



Corporate Policy Manual

Sub Topic: Policy No. CORP.1-04
Topic: Film Policy Employees Covered:
Section: Corporate & Financial Services/Clerks Council Adoption Date: May 12, 2008
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Policy Statement & Strategic Plan Linkages

This policy upholds the Town of Newmarket's Community Vision of being Well beyond the ordinary linking to the branches – Well-equipped and managed (implementing policy and processes that reflect sound and accountable governance) and Well-respected (inspiring partnerships and cooperation with stakeholders that revolve around well-being, synergy and balanced living). The Town of Newmarket encourages and supports filming and photography projects within the municipality and issues permits for approved projects.

Purpose

Newmarket recognizes the direct and indirect economic benefits to the community associated with the film industry. The principle of the approval process is to assist in ensuring that Town property and the rights, safety and privacy of the citizens of the Town of Newmarket are protected.

Film permits will be issued only in accordance with applicable by-laws, including but not limited to by-laws governing noise, road closures, fireworks and fees and charges.

Definitions

"BIA" means the Main Street District Business Improvement Area

"Film Liaison" means the staff person determined to be the Film Liaison for the Town; the Film Liaison person may depending upon the nature of the filming, be a staff person from Recreation & Culture or Public Works Services or the Clerk's Department.

"Film Permit" means a permit and/or letter authorizing filming with the Town

"Production Company" means a company of individuals conducting filming

"Production vehicles" mean vehicles carrying equipment involved in filming

"Town" means the Town of Newmarket

Applicability

This policy applies to all location filming which takes place in the Town of Newmarket excluding current affairs and newscasts.

Photography and videography related to weddings, sports teams and family photos do not require a Film Permit and are not subject to this policy. The exemption of student projects and non-profit productions shall be at the discretion of the Town Clerk in consultation with the appropriate staff.

With respect to location filming on private property or individual businesses, the property or business owner is responsible for negotiating with the Production Company the terms, conditions and fees related to the use of the private property. Nevertheless, as most film projects also impact the surrounding neighbourhood, the Production Company must also apply for and receive a Film Permit from the Town prior to filming.

A Film Permit is required for all film productions with the exception of those expressly exempted.

Authority

The Town Clerk (or designate) has the authority to approve film permits. Film Permits are issued in consultation with the appropriate staff and/or outside agency.

Procedures

Application Requirements

The Production Company must complete a Location Filming Application Form Appendix A (as may be amended from time to time) and submit them to the Clerk's Department. Applications should be made at least five business days in advance of the filming activity. If a road closure of more than 24 hours is required, the application should be submitted at least 14 business days in advance to allow time for the approval process.

Applications for film permits that involve Town roads only and no other Town property shall be forwarded to the Director of Public Works Services and/or the Commissioner of Community Services (or designate) for approval as a Road Occupancy Permit will be required.

Any filming on Town roads that intersect Regional roads or has the potential for any impact on Regional roads will require a Road Occupancy Permit from the Region of York. Any stoppage of traffic affecting a Regional road will require a traffic management plan to be submitted along with the application for a Road Occupancy Permit. The Region of York contact information has been included on Appendix E.

Permits for filming at Town owned facilities and properties are subject to the compatibility of community booking schedules and at the discretion of the Director of Recreation and Culture and/or the Commissioner of Community Services (or designate). The Film Liaison will contact the Production Company with information on the facility and associated costs.

Permits for filming in the Main Street district of the Town are subject to the approval of the BIA. Filming occurring in this district shall be subject to an additional fee as outlined in the Fees and Charges By-law, which may change from time to time.

Applications are considered on a case by case basis by the appropriate staff or authority. Any concerns are discussed and special requirements/approvals are identified (such as police/fire approval for certain special effects); staff requirements are determined and appropriate fees and security deposits are established.

Prior to the issuance of the permit, the Production Company must provide the Clerk's Department with an insurance certificate, the security deposit (if applicable) and payment of all required fees.

Fees

Fees for filming are outlined in the Fees and Charges By-law and a copy of which shall be provided to the applicant. Projects which are not considered to be "commercial" are not subject to permit fees at the discretion of the Town Clerk in consultation with the appropriate staff.

All fees must be paid prior to permit issuance. Once filming begins or is about to begin, if there are any changes to the fees, the Production Company will be notified immediately.

The Production Company may be required to pay for the services of Town staff when filming on Town owned property. The necessity for such staff and any associated costs will be determined on a case by case basis at the discretion of the appropriate staff.

Emergency services personnel may be required to be contacted prior to filming or to be on site during filming. All costs associated with these requirements are the responsibility of the applicant. Where required services are not being provided by the Town, the applicant shall be required to pay the service provider directly.

