

## Film By-law

A by-law of the City of Ottawa respecting the permitting, regulating and governing of filming events on public and private property.

WHEREAS Subsection 10(2) of the *Municipal Act, 2001*, further authorizes municipalities to pass by-laws for the economic and social well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

AND WHEREAS numerous filming events are held on private and public property within the City of Ottawa, and these events generate significant economic development in the City;

AND WHEREAS the City Council wishes to encourage a creative city, rich in heritage and unique in identity;

AND WHEREAS the Ottawa Film Office is a local, not-for-profit organization with the mandate to attract film, television, and animation production and co-production to the National Capital Region, to foster the growth and development of the local industry, and to act as the lead voice promoting the region within the screen-based media sector at home and abroad;

AND WHEREAS the Event Central Office of the City of Ottawa supports the mandate of the Ottawa Film Office by coordinating required City of Ottawa services and approvals and issues Film Permits for filming within the City of Ottawa;

AND WHEREAS the Event Central Office works to ensure that affected stakeholders are provided with timely information for proper advance planning, ensure public safety, prevent unnecessary disruptions to communities, vehicular, and pedestrian traffic and to ensure that those individuals and organizations seeking to undertake filming events receive timely assistance and services;

AND WHEREAS this by-law governs filming events on City property or on any property under the authority of the Federal Government, or on land owned by the National Capital Commission, Parks Canada, or private property if the filming activity on any of those properties is in the view of the public and includes the presence of replica weapons, replica emergency vehicles or uniforms or requires City services;

## Film By-law

THEREFORE the Council of the City of Ottawa enacts as follows:

### DEFINITIONS

1. In this by-law,

“applicant” means a person applying for a permit under this by-law;

“Director, By-law and Regulatory Services” means the Chief of By-law and Regulatory Services in the Emergency and Protective Services Department, or an authorized representative;

“Chief of Police” means the Chief of Police of the Ottawa Police Service and includes an authorized representative;

“City” means the City of Ottawa as constituted as a body corporate on January 1, 2001 under the City of Ottawa Act, 1999;

“City property” means any indoor or outdoor property or land owned, leased, or under the control or jurisdiction of the City of Ottawa;

“City resources” means personnel and/or any required equipment from the City including Fire Services, Paramedic Services, By-law and Regulatory Services or Ottawa Police Services, or other municipal by-law approvals coordinated by the Manager;

“crew” means any persons involved in the filming event;

“emergency plan” means a plan that details procedures to follow in emergencies, including but not limited to fire, criminal acts, accidents, medical emergencies or extreme weather events, and includes communications and evacuation procedures as well as the name and contact information of event organizers, and may include any other information deemed to be necessary by the Chief of Police, the Fire Chief or the Paramedic Chief, or designate;

“Film Permit” means a permit for a filming event issued under this by-law;

“filming event” means filming, videotaping, or any other form of visual recording for a film, program, documentary, commercial, music video, digital content, or educational film requiring a Film Permit pursuant to this by-law, and does not include filming events that are conducted by the City, student projects, street interviews, newscasts, sportscasts, press conferences or visual recordings for personal purposes only;

## **Film By-law**

“highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway and includes the area between the lateral property lines thereof;

“Manager” means the Program Manager of the Events Central Unit in the Emergency and Protective Services Department, or an authorized representative;

“Municipal Law Enforcement Officer” means a person who is appointed by Council to enforce this by-law and includes any police officer;

“permit holder” means the person who applied for and received a permit under this by-law;

“traffic plan” means a detailed plan providing for the control of traffic and parking for the filming event, including vehicular, pedestrian and cyclist movements to and from, and within the event location, and if applicable, information regarding the following:

- (a) detours of public transit routes and highways,
- (b) emergency vehicles access and egress,
- (c) public access and separation from secured areas,
- (d) temporary barriers and devices necessary for traffic control or parking,
- (e) designated pick-up and drop-off locations.

“sidewalk” means that part of a highway set aside by the City for the use of pedestrians;

“security plan” means a plan produced by the applicant if applicable that provides information on conditions and criteria for access to the filming event, security services and the roles and responsibilities of each, provisions of communications, decision-making authorities, restricted areas, and any other information required by the Chief of Police or the Manager;

“Special Events Advisory Team” means the body established by Council, comprised of City staff and external participants, that meets at the request of the Manager and

## **Film By-law**

provides recommendations regarding applications for special events and filming events, and “SEAT” shall have a corresponding meaning;

“supporting activities” means set-up and take-down activities associated with a filming event.

