corporate headquarters of the applicant;
 - (v) Production type of Filming Event;
 - (vi) The location(s) proposed for the Filming Event, including a synopsis of the activities at the location(s) and a detailed description of any Potentially Hazardous Activity
 - (vii) Dates and times proposed for the Filming Event including setup and takedown, and, if postponed for any reason, alternative dates and times; and
 - (viii) A signature by a natural person with signing authority for the applicant.

- (b) Provide a release, in a form and with content established by the Director of Asset Services, releasing the City from responsibility or liability in relation to the Filming Event;
- (c) Provide an indemnity, in a form and with content established by the Director of Asset Services, indemnifying and saving harmless the City from claims arising from the Film Event;
- (d) File a copy of the crew list;
- (e) File a copy of the script for the Filming Event;
- (f) File evidence satisfactory to the Director of Asset Services that the Person filing the application is a duly authorized representative of the applicant;
- (g) File additional documentation as required by the Director of Asset Services, which the Director of Asset Services, in his sole discretion, deems necessary in the circumstances for the purpose of administering this By-law;
- (h) Pay to the City any fee or charge required by this By-law; and
- (i) File a certified copy of an insurance policy or other proof of insurance acceptable to the Director of Asset Services as evidence of compliance with subsection 23(1).

Application – Time

12.(1) Subject to subsection (2), the applicant shall file the application for a Film Permit four (4) business days prior to the date on which the Filming Event is planned to commence.

(2) Despite subsection (1), where:

- (a) a Film Production is likely to or does require more than eight (8) licences, permits or exemptions under this or any other By-law of the City of Greater Sudbury; or
- (b) a Filming Event will involve a Potentially Hazardous Activity;

the Director of Asset Services may require additional days of processing time for Film Permits but shall require no more than thirty (30) days for any one Film Permit.

Application – Review

13. The Director of Asset Services is not required to process an application for a Film Permit which:

- (a) is not complete as determined by the Director of Asset Services in his sole discretion; or
- (b) is not submitted in accordance with this By-law.

14. Upon receipt of a complete application, the Director of Asset Services shall consult with and have regard for the comments of the:

- (a) where applicable, the Chief of Police, the Chief of Fire and Paramedic Services and the Chief Building Official where a Filming Event involves a Potentially Hazardous Activity; and
- (b) the Manager of Security, By-law and Court Services where the Filming Event occurs in a building or facility on City Property or near a building or facility on City Property as determined by the Director of Asset Services.

Application – Powers of Director of Asset Services

15. After receipt of a complete application and after the consultation described in section 14, the Director of Asset Services shall:

- (a) issue a Film Permit with standard conditions as provided in this By-law;
- (b) issue a Film Permit with some or none of the standard conditions as provided in this By-law and the Director of Asset Services may include:
 - (i) such other terms and conditions as may be required by any other By-law of the City of Greater Sudbury; and
 - (ii) such additional conditions as the Director of Asset Services determines necessary in the circumstances; or
- (c) refuse to issue the Film Permit as provided in this By-law.

16.-(1) When deciding whether to issue or refuse a Film Permit, the Director of Asset Services may consider any factors, including but not limited to, the following:

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- (a) whether or not the Filming Event is likely to be carried out in compliance with the Film Permit and this or other By-laws having regard for the Person applying for the Film Permit, the participants or Persons providing services to the Person applying for the applicant and the history of compliance with a By-law, licence, permit approval or other type of permission issued by the City;
- (b) if the Filming Event would cause a conflict with an authorized use of the property or a previously scheduled activity for which the City has issued a licence, permit, approval or other type of permission;
- (c) if the Filming Event is proposed in Restricted Lands, Buildings or Areas;
- (d) if the Filming Event would be disruptive to:
 - (i) emergency vehicles or services;
 - (ii) residents, occupants or businesses;
 - (iii) City work or activities of any type; or
 - (iv) traffic or public transit;
- (e) if the Filming Event may result in damage to City Property or property in the surrounding area, including but not limited to assets, infrastructure, environmental, cultural or heritage resources;
- (f) if the Filming Event could result in a threat to public safety or conflict with By-laws or policies;
- (g) the number and frequency of other Filming Events which have occurred at the same location or in close proximity, whether conducted under a valid Film Permit or otherwise;
- (h) the time of day of the Filming Event;
- (i) if the content being recorded during the Filming Event:
 - (i) is directly or indirectly derogatory or exploitative of any natural person or groups of natural persons;
 - (ii) may cause offence, in light of community standards; or

- (iii) if the content being recorded during the Filming Event contains violent or sexual content.