Insurance Requirements

All companies filming in the Town must provide, prior to the issuance of a permit, a certificate of comprehensive general liability insurance in the amount of \$3 million per occurrence or such higher limits as the Town of Newmarket reasonably requires depending on the nature of filming and all such policies shall name the Town as an additional insured. The insurance certificate shall be retained by the Town Clerk. Policies shall contain a cross liability clause, a severability of interest clause and shall not call into contribution any other insurance available to the Town. In addition, such policies shall not be cancelled or amended without the written consent of the Town.

Indemnification/Save Harmless

The Production Company shall indemnify and save harmless the Town from and against all claims, actions, damages, injuries, costs, expenses or losses whatsoever, which may arise or be brought against the Town as a result of or in connection with the operations of the Production Company and the said use of location(s) by the Production Company, including its employees, contractors, agents or representatives; and specifically, the Town will not be responsible for any liability arising from these activities with respect to the advertising or any copyright or trademark infringements.

Impact on Residents and Businesses

It is the Production Company's responsibility to ensure that there is a minimum of disruption to residents, occupants and businesses where filming occurs. It is also the responsibility of the Production Company to ensure that their staff are operating in a safe and professional manner during the course of their duties.

Notice Requirements to the Community

The Town of Newmarket is proud to be a part of a film production. However, our residents and businesses play a vital role in the Town's economic development and must therefore be treated fairly and courteously if there is to be any disruption to their daily routines. This encourages good public relations and enhances future experiences by other production companies.

The Production Company must notify affected residents and businesses, in writing and in advance of filming, as instructed by the Film Liaison. The purpose of the notice is to give advance notification of the company's arrival and what the film activities will entail. It should be sent out with as much notice as possible but at least 48 hours prior to filming commencing so that the area residents and/or businesses have an opportunity to respond if they wish. The company shall supply a Production Company contact name and number on the notice. The notice shall also include information related to the project, such as the duration and location of filming, planned special effects, road and lane closures, sidewalk usage and street parking restrictions. A copy of all notification letters must be on file with the Town Clerk and appropriate departments. A sample notice letter can be provided by the Town Clerk.

In addition and where, in the opinion of the Film Liaison, the approval of affected residents or businesses is required prior to a film permit being issued or prior to filming taking place; the Production Company is responsible for requesting approval of the affected resident or business. The request for approval must be in a form approved by the Film Liaison, and must clearly state what the residents or businesses are being asked to approve, why their approval is being sought, and that they have a right to object to the project taking place. The approval must be by signature, noting the name and address of the resident or business owner.

Notice to Members of Council and Staff

The Clerk will notify the Mayor and Members of Council and the Chief Administrative Officer as soon as the application has been received.

Copies of the Film Permit and/or information pertaining to the filming project will be forwarded to the appropriate staff members.

Monitoring

The Production Company must keep a copy of the Film Permit on site at all times. At the commencement of the scheduled shoot, the Film Liaison (if deemed necessary) will oversee the activities of the Production Company and will act as the Town's contact person. The Film Liaison is responsible for monitoring the Production Company on site, and has the authority to revoke the Film Permit if the Production Company does not adhere to the Film Permit, or to grant last minute on-site requests.

The Production Company must place signs in public access areas or in heavily trafficked areas to inform the public that the area is being used for filming and delays may occur. Any such delays must not exceed five (5) minutes unless prior approval has been arranged.

Local Sourcing

The Production Company will make every effort to utilize local businesses and services throughout the course of production activity including pre and post production work.

Clean Up

Production crews are responsible for clean up at the location at the end of the day with a minimum amount of noise and disruption. Upon completion of the shoot the Production Company must ensure that the area is returned to its original condition unless otherwise approved by the Film Liaison. Failure to do so will result in billing the Production Company accordingly.

Complaints will be forwarded to the location manager for future consideration and discussion.

Security Deposit

Where deemed necessary by the Town Clerk in consultation with the appropriate staff, a certified cheque may be required prior to the issuance of a film permit as stipulated on the permit and this deposit shall not be returned until all invoices, charges and claims have been cleared.

Restrictions on Hours/Days for Filming

Permits authorizing filming in residential areas between 11:00 p.m. and 7:00 a.m. will not be approved unless all affected residents have been notified in advance and a noise by-law exemption (if necessary) has been received. Depending on the potential impact on the area, the approval of a majority of affected residents (as determined by the Film Liaison) may be required before the permit can be issued.

Limitations

Locating filming in residential areas will be limited to two (2) occasions per year for each residential block unless approval of the majority of affected residents, as determined by the Film Liaison, is obtained and all notification procedures are followed to the satisfaction of the Film Liaison.

Compensation

The Town does not compensate individuals for disruption due to filming, nor will the Town require a Production Company to do so, unless there is a legal requirement to provide compensation or the Production Company voluntarily agrees to do so.