### **INTERPRETATION**

2. This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
3. The reference to a day or days in this by-law shall mean a calendar day or days, unless the by-law specifically indicates otherwise.
4. Headings are inserted for ease of reference only, form no part of this by-law, and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
5. If a court declares any provision of this by-law invalid, it is the intention of Council that the remainder of the by-law shall continue to be in force and effect.

### **PERMIT REQUIRED FOR FILMING EVENTS**

6. No person shall undertake or permit the undertaking of a filming event and its supporting activities without a valid Film Permit issued under this by-law by the Manager:
  - a. on any City property; or
  - b. on any property under the authority of the Federal Government, or on land owned by the National Capital Commission, or private property if the filming activity on any of those properties requires City resources or is in the view of the public and includes the presence of replica weapons, replica emergency vehicles or uniforms.
7. A separate Film Permit shall be obtained for each filming event and is subject to the dates and locations specified on the Film Permit and agreed upon by the Manager and the permit holder in writing.

## **Film By-law**

### **EXEMPTIONS**

8. A Film Permit is not required for filming events occurring at venues that are purpose-built for such activities, such as film studio or sound stage, or other venues for filming, including theatres, warehouses, and convention centres, or where a filming event has been authorized by the Manager pursuant to a Special Event Permit application pursuant to By-law No. 2001-260 (as amended) or By-law No. 2013-232 (as amended).
9. This by-law does not apply to filming events that are conducted by the City, student projects, street interviews, newscasts, sportscasts, press conferences or visual recordings for personal purposes only, or as otherwise determined by the Manager in writing where City resources are not required.

### **APPLICATION**

10. A person who intends to undertake a filming event which requires a Film Permit pursuant to this By-law shall apply to the Manager for a Film Permit.
11. Every person who applies for a Film Permit shall make their application at least five (5) business days in advance of the filming event.
12. Applications for filming events that require City highway closures, transit detours, use of firearms, gunfire, pyrotechnics or fireworks, paid duty Police Officers, emergency personnel from Fire Service or Paramedic Services or equipment, the movement of fixed City assets such as museum artefacts or a noise exemption pursuant to the City's Noise By-law 2017-255 (as amended), shall be made in accordance with the timelines set out in Schedule "A" and will be subject to applicable fees set out in Schedule "B" or, in the applicable by-law, as determined by the Manager and payable as invoiced by the Deputy City Treasurer Revenue.
13. Major productions that require multiple highway closures or emergency personnel, for prolonged periods of time are required to provide at least 10 business days advance notice to the City to allow for comprehensive and timely approvals by the Manager.
14. The Manager may at their discretion, for the late application fees described in Schedule "B", receive and consider an application that does not comply with the application deadlines set out in sections 11, 12 and 13. Any application deadline waived by the

## Film By-law

Manager in writing does not waive all other requirements and timelines provided for in this by-law which shall continue to apply.

15. An applicant who applies for a Film Permit shall provide the Manager with:
- a. A completed Film Permit application, including:
    - i. The contact name, position, corporate name, municipal address, telephone number and e-mail address of the individual or organization undertaking the filming event;
    - ii. The name, position, organization, telephone number and e-mail address of the onsite production company representative;
    - iii. A summary of the filming event, including type, purpose, series name, production name, and scene description;
    - iv. The specific location of the filming event;
    - v. The date(s) and day(s) of the week when the filming event is to be held and, if the filming event is postponed, an alternative date(s), day(s) of the week;
    - vi. For each filming event, the date and time that set-up will commence, the date and time that the filming event will commence, and the date and time the filming event will finish including clean-up time;
    - vii. Approximate number of cast and crew in attendance;
    - viii. A description of special equipment or of special effects associated with the filming event which may require additional documentation and/or emergency plan for their use and mitigation of risk, and confirmation of any approvals obtained from other authorities pursuant to provincial or federal statutes or regulations, to the satisfaction of the Manager and SEAT;
    - ix. Other requests to access City property or secure City services to support the filming activity; and
    - x. Other information as determined by the Manager.
  - b. A copy of the notice to residents and businesses, which is to be distributed 48 hours in advance of the filming event, with addresses directly impacted or adjacent to the filming event and other locations deemed necessary by the

## Film By-law

Manager, and said notice to residences and businesses shall be in both official languages and include:

