

## DRAFT BY-LAW FOR PUBLIC CONSULTATION

### 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 Deleterious Material in section 1 and before the definition of “General Manager” 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 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;”.

## **DRAFT BY-LAW FOR PUBLIC CONSULTATION**

### **Add Definition – “Potentially Hazardous Activity”**

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 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”**

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 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**

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 adding the following after paragraph (h) of subsection 6(1) and before section 7:

“(i) 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;

## DRAFT BY-LAW FOR PUBLIC CONSULTATION

- (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

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 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.”

### Filming Event - Conditions

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 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**

**DRAFT BY-LAW FOR PUBLIC CONSULTATION**

**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:

DRAFT

- (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;

**DRAFT BY-LAW FOR PUBLIC CONSULTATION**

- (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 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,

**DRAFT BY-LAW FOR PUBLIC CONSULTATION**

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.

**DRAFT BY-LAW FOR PUBLIC CONSULTATION**

(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:

DRAFT

- (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 xx, 2015.

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

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk