

Film Bylaw – DRAFT version 7

To regulate filming in the City of Ottawa

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

WHEREAS Section 126 of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes a municipality to regulate cultural events including to issue permits for such events, and to impose conditions for obtaining, continuing to hold and renewing such permits including requiring the submission of plans, and 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 tourism and 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 foster the growth and development of the local film industry and promote the region within the screen-based media sector in order to further tourism and economic development in the City;

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;

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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 Public Works and Government Services, 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;

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;

“Chief, 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 property or land owned, leased, or under the control or jurisdiction of the City of Ottawa;

“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, monetizable digital content, or educational film but does not include street interviews, newscasts, press conferences or visual recordings for personal purposes only;

“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;

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

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

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

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.

PERMIT REQUIRED FOR FILMING EVENTS

5. 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, Parks Canada or Public Works and Government Services, 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.
6. A separate Film Permit shall be obtained for each filming event and is subject to the dates and locations agreed upon by the City and the applicant.

EXEMPTIONS

7. This by-law does not apply to filming events occurring at venues that are purpose-built for such activities, such as film studio or sound stage.

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8. This by-law does not apply to filming events that are street interviews, newscasts, 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

9. A person who intends to undertake a filming event shall apply to the Manager for a Film Permit.
10. Every person who applies for a Film Permit shall make their application at least five business days in advance of the filming event.
11. Filming events that require road closures, transit detours, firearms or gunfire, pyrotechnics or fireworks, paid duty officers, emergency personnel or equipment, or a noise exemption pursuant to the City's Noise By-law, shall be made in accordance with the timelines set out in Schedule A and will be subject to applicable fees as determined by the City and payable as invoiced by the Deputy City Treasurer Revenue.
12. Major productions that require multiple road closures or emergency personnel, for prolonged periods of time, as examples, are required to provide at least 10 business days advance notice to the City to allow for comprehensive and timely approvals. Major productions are encouraged to provide as much advance notice as possible to the City to allow for comprehensive and timely approvals.
13. The Manager may at their discretion, for a fee, receive and consider an application that does not comply with the application deadlines set out in sections 10, 11 and 12. Any application deadline waived by the Manager in writing does not waive, all other requirements and timelines provided for in this by-law which shall continue to apply.
14. A person who applies for a Film Permit shall provide the Manager with:
 - a. A completed Film Permit Application, including:
 - i. The person's name, position, organization, municipal address, telephone number and e-mail address;
 - ii. The name, position, organization, municipal address, telephone number and e-mail address of the onsite production company representative;

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- iii. The contact name, position, legal name, municipal address, telephone number and e-mail address of the individual or organization undertaking the filming event;
 - iv. A summary of the filming event, including type, purpose, series name, production name, and scene description;
 - v. The location of the filming event;
 - vi. 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;
 - vii. For each date of the filming event, the time that set-up will commence, the time that the filming event will commence, and the time the filming event will finish including clean-up time;
 - viii. Approximate number of cast and crew in attendance;
 - ix. Any special equipment or special effects associated with the filming event, including how potential hazards and risks will be mitigated;
 - x. Other requests to access City property or secure City services to support the filming activity; and
 - xi. 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 advanced of the filming event, with addresses directly impacted or adjacent to the filming event and other locations deemed necessary by the Manager, including:
- i. The location;
 - 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.

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- c. Any fee or charge related to the Film Permit.
 - d. A certificate of comprehensive/commercial general liability insurance naming the City of Ottawa as additional insured, with limits of not less than two million dollars (\$2,000,000) in General Comprehensive Public Liability insurance, unless fireworks, Public Transit property, or open surface parking lots are used, then five million dollars (\$5,000,000) is required.
 - e. An acknowledgement that the applicant shall, indemnify and save harmless the City from all claims of any type which may be brought against the City as a result of or in conjunction with the filming event and acknowledging that the City will not be responsible for any liability arising from the use with respect to advertising or any copyright or trademark infringements. Such acknowledgement may be made electronically through the submission of the application, to the satisfaction of the Manager.
 - f. Any additional information or documentation for the purposes of administering this by-law as requested by the Manager, such as, but not limited to; map of encroachment or parking area requested, traffic control plans for road closures, site plans, emergency plans, public health or potable plans for hydrant use, firework plans.
15. The Manager is authorized on behalf of the City to receive and consider applications for 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.
16. 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.
17. If in the opinion of the Manager, the investigations undertaken pursuant to section 15 or the consultations undertaken pursuant to section 16 disclose any reason to believe that the carrying on of the filming event may result in a breach of this by-law, another by-law or law, or may be adverse to the public interest, to public health safety, or the protection of persons and property, the Manager may refuse approval of the Film Permit or may

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approve it with modifications or conditions as the Manager deems necessary in the circumstances.

18. The Manager shall consider and approve, if applicable, applications for filming events with the same proposed date on a first come, first served basis and shall consider and approve, if applicable, 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 the required municipal services, if necessary, do not exceed available resources.
19. No person applying for a Film Permit shall knowingly provide false information to the Manager.