(2) In addition to the factors described in subsection (1), when deciding whether to issue or refuse a Film Permit, the Director of Asset Services may consult with Persons.

Permit - Refusal

17.-(1) The Director of Asset Services shall refuse to issue a Film Permit:

- (a) if the application is incomplete;
- (b) the applicant has not paid a prescribed fee;
- (c) if, for any reason, the issue of the Film Permit would be inconsistent with this By-law or any other By-law; or
- (d) the applicant owes any fine, debt, administrative penalty, charge or fee to the City.

(2) Where an applicant has applied for a licence, permit or exemption for a Filming Event under another By-law of the City of Greater Sudbury and the applicant still proposes to use the City Property for the activity for which the licence, permit or exemption was refused, the Director of Asset Services shall refuse to issue the Film Permit.

(3) The Director of Asset Services shall advise the applicant of his decision to refuse a Film Permit and provide a reason or reasons for the refusal.

Permit – Issue

18. A Film Permit is issued when it is dated and signed by the Director of Asset Services.

19. The Permit Holder shall ensure that the Permit Holder or an authorized representative of the Permit Holder can be contacted at the contact number provided in the application for the Film Permit, 24 hours per day, seven days per week, during the period that the Film Permit is effective.

20. The Permit Holder shall keep or cause to be kept, a copy of the Film Permit at the site of the Filming Event.

21. The Permit Holder shall produce or cause to be produced the Film Permit when asked to do so by the Director of Asset Services or a By-law Enforcement Officer.

22. The Director of Asset Services may notify the Mayor and the affected ward's Ward Councillor of the issue of a Film Permit for a Filming Event and provide the Ward Councillor with the following information:

- (a) name of the Permit Holder,
- (b) authorized representative of the Permit Holder,
- (c) title of the production, and
- (d) permitted activities.

Film Permit - Standard Conditions - General

23. Whether or not it is specified on the face of the Film Permit, it is a condition of every Film Permit or extension of a Film Permit that:

- (a) an authorized representative of the Permit Holder shall be present during the Filming Event;
- (b) the Permit Holder shall ensure the safety and security of the location of the Filming Event;
- (c) the Film Permit does not authorize a Filming Event on private property;
- (d) the Permit Holder shall ensure compliance with the Code of Conduct for Cast and Crew;
- (e) the Permit Holder shall comply and ensure compliance with the rules authorized in accordance with this By-law;
- (f) the Permit Holder, its heirs, executors, administrators and assigns indemnifies and saves harmless the City, its elected and non-elected officials, employees, agents, servants and workmen from all causes of action, losses, costs, damages, charges, damages or expenses that may be incurred, sustained or paid by the City by reason of the granting of the Permit or reason of existence or operation of the Filming Event, and this indemnity shall survive the expiry of the Permit;
- (g) the Permit Holder, its heirs, executors, administrators and assigns release the City, its elected and non-elected officials, employees, agents, servants and workmen from all causes of action, losses, costs, damages, charges or expenses that may be incurred, sustained or paid by the Permit Holder by reason of the

granting of the Permit or reason of the existence, or operation of the Filming Event other than those actions, losses, costs, damages, charges or expenses that arose from the negligence, acts or omissions of the City and its elected and non-elected officials, employees, agents, servants and workmen, and this release shall survive the expiry of the Permit;

- (h) the Permit Holder shall place and maintain in good standing during the effective period of the Film Permit and any extension:
 - (i) a policy of comprehensive general liability insurance with an insurer licenced in the Province of Ontario:
 - (1) with limits of not less than two million (\$2,000,000) dollars per occurrence for bodily injury, death and damage to property including loss of use thereof;
 - (2) which names the City as an additional insured or as its interest appears; and
 - (3) which contains an endorsement to provide the City with thirty (30) days prior written notice of cancellation of the policy; and
 - (ii) such other forms of insurance or such greater amounts of insurance as the Director of Asset Services may reasonably require in the form and amounts and for insurance risks against which a prudent party would insure, or such other forms or amounts of insurance as may be required by By-law; and
- (i) the Filming Event shall be conducted in a manner that is minimally disruptive to businesses, residents and institutions.