- i. The location of the filming event;
  - ii. Date and time of the filming event;
  - iii. A description of what will take place during filming and potential impacts such as, but not limited to, street closures, detours and the addresses alternate access route;
  - iv. The name and number of this By-law;
  - v. The telephone number of the production company and a direct contact that will respond to resident inquiries; and
  - vi. Other information as determined by the Manager.
- c. Any fees or charges related to the Film Permit.
- d. Insurance certificate which provides Commercial General Liability insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder.
- i. If applicable to the filming event, such insurance shall include permission to conduct displays of pyrotechnic special effects fireworks or display fireworks.
  - ii. At the discretion of the Manager, the applicant shall file with the Manager prior to the issuance of the permit, liability insurance in respect of licensed owned or leased motor vehicles subject to a limit of no less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof.
  - iii. Such insurance policies shall contain an endorsement to provide the City of Ottawa with prior written notice of cancellation or of a material change that would diminish coverage.
- e. An acknowledgement that the applicant shall indemnify and save harmless the City of Ottawa from any and all claims, demands, causes of action, loss, costs or damages that the City of Ottawa may suffer or incur, resulting from the activities of

## **Film By-law**

the applicant whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors, agents and volunteers. Such acknowledgement may be made electronically through the submission of the application, to the satisfaction of the Manager.

16. Any additional information, documentation or approvals as requested by the Manager in consultation with SEAT, such as, but not limited to; map of parking area requested, traffic plans, security plans, and emergency plans.

### **ISSUANCE, REFUSAL OR REVOCATION OF FILM PERMIT**

17. The Manager is authorized on behalf of the City to receive and consider applications for Film Permits, and to conduct all investigations necessary to ensure that a Film Permit is issued in accordance with this by-law and City policies, and to issue the Film Permit in accordance with this by-law.

18. The Manager shall consider applications for Film Permits with the same proposed date on a first come, first served basis, not later than three (3) business days after the receipt of the application, and shall consider succeeding applications in the order in which they are received only if the proposed time and location of the filming events do not conflict, and any required municipal services do not exceed available resources, and the property is available.

19. The Manager may issue the Film Permit for the period specified in the permit application subject to the applicant obtaining all required permits, licenses or other authorizations required under City by-laws, or any other laws as required, and payment of all applicable fees set out in Schedule "B", or any other applicable fees as approved by Council as determined by the Manager and SEAT to recover costs incurred by the City, and for any services or use of property coordinated by the City.

20. In considering the issuance, refusal, or issuance with conditions of a Film Permit, the Manager may have regard to:

- a. Whether or not, considering past filming events by the applicant, the filming event is likely to be carried out in compliance with the Film Permit and this by-law;



## Film By-law

- b. A conflict with previously scheduled activity for which the City has issued a license, permit, approval, or other type of permission;
  - c. The disruption of City work;
  - d. Whether or not the filming event may result in physical damage to the City's assets;
  - e. The extent of disruption of traffic or transit services;
  - f. The availability of City services or Ottawa Police Service to support the Filming Event if it is deemed that these resources are required; and
  - g. Whether or not the filming event is likely to cause a threat to public safety or conflict with City by-laws or policies.
21. If necessary, the Manager will convene a meeting with the Special Events Advisory Team, and with any Departments and Branches of the City or any other person or group that the Manager deems has an interest in the filming event in order to determine any conditions required.
22. If in the opinion of the Manager, the review undertaken pursuant to sections 18, 19, 20 or the consultations undertaken pursuant to section 21 disclose any reason to believe that the carrying on of the filming event may result in a conflict, or a breach of this by-law, another by-law or law, or may be adverse to the public interest, to the health or safety of persons, or the protection of persons and property, the Manager may refuse approval of the Film Permit or may approve it with modifications or conditions as the Manager deems necessary in the circumstances.
23. A Film Permit issued under this by-law shall specify the name of the permit holder, the nature of the filming event, its date(s) and time(s) including the set up and take down activities of the filming event, alternate dates and times if any, its location and route if applicable, and any conditions imposed by the Manager and SEAT.
24. The issuance of a Film Permit does not represent a commitment or a promise by the Manager to issue a Film Permit for any subsequent, continuing, or similar event.
25. The Manager is authorized to impose conditions on a Film Permit, or modify or to revoke a Film Permit at any time if there are reasonable grounds to believe that the holding or continuation of the filming event: (a) poses a risk to the health and safety of

## **Film By-law**

any person; (b) poses a danger to City property; or (c) is in contravention of this by-law or of a Film Permit.

26. In the case of a revocation under section 25, the Manager shall immediately inform the permit holder of the revocation and the reasons for it by means of contacting the permit holder at the coordinates provided in the permit application.

### **REQUEST FOR APPEAL**

27. Any person may request an appeal of a decision of the Manager by filing a request for an appeal to the General Manager, Emergency and Protective Services, no later than five (5) business days after receiving the notification provided in section 19 or section 23.