Access to Premises

The Production Company must ensure that residents, business owners and customers have access at all times to their respective premises and that there is pedestrian and vehicular access to adjoining properties.

Parking and/or Standing

The Production Company shall make every effort to ensure that people displaying legitimate credentials such as disabled parking permits are accommodated in recognition of their personal safety.

Production vehicles must not block fire hydrants, sidewalks or be parked in fire routes or within 9 metres of an intersecting street, or impede any emergency response vehicles without prior authorization from the Film Liaison. The Production Company shall adhere to all Town of Newmarket parking by-laws.

In Town parks, production vehicles and equipment must not block driveways or other access/egress ramps. Production vehicles must leave at least 0.7m clearance on either side of a driveway, ramp, other accesses/ egresses or ingresses. In all other circumstances, vehicles cannot block driveways or other access ramps without the approval of the owner.

Relocating vehicles by towing to accommodate filming or parking will not be permitted.

The Town provides complimentary parking at its facilities for its facility renters, residents and visitors. However, for the purposes of film production, parking if available can be reserved in municipal lots as set out in Appendix D. Parking fees may apply.

Traffic Stoppages

Intermittent traffic stoppages, if permitted, will be limited to a maximum of five (5) minutes unless otherwise stated on the Film Permit and must be conducted under the supervision of a Paid Duty Police Officer. The Production Company through the Film Liaison is responsible to arrange for the Public Works Services to cover, alter, remove and/or reinstall traffic or street signs as may be necessary. All costs associated with the above requirements will be at the expense of the Production Company.

Additional Conditions regarding Parking/Traffic Matters

In addition to the conditions stated herein, additional conditions as determined by the Public Works Services Department may be required of the Production Company. A restoration or security posting clause may also be required of the Production Company.

Environmental Impact

Residents, occupants and business owners should be free from any negative environmental conditions resulting from filming including but not limited to: spill over lighting, exhaust fumes or noise that may affect their ability to enjoy their property or conduct their business unless they have been contacted and do not express any objection. Specifically:

- Lighting for filming should be oriented away from neighbouring residences unless residents have been contacted and do not express any objection and should not interfere with the safe movement of traffic. Night filming involving intensive lighting between 11:00 p.m. and 7:00 a.m. requires approval of a majority of the affected residents.
- Noise – The Production Company must comply with Town by-laws governing noise. If the affected residents/occupants/businesses have been advised in advance of the nature of the noise and do not object, the likelihood of a complaint will be reduced.
- Generators – All generators used on streets in residential areas or in Town parks will be “blimped” generators unless otherwise approved. “Blimped” means noise reduced.

Production Vehicles

All vehicles carrying equipment involved in the production will be issued a Location Filming Permission Card which must be displayed on their dashboards and it is the responsibility of the Production Company to determine in advance, the number of production vehicles requiring such a permit. The Location Filming Permission Cards cover parking for production vehicles only, not crew vehicles. The production crew is responsible for finding legal parking for their private vehicles.

Emergency Services

Access for emergency response vehicles shall be provided for and maintained at all times during the filming process.

Qualified emergency services personnel (police, fire, and ambulance) may be required to be on site during the filming of dangerous situations such as, but not limited to, special effects, stunts, and/or detonation of pyrotechnics, as determined by the Film Liaison.

Central York Fire Services must be advised in advance, in writing, when the use of pyrotechnic devices, fireworks or flammable or combustible liquids or materials is being planned. The notice must provide details of how the materials will be used. Central York Fire Services may require a permit application from an authorized Pyrotechnique Technician and may impose conditions regarding the use of these materials. Any conditions will be included as part of the Film Permit. Paid duty firefighters may be required for such things as the detonation of pyrotechnic special effects.

Paid duty police officers are required for such things as permit compliance, intermittent traffic stoppages and traffic control and the detonation of pyrotechnic special effects. A copy of the permit is to be supplied to the Paid duty officer on duty.

All costs associated with the above requirements are at the expense of the Production Company.

Compliance

Despite the issuance of a permit, the Production Company shall ensure that it and its staff and agents comply with all applicable legislation and by-law requirements, in addition to the conditions provided on the Film Permit. Failure to comply with such requirements may result in the revocation of the Film Permit, even if no specific terms on the Film Permit are breached.

Dispute Resolution

In the event that the appropriate staff, the Film Liaison, the BIA and/or the production company cannot come to a resolution on an issue before, during or after filming, the decision of the Town of Newmarket Chief Administrative Officer (or designate) shall be final and binding.

Acknowledgement

The Production Company shall agree to provide a screen credit to the Town on the final film/video.

Appendices (as may be amended from time to time)

- Appendix A – Location Filming Application
- Appendix B – deleted
- Appendix C - Fees - refer to Fees and Charges By-law
- Appendix D – List of Available Municipal Parking Lots
- Appendix E – List of Contact Information