Film Permit – Additional Conditions

24.-(1) In addition to the conditions provided herein and such other conditions as the Director of Asset Services may determine, the Director of Asset Services may issue a Film Permit with one or more of the following conditions:

- (a) requiring the applicant to do or not to do things that, in the Director of Asset Services's opinion, would reduce or eliminate adverse impacts associated with the Filming Event;

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- (b) requiring payment of a security deposit as provided herein; and
- (c) the Permit Holder shall provide evidence of any of the following:
 - (i) the Permit Holder shall provide notice in the form and content to be determined by the Director of Asset Services to occupants, property owners, homes, businesses, institutions, organizations, boards of management of business improvement areas, business associations, neighbourhood associations or other Persons or groups as determined by the Director of Asset Services, and a copy of such notice shall be provided to the Director of Asset Services prior to commencement of the Filming Event;
 - (ii) when a Filming Event takes place in a Business Improvement Area, that the Permit Holder has given notice to and consulted with the Board of Management or an authorized representative thereof; and
 - (iii) that the Permit Holder has consulted with other Persons regarding matters identified by the Director of Asset Services including:
 - (1) other City divisions, departments or sections;
 - (2) Province of Ontario;
 - (3) Government of Canada;
 - (4) Greater Sudbury Police Service;
 - (5) Ontario Provincial Police Service;
 - (6) Union Gas;
 - (7) Ontario Hydro;
 - (8) Greater Sudbury Utilities Inc.;
 - (9) railway corporations; and
 - ~~(10)~~ Nickel District Conservation Authority.

(2) If the Permit Holder fails to pay the security deposit or provide evidence satisfactory to the Director of Asset Services by the date and time determined by the Director of Asset

Services in his sole discretion of fulfillment of the conditions described in subsection (1), the Film Permit shall be void.

Permit - Additional Conditions – After Issue

25.-(1) After issue of a Film Permit, the Director of Asset Services may impose additional conditions on the Film Permit upon notice in writing to the Permit Holder and upon that notice the Film Permit shall be deemed to be amended.

(2) Notice may be provided in writing by facsimile, email or letter mail to the authorized representative and is deemed to be received upon issue of the notice.

Permit – Suspension or Revocation

26.-(1) The Director of Asset Services may, without notice, revoke or suspend a Film Permit if

- (a) the Film Permit was issued in error;
- (b) the Permit Holder requests in writing that the Film Permit be revoked; or
- (c) the Permit Holder or participants in a Filming Event fail to comply with this or any other By-law, the conditions of the Film Permit or the Code of Conduct for Cast and Crew.

(2) The revocation or expiry of a Film Permit shall not release the Permit Holder from its obligations under this By-law, another By-law of the City of Greater Sudbury or the Film Permit to indemnify and release the City.

(3) The Director of Asset Services shall advise a Permit Holder of his decision to revoke a Film Permit under this By-law and the reason for the refusal.

Permit – Withdrawal

27.-(1) At any time prior to the issue or refusal of a Film Permit, the applicant may withdraw his application for a Film Permit.

(2) Upon written request of the applicant, the Director of Asset Services, in his sole discretion, may issue a full or partial refund of any application fees after considering how much work has been executed in preparing to issue the Film Permit.

Film Permit – Security Deposit

28.-(1) In addition to security required by other By-laws of the City of Greater Sudbury and any fees or charges for a Permit or required under any other By-law, an applicant for a Film Permit shall provide, as a condition to the Film Permit, security in the amount to be determined by the Director of Asset Services.

(2) Security shall be provided by way of irrevocable letter of credit in a form acceptable to the City, certified cheque or cash.

(3) The City shall release the Permit Holder's security where [the Director of Assets determines that:](#)

- a) an application for a Film Permit is withdrawn;
- b) the Filming Event has concluded, the Film Permit expired and the Permit Holder has complied with all of the requirements of the Film Permit to the satisfaction of the Director of Asset Services; or
- c) the Filming Event has concluded, the Film Permit expired and after paying City fees and charges or costs for damages or expenses incurred by the City as a result of the Filming Event, there is a balance remaining on the security.

(4) The City may draw on the security deposit to pay for City fees and charges or costs for damages or expenses incurred by the City as a result of the Filming Event.

(5) If the Permit Holder fails to provide security in accordance with the terms of the Film Permit to the Director of Asset Services by the date and time determined by the Director of Asset Services in his sole discretion the Film Permit shall be void.

Permit – Offence – False Information

29. No person applying for a Film Permit shall knowingly provide false information to the City.

30. Where it is discovered or revealed that the Permit Holder or authorized representative has provided misleading or false information on the application for a Film Permit, the Film Permit shall be revoked by the Director of Asset Services and the Permit Holder shall immediately cease the Filming Event.

Refusal or Revocation - Hearing

31.-(1) Subject to subsection (4), in the event that the applicant or Permit Holder is not satisfied with the Director of Asset Services's decision to refuse or revoke a Film Permit, the applicant is entitled to appeal the decision, in writing within 30 days of the Director of Asset Services's decision along with the fee prescribed in the City's User Fees By-law, to the Hearing Committee.