28. A request for an appeal under section 27 shall be made in writing and shall set out the reasons for appeal.

29. In considering the request for appeal under section 27, the General Manager, Emergency and Protective Services, may request further information from the applicant, the permit holder, or from any other person.

30. When considering an appeal under section 27, the following criteria will be considered by the General Manager, Emergency and Protective Services:

- a. A report by the Manager and any information provided by the applicant or the permit holder;
- b. Health, safety and well-being of persons;
- c. Protection of property;
- d. Whether the application form or information provided by the applicant or the permit holder is incomplete or incorrect; and
- e. Any breaches of the law or of a City by-law.

31. In considering the request for appeal under section 27, the decision of the General Manager, Emergency and Protective Services, shall be final.

### **GENERAL**

32. No person applying for a Film Permit shall knowingly provide false information to the Manager.

## Film By-law

33. Every person applying for or holding a permit issued pursuant to this by-law shall, in such application or in carrying on the filming event for which a permit is issued, be governed by this by-law and comply with the Ottawa Film Guidelines, the Code of Conduct for Cast and Crew, and all other municipal by-laws, policies and provincial and federal statutes and regulations.
34. No permit holder shall fail to comply with any condition imposed under a film permit and any regulation and condition of this by-law, including its Schedules.
35. Every permit holder shall be responsible for obtaining all required permits, licenses or other authorizations, and for paying all applicable fees, that may be required by any level of government or from any agency in relation to the filming event and for the use of City property.
36. No permit holder shall fail to ensure that all equipment and structures used for the filming event are safe and used for their intended use, are purpose-built, and are properly and lawfully installed, inspected, used and dismantled by persons who have been trained as to their installation, inspection, use and dismantling.
37. While a filming event is underway, the permit holder, or designate, shall:
  - a. Be present at the filming event;
  - b. Produce the Film Permit to the Manager, a municipal law enforcement officer or a police officer, upon request;
  - c. Make reasonable efforts to minimize disruption to residents, businesses, and institutions during the filming event;
    - a. Ensure proper site security and safety;
    - b. Ensure that damage to property does not occur and waste generated by the filming event is removed during the Film Permit timeframe;
    - c. Ensure compliance with any conditions imposed that are required to be carried out while the filming event is underway; and
    - d. Post a notice in both official languages advising that filming is underway.
38. All persons associated with the filming event shall not do or permit to be done anything that is likely to:
  - a. Cause injury, or City property damage;

## Film By-law

- b. Constitute a breach of any by-law, statute, order or regulation of any municipal, provincial, federal or other competent authority, including the *Ontario Human Rights Code, R.S.O. 1990, c.H.19.*

### 39. A Film Permit:

- a. Shall not be transferable without the written permission of the Manager; and
- b. Shall expire when the filming event finishes as indicated on the Film Permit.

40. The permit holder shall not make or permit to be made any alterations to City premises without the prior written approval of the Manager.

41. The permit holder shall clean up and remediate City premises and assets within the timelines identified in the Film Permit and agreed upon by the parties.

42. City staff may enter as necessary to carry out their services or activities on City premises during a filming event if the service is required to address an emergency, health and safety situation or if the service is not disruptive to the production.

## ADMINISTRATION AND ENFORCEMENT

43. The Manager is authorized to administer this by-law, including the authority to impose conditions on a Film Permit as necessary to ensure compliance with this by-law and to prescribe the format and content of any forms or other documents required under this by-law.

44. The Manager, the Chief of Police, a municipal law enforcement officer, or chosen designate are authorized to enter on any land being used for a filming event at any reasonable time for the purposes of confirming compliance with municipal by-laws and any directions such as emergency plans to ensure the safety and protection of the public.

45. During an inspection conducted under section 44, the Manager, the Chief of Police, a municipal law enforcement officer, or chosen designate may:

- a. Require the production of documents or things relevant to the inspection;
- b. Inspect and remove documents relevant to the inspection for the purpose of making copies or extracts;
- c. Require information from any person concerning a matter related to the inspection; or

## Film By-law

- d. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, or photographs necessary for the purposes of the inspection.
46. No person shall hinder or obstruct the Manager, the Chief of Police, a municipal law enforcement officer or any person assisting them during an inspection conducted under section 44 or activities undertaken under section 45.
47. The permit holder shall receive an invoice from the City setting out the applicable fees and charges for City services and any fees associated with the use of City property for the filming event within fifteen (15) business days following the filming event and the permit holder is required to pay all fees or charges within thirty (30) business days of the filming event.
48. Unpaid fees or charges invoiced to the permit holder under section 47 constitute a debt to the City and may be added to the tax roll of the permit holder and collected in the same manner as municipal taxes.