ISSUANCE, REFUSAL OR REVOCATION OF FILM PERMIT

20. 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, and by entering into a Film Permit agreement with the City to comply with this by-law, the Ottawa Film Guidelines, the Code of Conduct for Cast and Crew, and any other applicable laws, by-laws and policies of the City, or conditions imposed by the Manager, including the payment of all applicable fees, as set out in Schedule B, or in any other City By-law and any other applicable charges as determined by the Manager to recover costs incurred by the City, and for any services or use of property coordinated by the City.
21. No later than three (3) business days after the receipt of the application, the Manager shall consider the application and notify the applicant whether a permit can be issued as well as the conditions imposed by the Manager for such a permit.
22. A 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 set up and take down, including alternate dates and times if any, its location and route if applicable, and any conditions imposed by the Manager.
23. 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, the filming event is likely to be carried out in compliance with the Film Permit and this by-law;

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- 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 damage to the City's assets including but not limited to cultural and heritage resources;
 - e. The extent of disruption of traffic or transit services;
 - f. The availability of City services or Ottawa Police Service to the application; and
 - g. Whether or not the filming event may result in a threat to public safety or conflict with City by-laws or policies.
24. In addition to considering subsections 23 (a) to (g) inclusive, in considering the issue, refusal or issue with conditions of a Film Permit for a filming event, the Manager will request and have regard to comments from the City Department responsible for the City premises or City right-of-way.
25. The issuance of a Film Permit for a filming event does not represent a commitment or a promise by the Manager to issue a Film Permit for any subsequent, continuing, or similar event.
26. 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 danger to the health and safety of any person; (b) poses a danger to property; or (c) is in contravention of this by-law or of a Film Permit.
27. In the case of a revocation under section 26, the Manager shall immediately inform the applicant of the revocation and the reasons for it by means of contacting the applicant at the coordinates provided in the permit application.

GENERAL

28. The applicant shall comply with any conditions imposed under section 17.
29. While a filming event is underway, the applicant, or designate, shall:
- a. Be present at the filming event;
 - b. Produce the filming permit to the Manager, a municipal law enforcement officer or a police officer on their demand;

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- c. Make reasonable efforts to minimize disruption to residents, businesses, and institutions during the filming event;
 - d. Ensure proper site security and safety;
 - e. Ensure that waste generated by the filming event is removed during the filming timelines;
 - f. Ensure compliance with any conditions imposed under section 17 that are required to be carried out while the filming event is underway; and
 - g. Post a notice advising that filming is underway.
30. The applicant and the participants in the filming event shall not do or permit to be done anything that may:
- a. Cause injury, illness, or property damage;
 - 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*.
31. A Film Permit:
- a. Shall not be transferable from one person to another, from one filming event to another, from one date and time to another nor from one location to another without the written permission of the Manager; and
 - b. Shall expire when the filming event finishes as indicated on the Film Permit.
32. The applicant shall not make or permit to be made any alterations to City premises without the prior written approval of the Manager.
33. The applicant shall clean up and restore City premises within the timelines identified in the Film Permit and agreed upon by the parties.
34. The City may enter at any time to carry out their services or activities on City premises during a filming event.
35. The applicant shall not permit anything that may, directly or indirectly, injure the name or reputation of the City.

ADMINISTRATION AND ENFORCEMENT

36. 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

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prescribe the format and content of any forms or other documents required under this by-law.

37. The Manager, the Chief of Police, municipal law enforcement officer, or chosen designate are authorized to enter on any land at any reasonable time for the purposes of confirming compliance with municipal by-laws and any directions such as emergency plans which may be prepared in consultation with Ottawa Paramedics and Fire Services, to ensure the safety and protection of the public.
38. During an inspection conducted under section 37, the Manager, the Chief of Police, or a municipal law enforcement officer may himself or herself or with the assistance of any other person:
 - 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
 - d. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
39. 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 37 or activities undertaken under section 38.
40. An inspection made under section 37 may be served by giving verbal notice, in person or over the telephone, or written notice by regular mail, or e-mail to the applicant.
41. Fees or charges referred to under this by-law under Schedule B shall be as set and approved by Council from time to time and, unless otherwise specified. The applicant shall receive an invoice from the City within fifteen (15) business days following the filming event and be required to pay all fees or charges within thirty (30) business days of the filming event.
42. Unpaid fees or charges set and approved under section 41 constitute a debt to the City and may be added to tax roll and collected in the same manner as municipal taxes.

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43. 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.

PENALTIES

44. This by-law may be enforced by municipal law enforcement officers who have been appointed for that purpose or by officers of the Ottawa Police Service, or any police officer working under the direction of the Chief of Police.

45. Any person who contravenes any of the provisions of this by-law is guilty of an offence.

46. 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.

47. 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 by the person convicted.

SHORT TITLE

48. This by-law may be cited as the “Ottawa Film Permit By-law”.

Schedule A

Application Timelines for Film Requests

Filming Request	No. of Business Days
*Standard application for filming is 5 business days	
Firearms, guns, replica weapons	7
Road closures	10
Transit detours	10
Paid duty officers	10
Emergency personnel and/or equipment	10
Pyrotechnics or fireworks	30
Open Air Fire Permit	14
Noise exemption	60

Schedule B

Fees for City of Ottawa Services

[link to Ottawa.ca]

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