(2) The Hearing Committee may make any decision that the Director of Asset Services may make under this By-law with respect to the revocation or refusal of a Film Permit.

(3) A decision of the Hearing Committee is final.

Permit – Expiry

32. Notwithstanding the status of the Filming Event, a Film Permit shall expire at the date and time indicated on the Film Permit or on an extended or amended date and time as approved by the Director of Asset Services in accordance with this By-law.

33. If an expiry date is not specified on the Film Permit, a Filming Event shall expire on the date of completion of the Filming Event authorized on the Permit.

Permit – Time – Valid

34. A Film Permit shall be valid for the period or periods of time stated on the Film Permit or for an extended or amended period as provided in accordance with sections 35 and 37 of this By-law.

Permit – Extension

35.-(1) Where the Filming Event authorized under a Film Permit cannot be completed prior to the expiry date specified in the Film Permit, a Permit Holder may apply in writing to the Director of Asset Services, for an extension to the expiry date of the Film Permit.

(2) When applying for an extension, the Permit Holder shall:

- (a) request an extension in writing from the Director of Asset Services, including:
 - (i) particulars of the need for the extension; and

(ii) such other information and documentation as may be required by the Director of Asset Services to make the request for extension complete; and

(b) pay a non-refundable Film Permit extension fee determined in accordance with the City's Miscellaneous User Fee By-law.

(3) Requests for extensions may only be made after the issue of the Film Permit and no less than two business days prior to the expiry of the Film Permit.

36. The Director of Asset Services has the same powers in relation to an application for an extension as he or she has when considering whether to issue or refuse a Permit application.

Permit – Amendment

37.-(1) Where the activities associated with the Filming Event authorized under a Film Permit are modified, a Permit Holder shall apply in writing to the Director of Asset Services, for an amendment to the Film Permit.

(2) When applying for an amendment, the Permit Holder shall:

(a) request an amendment in writing from the Director of Asset Services including:

(i) particulars of the need for the extension; and

(ii) such other information and documentation as may be required by the Director of Asset Services to make the request for amendment complete; and

(b) Pay a non-refundable Film Permit amendment fee determined in accordance with the City's Miscellaneous User Fee By-law.

(3) Requests for amendments to the Film Permit may be submitted after the issue of the Film Permit and no less than two business days prior to the expiry of the Film Permit.

38.-(1) Subject to subsection (2), the Director of Asset Services has the same powers in relation to an application for an amendment as he or she has when considering whether to issue or refuse a Permit application.

(2) The Director of Asset Services may issue an amendment only in respect of minor matters associated with a Film Permit and Film Permits shall not be amended to change the location of the Filming Event.

Permit – No Transfer

39.-(1) No Person shall transfer a Film Permit.

(2) No Person shall use a Film Permit for a Filming Event:

- (a) at a location or in a building other than that for which the Film Permit was issued;
or
- (b) for a Filming Event other than that for which the Film Permit was issued.

Part 4 - Enforcement

40.-(1) This By-law may be enforced by a By-law Enforcement Officer.

(2) Without limiting subsection (1), for the purpose of conducting an inspection to determine whether a Person is complying with a Film Permit, this By-law, or an order made under section 431 of the *Municipal Act, 2001* in respect of this Bylaw, a By-law Enforcement Officer may do any of the following:

- (a) investigate;
- (b) enter onto lands at a reasonable time;
- (c) require the production for inspection of documents or things relevant to the inspection;
- (d) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (e) require information from any Person concerning a matter related to the inspection; and
- (f) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, or photographs or visual recordings.

41. No Person shall hinder or obstruct, or attempt to hinder or obstruct, a By-law Enforcement Officer exercising a power or performing a duty under this By-law.

42. No Person required to produce documents, things or information by a By-law Enforcement Officer shall fail to respond forthwith.

Offence

43.-(1) Any:

- (a) Person who, or
- (b) director or officer who knowingly,

contravenes any of the provisions of this By-law or rules authorized by this By-law is guilty of an offence.

(2) Any Person or director or officer committing an offence under this By-law is liable:

- (a) on a first conviction to a fine of not more than \$5,000;
- (b) on a second conviction to a fine of not more than \$10,000; and
- (c) on a third and subsequent conviction to a fine of not more than \$100,000.

(3) For the purposes of subsections (1) and (2), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(4) The levy and payment of any fine under this By-law shall not relieve a Person from the necessity of paying any costs or charges for which such Person is liable under this By-law.