### PENALTIES

49. This by-law may be enforced by municipal law enforcement officers or by officers of the Ottawa Police Service.
50. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
51. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
52. When a person has been convicted of an offence under this by-law,
- (a) the Ontario Court of Justice; or
  - (b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence.

### SHORT TITLE

53. This by-law may be cited as the "Ottawa Film By-law".
54. This by-law shall come into force and effect upon enactment.

## Film By-law

### Schedule A

#### Application Timelines for Film Requests

| <b>Filming Request</b>                               | <b>No. of Business Days</b> |
|--|-----------------------------|
| *Standard application for filming is 5 business days |                             |
| Firearms, guns, replica weapons                      | 10                          |
| Highway closures                                     | 10                          |
| Transit detours                                      | 10                          |
| Paid duty officers                                   | 10                          |
| Emergency personnel and/or equipment                 | 10                          |
| Pyrotechnics or fireworks                            | 22                          |
| Open Air Fire Permit                                 | 14                          |
| Noise exemption                                      | 40                          |
| Artefact movement                                    | 10                          |

## Film By-law

### Schedule B

#### Fees for City of Ottawa Services

The following applicable fees included in the respective Service's User Fee Schedule are subject to change annually as part of the City's Budget process.

#### Fees for Late Film Permit Application

| <b>Event Central and Traffic Services</b>   | <b>Fee</b> |
|---|------------|
| Film permit applications submitted less than 5 business days in advance   | \$200.00   |
| Film permit applications requiring approvals from Traffic Services and submitted less than 5 business days in advance | \$200.00   |

All existing City fees and charges for City services will be the responsibility of the applicant.

#### Fees for Paramedic Service Resource

| <b>Paramedic Services Resources</b> | <b>Hourly Rate</b> |
|-------------------------------------|--------------------|
| Two Person Paramedic Resource       | \$255.00           |
| Single Paramedic Resource           | \$127.50           |

1. A risk assessment will be completed that will determine the quantity and type of resource(s) required for the filming event.
2. The cost of the resource includes staff time and any equipment, supplies or vehicle that is deemed necessary for the filming event.
3. A minimum charge of 4.5 hours will be applied, which includes 3 hours on-site + 1.5 hours for preparation and travel.
4. The hourly fee is divided in half in the event that only a single resource is required.

## Film By-law

### Fees for Fire Service Resource

| <b>Fire Service Resources*</b>               | <b>Base Rate**</b> | <b>Hourly Rate***</b> |
|--|--------------------|-----------------------|
| Fire Apparatus Unit (4 Firefighters + Truck) | \$1396.00          | \$465.00              |
| Additional Firefighter(s)                    | \$247.00           | \$83.00               |
| Fire Prevention Officer                      | \$323.00           | \$109.00              |
| Chief Officer                                | \$365.00           | \$121.00              |

\*The type of resource deployed will be based on the OFS deployment strategy

\*\*Base rate includes the minimum requirement of 3 hours of on-site event coverage.

\*\*\*The hourly rate is charged in addition to the Base Rate for events that exceed 3 hours.

### Fees for Services Provided by Traffic Management

| <b>Traffic Management</b>   | <b>Fee</b>   |
|---|--|
| Regulatory Sign Installation by City Staff<br>(e.g. no stopping signs, tow away zone sign)                          | \$75/block (one-time fee per event)  |
| Installation of Portable Variable Message<br>Signs by City staff (includes delivery, set-up<br>and removal of sign) | \$100.00/day + actual set up costs (staff<br>time) (one-time fee per unit and per event) |

### Fees for Paid Duty Officers

| <b>Service Provided - Officer</b> | <b>Tier 1, hourly</b> | <b>Tier 2, hourly</b> |
|-----------------------------------|-----------------------|-----------------------|
| Constable                         | 87.90                 | 98.90                 |
| Special Constable                 | 80.10                 | 90.10                 |
| Sergeant                          | 99.70                 | 112.15                |
| Staff Sergeant                    | 109.00                | 122.60                |
| Vehicle                           | 52.65                 | 52.65                 |



## Film By-law

\*A minimum charge of 4 hours will be applied

### **Fees for By-law and Regulatory Services**

| <b>Service Provided</b>              | <b>Hourly Rate*</b> |
|--------------------------------------|---------------------|
| By-law officer – monitor noise       | \$70.00             |
| By-law officer – parking enforcement | \$65.00             |

\*A minimum charge of 3 hours will be applied, which includes onsite time, preparation and travel