(5) When a Person has been convicted of an offence under this By-law, a By-law Enforcement Officer may issue an order, in addition to any other penalty imposed on the Person convicted, requiring the Person who contravened this By-law or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

(6) Where a Person fails to comply with an order issued pursuant to subsection (5), the work ordered may be done by the City at the Person's expense.

Prohibition Order

44. The City may, in addition to any other penalty imposed on the Person convicted, seek an order from the Ontario Court (Provincial Division) or any court of competent jurisdiction, prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

Recovery of Costs

45. An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act* or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a court of competent jurisdiction.

Debt

46. Any unpaid costs or charges levied upon a Person and any interest associated with such costs or charges shall be a debt owing by the Person to the City.

Part 5 – General

Intellectual Property and Privacy

47.-(1) Subject to subsection (2) and section 48, nothing in this By-law or a Film Permit authorizes a Person to use [a Recording of an individual or Personal Information or](#) City or third party intellectual property, including trademarks, logos, or information subject to copyright, or confidential or proprietary information.

(2) A Permit Holder may use an approved version of a City logo or the City's name in the credits or promotional materials of a Film Production that includes Recording from a Filming Event for which a Film Permit was issued.

48.-(1) Subject to subsections (2) and (3), if a Recording from a Filming Event for which a Film Permit was issued contains images of City Property, a Permit Holder may publish the images of City Property.

(2) The authorization to use the images described in subsection (1) is subject to the consent of any natural person whose Personal Information was recorded and it is the obligation of the Permit Holder to obtain such consent.

(3) The authorization to use the images described in subsection (1) is subject to the consent of the Manager of Communications and French Language Services where such images contain signs, markers or materials which identify the intellectual property of the City of Greater Sudbury, including signs, logos or other materials.

49. Nothing in this By-law or the Film Permit authorizes a Person to collect, use or disclose the Personal Information of any natural person.

Agreements – Locations Databases

50. Members of the Senior Management Team or their designates are delegated the authority to approve and execute agreements to include photographs of City Property in a location library database where the City Property is within the member's departmental or divisional responsibility.

Part 6 - General

Confidential Information

51.-(1) The Director of Asset Services is authorized to collect Personal Information necessary for the purpose of administering this By-law.

(2) All information submitted to and collected by the City in accordance with this By-law, shall, unless the City Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(3) In the event that a Person submits information to the City in accordance with this By-law which such Person considers to be confidential, proprietary or exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the Director of Asset Services and shall provide sufficient details as to the reason for its purported exemption from disclosure.

Administration

52.-(1) This by-law shall be administered by the Director of Asset Services who is also delegated the authority to make all other decisions required of the Director of Asset Services under this By-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this by-law.

(2) The Director of Asset Services may delegate, in writing and from time to time, the performance of any one or more of his or her functions under this By-law to one or more natural persons from time to time as the occasion requires but may impose conditions upon such delegation and may revoke any such delegation.

Authority – Director of Asset Services

53. In addition to other powers as described in this By-law, the Director of Asset Services has the authority to:
- (a) from time to time issue rules relating to the conduct of a Filming Event including but not limited to:
 - (i) the use of lighting;
 - (ii) the hours during which a Filming Event, including takedown and setup, may be conducted; and
 - (iii) conditions or limitations on Filming Events in particular areas of the City including but not limited to residential neighbourhoods and requiring notice to Persons in areas of the City;
 - (b) determine what constitutes Restricted Lands, Buildings or Areas; and
 - (c) from time to time, issue a Code of Conduct for Cast and Crew.

Severability / Conflict

54. If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or *ultra vires*, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

55. Subject to subsection (2), where a provision of this By-law conflicts with the provisions of another By-law, licence, permit, approval, agreement or other type of permission required, the provision of the other By-law, licence, permit, approval, agreement or other type of permission prevails.

56. Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the City.

Short Title

57. This By-law shall be cited as the “Film By-law”.

Repeal

58. By-law 2005-118 being a By-law of the City of Greater Sudbury to Adopt a Film Policy is repealed upon the coming into force of this By-law.

Enactment

59. This By-law shall come into force and effect on February 1, 2016.

Expiry

60. This By-law expires at the end of January 31, 2020.

Read and Passed in Open Council this xx day of xx, 2015.

Mayor

Clerk

DRAFT

By-law 2015-xx

**A By-law of the City of Greater Sudbury to Amend By-law 2011-218
being a By-law of the City of Greater Sudbury to Regulate
Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes**

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

And Whereas on May 4, 2015, the Community Services Committee of the Council of the City of Greater Sudbury recommended and on May 26, 2015, City of Greater Sudbury Council approved a resolution directing staff to develop and amend appropriate by-laws in order to streamline regulation of filming on municipal property and update existing processes;

And Whereas for that purpose Council for the City of Greater Sudbury deems it advisable to amend By-law 2011-218, being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes to streamline regulation of filming on municipal property and update existing processes;

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

Add Definition – “Filming Event”

1. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by inserting the following after the definition of “City” in section 1 and before the definition of “Council” in section 1:

““Code of Conduct for Cast and Crew” means the Code of Conduct for Cast and Crew approved by the City of Greater Sudbury in accordance with the Film By-law””.

2. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by inserting the following after the definition of “Deleterious Material” in section 1 and before the definition of “General Manager” in section 1:

““Film By-law” means By-law 2015-xx being A By-law of the City of Greater Sudbury to Regulate Filming Activity on City of Greater Sudbury Property and any successor by-law thereto;

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“Filming Event” means Recording, except in a film studio or film laboratory, for a feature film, television film, television program or series, documentary, 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;”.

Add Definition – “Potentially Hazardous Activity”

3. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by inserting the following after the definition of Person in section 1 and before the definition of Public Works in section 1:

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

Add Definition – “Recording”

4. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by inserting the following after the definition of Public Utility in section 1 and before the definition of Road Closure in section 1:

“ “Recording” means filming, videotaping, photographing or any other form of visual recording;”.

Additional Requirements – Filming Event

5. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by adding the following after paragraph (h) of subsection 6(1) and before section 7:

- “(a) in the case of an application for a Road Occupancy Permit, Road Closure Permit or Box Occupancy Permit for the purpose of conducting a Filming Event also:
 - (i) provide particulars of the proposed Filming Event, including:

- (A) the production type of Filming Event;
 - (B) a synopsis of the activities at the location and a detailed description of any proposed Potentially Hazardous Activity;
 - (C) dates and times proposed for the Filming Event including setup and takedown, and, if postponed for any reason, alternative dates and times;
- (ii) provide a release, in a form and with content established by the General Manager, releasing the City from responsibility or liability in relation to the Filming Event;
 - (iii) provide an indemnity, in a form and with content established by the General Manager, indemnifying and saving harmless the City from claims arising from the Film Event;
 - (iv) file a copy of the crew list;
 - (v) file a copy of the script for the Filming Event; and
 - (vi) file evidence satisfactory to the General Manager that the Person filing the application is a duly authorized representative of the applicant.”

Permit Deadline – Filming Event

6. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by repealing section 8 and enacting in its place and stead:

“**8.**-(1) Every applicant for a Permit shall submit a fully complete application to the General Manager at least 10 working days, and in the case of an application for the purpose of conducting a Filming Event 4 working days, before the applicant proposes to start the road occupancy or road closure to be authorized by the Permit. The application is complete once all required information, documentation and fees have been submitted.

(2) The General Manger shall not be required to review or process any application for a Permit which is not complete at least 10 working days, and in the case of an application for the purpose of conducting a Filming Event 4 working days, before the proposed date for the road occupancy or the road closure.”

General Delegation of Authority for the Purpose of Conducting a Filming Event

7. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by repealing section 11(1) and replacing it with the following:

“General Delegation of Authority

11.-(1) The General Manager is delegated the authority to:

(a) establish such conditions for the issuance of a Permit as the General Manager determines to be necessary in the circumstances and, in the case of a Permit under this By-law for the purpose of conducting a Filming Event, establish such conditions for the issuance of a Film Permit as the Director of Asset Services is authorized to establish in the Film By-law.

(b) make all decisions or determinations required of the General Manger under this By-law, and in the case of a Permit under this By-law for the purpose of conducting a Filming Event, consult with any person, consider any factors and make all decisions or determinations prescribed for the Director of Asset Services in the Film By-law; and

(c) issue, refuse to issue, suspend or revoke a Permit as provided in this By-law and, in the case of a Permit under this By-law for the purpose of conducting a Filming Event, as provided in the Film By-law.”

Filming Event - Conditions

8. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is further amended by inserting the following after subsection 26(2) and before subsection 27(1):

**“Part 9.1 – Road Occupancy or Road Closure or Box Occupancy Permit –
For the Purpose of Conducting a Filming Event - Conditions**

26.1-(1) Without limiting the generality of subsection 11(1) and in addition to subsection 11(4), whether or not it is specified on the face of the Road Occupancy Permit, Road Closure Permit or Box Occupancy Permit issued for the purpose of conducting a Filming Event, it is a condition of every permit that:

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- (a) an authorized representative of the Permit Holder shall be present during the Filming Event;
- (b) the Permit Holder shall ensure the safety and security of the location of the Filming Event;
- (c) the Film Permit does not authorize a Filming Event on private property without the consent of the property owner and it is the obligation of the Permit Holder to obtain such consent;
- (d) the Permit Holder shall ensure compliance with the Code of Conduct for Cast and Crew;
- (e) the Permit Holder shall comply and ensure compliance with the rules authorized in accordance with this By-law;
- (f) the Permit Holder, its heirs, executors, administrators and assigns indemnifies and saves harmless the City, its elected and non-elected officials, employees, agents, servants and workmen from all causes of action, losses, costs, damages, charges, damages or expenses that may be incurred, sustained or paid by the City by reason of the granting of the Permit or reason of existence or operation of the Filming Event, and this indemnity shall survive the expiry of the Permit;
- (g) the Permit Holder, its heirs, executors, administrators and assigns release the City, its elected and non-elected officials, employees, agents, servants and workmen from all causes of action, losses, costs, damages, charges or expenses that may be incurred, sustained or paid by the Permit Holder by reason of the granting of the Permit or reason of the existence, or operation of the Filming Event other than those actions, losses, costs, damages, charges or expenses that arose from the negligence, acts or omissions of the City and its its elected and non-elected officials, employees, agents, servants and workmen, and this release shall survive the expiry of the Permit;
- (h) the Permit Holder shall place and maintain in good standing during the effective period of the Film Permit and any extension:

- (i) a policy of comprehensive general liability insurance with an insurer licenced in the Province of Ontario:
 - (A) with limits of not less than two million (\$2,000,000) dollars per occurrence for bodily injury, death and damage to property including loss of use thereof;
 - (B) which names the City as an additional insured or as its interest appears; and
 - (C) which contains an endorsement to provide the City with thirty (30) days prior written notice of cancellation of the policy; and
- (ii) such other forms of insurance or such greater amounts of insurance as the General Manager may reasonably require in the form and amounts and for insurance risks against which a prudent party would insure, or such other forms or amounts of insurance as may be required by By-law; and

- (i) the Filming Event shall be conducted in a manner that is minimally disruptive to businesses, residents and institutions;

(2) Without limiting the generality of subsection 11(1)(a) and in addition to subsections 11(4) and 26.1(1), the General Manager may issue a Road Occupancy Permit, Road Closure Permit or Box Occupancy Permit for the purpose of conducting a Filming Event with one or more of the following conditions:

- (a) requiring the applicant to do or not to things that, in the General Manager's opinion, would reduce or eliminate adverse impacts associated with the Filming Event;
- (b) requiring payment of a security deposit as provided herein; and
- (c) the Permit Holder shall provide evidence of any of the following:
 - (i) the Permit Holder shall provide notice in the form and content to be determined by the General Manager to occupants, property owners, homes, businesses, institutions, organizations, boards of management of business improvement areas, business

associations, neighbourhood associations or other Persons or groups as determined by the General Manager, and a copy of such notice shall be provided to the General Manager prior to commencement of the Filming Event;

- (ii) when a Filming Event takes place in a Business Improvement Area, that the Permit Holder has the support of the Board of Management; and
- (iii) that the Permit Holder has consulted with other Persons regarding matters identified by the General Manager including:
 - (A) other City divisions, departments or sections;
 - (B) Province of Ontario;
 - (C) Government of Canada;
 - (D) Greater Sudbury Police Service;
 - (E) Ontario Provincial Police Service;
 - (F) Union Gas;
 - (G) Ontario Hydro;
 - (H) Greater Sudbury Utilities Inc.;
 - (I) Railway Corporations; and
 - (J) Nickel District Conservation Authority.

(3) If the Permit Holder fails to pay the security deposit or provide evidence satisfactory to the General Manager by the date and time determined by the General Manager in his sole discretion of fulfillment of the conditions described in subsection (2)(b), the Road Occupancy Permit, Road Closure Permit or Box Occupancy Permit issued for the purpose of conducting a Filming Event shall be void.

26.2-(1) In addition to security required by other By-laws of the City of Greater Sudbury and any fees or charges for a Permit or required under any other By-law, an applicant for a Film Permit shall provide, as a condition to the Permit, security in the amount to be determined by the General Manager.

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(2) Security shall be provided by way of irrevocable letter of credit in a form acceptable to the City, certified cheque or cash.

(3) The City shall release the Permit Holder's security where:

- (a) an application for a Film Permit is withdrawn;
- (b) the Filming Event has concluded, the Film Permit expired and the Permit Holder has complied with all of the requirements of the Film Permit to the satisfaction of the General Manager; or
- (c) the Filming Event has concluded, the Film Permit expired and after paying City fees and charges or costs for damages or expenses incurred by the City as a result of the Filming Event, there is a balance remaining on the security.

(4) The City may draw on the security deposit to pay for City fees and charges or costs for damages or expenses incurred by the City as a result of the Filming Event.

(5) If the Permit Holder fails to provide security in accordance with the terms of the Film Permit to the General Manager by the date and time determined by the General Manager in his sole discretion the Film Permit shall be void.”

Enactment

7. This By-law shall come into force and effect on February 1, 2016.

Expiry

8. This By-law expires at the end of January 31, 2020.

Read and Passed in Open Council this xx day of xx, 2015.

_____ Mayor

_____ Clerk

By-law 2015-xx

**A By-law of the City of Greater Sudbury to Amend By-law 2014-225
being a By-law of the City Of Greater Sudbury
respecting the Delegation of Authority
to Various Employees of the City**

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

And Whereas on May 4, 2015, the Community Services Committee of the Council of the City of Greater Sudbury recommended and on May 26, 2015, City of Greater Sudbury Council approved a resolution directing staff to develop and amend appropriate by-laws in order to streamline regulation of filming on municipal property and update existing processes;

And Whereas for that purpose Council for the City of Greater Sudbury deems it advisable to amend By-law 2014-225 being a By-law of the City Of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City;

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

1. By-law 2014-225 being a By-law of the City Of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City, as amended, is further amended by inserting the following after the definition of Executive Director Administrative Services / City Clerk and before the definition of Fire Chief in section 1:

“Filming Event” means Recording, except in a film studio or film laboratory, for a feature film, television film, television program or series, documentary, 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;”.

2. By-law 2014-225 being a By-law of the City Of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City, as amended, is further amended by inserting the following after the definition of Person in section 1 and before the definition of Senior Management Team in section 1:

“Recording” means filming, videotaping, photographing or any other form of visual recording;”.

3. By-law 2014-225 being a By-law of the City Of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City, as amended, is further amended by repealing section 22 of Schedule A and enacting in its place and stead:

“22.(1) Subject to section 16 of Schedule G and section 11 of Schedule D, the Executive Director Administrative Services / City Clerk is authorized to grant exemptions from the application of, or permission under, City and Former Municipality by-laws regulating noise.”

4. By-law 2014-225 being a By-law of the City Of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City, as amended, is further amended by inserting the following after section 10 in Schedule D and before Schedule E:

“Noise By-law Exemptions – Filming Events

11.-(1) The General Manager of Growth and Development is authorized to grant exemptions from, or permission under, City and Former Municipality by-laws regulating noise for Filming Events and such exemptions or permissions may include conditions to be determined by the General Manager of Growth and Development.

(2) Applications for an exemption issued pursuant to subsection 1 shall be filed with the General Manager of Growth and Development no less than two weeks prior to the Filming Event.”

Enactment

5. This By-law shall come into force and effect on February 1, 2016.

Expiry

6. This By-law expires at the end of January 31, 2020.

Read and Passed in Open Council this xx day of xx, 2015.

_____ Mayor

_____ Clerk

By-law 2015-xx

**A By-law of the City of Greater Sudbury to Amend By-law 2010-1
being A By-law of the City of Greater Sudbury to Regulate
Traffic and Parking in the City of Greater Sudbury**

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

And Whereas on May 4, 2015, the Community Services Committee of the Council of the City of Greater Sudbury recommended and on May 26, 2015, City of Greater Sudbury Council approved a resolution directing staff to develop and amend appropriate by-laws in order to streamline regulation of filming on municipal property and update existing processes;

And Whereas for that purpose Council for the City of Greater Sudbury deems it advisable to amend By-law 2010-1 being A By-law of the City of Greater Sudbury to Regulate Traffic and Parking in the City of Greater Sudbury, as amended;

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

1. By-law 2010-1 being A By-law of the City of Greater Sudbury to Regulate Traffic and Parking in the City of Greater Sudbury, as amended, is further amended by repealing subsection 4(19) and enacting in its place and stead:

“(19) No person shall park a trailer on any highway unless:

(a) it is attached to a motor vehicle; or

(b) parking the trailer is authorized under a permit issued pursuant to By-law 2011-218 being a By-law of the City of Greater Sudbury To Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes or any successor by-law thereto.”

Enactment

3.(1) This By-law shall come into force and effect on [February 1, 2016](#).

Expiry

4. This By-law expires at the end of January 31, 2020.

Read and Passed in Open Council this xx day of xx, 2015.

_____ Mayor

_____ Clerk

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