

**BY-LAW NUMBER 55-2021**

**OF**

**THE CORPORATION OF THE CITY OF BRANTFORD**

*By-law to amend By-law 70-2010, being a By-law to adopt various City of Brantford Policies and to create a Corporate Policy Manual, by repealing and replacing Corporate Policy – 046 – Film Policy*

WHEREAS Section 8 (1) of the *Municipal Act, 2001*, S.O., 2001, c.25, as amended, (the "Act") provides that the powers of a municipality shall be interpreted broadly so as to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS, at its meeting of June 7, 2010, Council for the Corporation of the City of Brantford ("Council") passed By-law 70-2010, being a By-law to adopt various policies of the City of Brantford and to create a Corporate Policy Manual, which policies are attached as Appendix "A" to By-law 70-2010;

AND WHEREAS Council, at its meeting held on December 19, 2019, adopted the recommendations set out in Report No. 2019-456 as presented to Council, which recommended *Corporate-046 – Film Policy* be approved and added to the Corporate Policy Manual;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD ENACTS AS FOLLOWS:

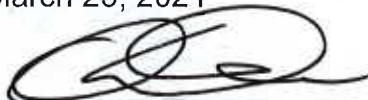
1. That Corporate Policy -046 (Film Policy) is hereby repealed and replaced with the updated Corporate Policy – 046 (Film Policy) attached hereto as Schedule "A".
2. This By-law shall come into force effective immediately.

READ A FIRST TIME:  
READ A SECOND TIME:  
PASSED:

March 23, 2021

March 23, 2021

March 23, 2021



Mayor



Clerk



## **POLICY MANUAL**

**POLICY NUMBER: CORPORATE-046**

**SUBJECT: Film Policy**

### **POLICY STATEMENT:**

#### **(Purpose/Objective)**

The City of Brantford ("City") recognizes the significant advantages of the film, television and media production industry to the community, and the direct and indirect benefits associated with this sector to the municipality.

The City endeavours to work together with our partners to make filming projects easy and successful for productions while balancing the safety of and convenience for residents and local businesses.

This Policy provides specific guidelines for the assessment and coordination of commercial and non-commercial filming projects to ensure that the responsibilities of all parties are understood and agreed upon.

All film, television and media production activity in Brantford must be initially reported to and coordinated through the Film Liaison, as defined by the Policy. This includes all requests for permits and subsequent redirection to the

appropriate City departments/staff.

All timelines referenced herein are established for the benefit of the Film Company, the City, and other parties involved in the local Production process. The City understands the often fluid, fast paced nature of Productions and strives to remain flexible to actively support the needs of all parties involved. Exceptions to timelines may be possible depending upon the scope of a Production, the circumstances at the time of Application or Filming, and/or City resources available to support a Production.

### **POLICY GOALS:**

To establish a municipal administrative process that is efficient, effective and adaptable, and allows appropriate departments to provide approvals and feedback, with the goal of demonstrating and maintaining that the City of Brantford is a film friendly city.

To confirm that a Film Company has sufficient insurance coverage to protect the City from any possible claim or suit arising from the activities related to the Production.

To uphold the rights, safety and privacy of Brantford citizens and businesses and to ensure the security and preservation of public property.

To ensure that costs incurred by the City of Brantford as a result of a Production can be recovered from the Film Company. Private entities and other institutions or businesses may also seek to recover costs associated with filming at their locations.

### **RELATED POLICY PROCEDURES/GUIDELINES:**

#### **1.0 Definitions**

“Applicant” means a person or entity who has applied to the City’s Film Liaison under the Film Policy. That person or entity has the authority to represent and bind the Film Company. That person or entity may be the, filmmaker, photographer, producer, videographer, production manager, location manager or other individual or organization that is responsible for the Film Company’s operations in Brantford.

“Brantford” refers to the geographic area overseen by the City.

“Business Day” means a day other than a Saturday, Sunday or any other day on which Brantford City Hall is not open for the transaction of domestic business during normal business hours, which are 08:30 to 16:30.

“City” refers to the Corporation of the City of Brantford.

“City Property” means City-owned property, including, but not limited to, buildings, museums, sports venues, natural pathways, streets, roads, parks and unique locations.

“Commercial Filming” means a Production intended to generate revenue or promote a for-profit product or service.

“Coning” means the portion of the Production, which commences on location in Brantford, including but not limited to, the placement of cones in Brantford, the arrival of Production vehicles, closure of roads, or any preparation work occurring on City Property.

“Consultation Checklist” means the summary information provided by the Film Liaison to the Film Company after an initial consultation. The Consultation Checklist outlines the requirements and timelines prepared in advance of the submission of an Application.

“EMS” refers to any or all of the following: Brantford Police Service, Brantford Fire Department, Ontario Provincial Police, County of Brant Ambulance Services, and County of Brant Fire Department.

“Film Company” is the name of the legal entity or corporation that is contracting with the City for a Film Permit.

“Film Liaison” refers to the staff member in the City’s Economic Development and Tourism Department assigned as the lead to support Film Projects, or his or her designate.

“Fee Schedule” means the set fees and costs, as approved by City Council from time to time, that are associated with a Production. The Fee Schedule is included in the City’s Fees and Charges By-law.

“Film Permit” means the permit issued by the Film Liaison to the Application granting permission for the Film Company to film on City Property.

“Film Permit Application” (Application) is an official City document that is completed by an Applicant for the City to understand the scope of the Film Project. A Film Permit Application is considered on a case-by-case basis following an internal review by City staff involved in the scope of the Production and any applicable outside organizations.

“Film Policy” means this Film Policy, as amended from time to time.

“Film Project” means a location film or advertising project.

“General Security Deposit” means the deposit submitted with the Application. This amount will be held by the City until the end of the Production when all conditions have been fulfilled, and all costs including cleanup, settlement of all invoices, and associated charges and claims are determined. Unexpected costs and claims associated with the Production may be deducted from the Deposit. Its value is outlined in the Fee Schedule.

“Notification Letters” means a letter prepared by the Film Company to be distributed to affected residents and businesses as further described in Section 5.5 of this Film Policy.

“Production” means the location filmmaking, film shoots and related activities being undertaken by the Film Company in Brantford, including but not limited to: feature films, short films, television films, education films, music videos, student films, advertising videos, photos shoots, and professional and commercial streamed media.

“Production Schedule” means the schedule for the Production activities in Brantford, as approved in the Film Permit.

“Waste” means garbage, debris, refuse, litter, trash, rubbish, junk, waste and recycling materials.

“Written Notice” means formal email communication between the Film Company and the appropriate member of City staff, as well as the general film email address for the City. Written Notice ensures that all appropriate contacts at the City as well as contacts for the Film Company are promptly and properly briefed regarding activities and plans related to the Production.

## **2.0 Application Process**

## 2.1 Film Permit

- 2.1.1 A Film Permit is required for all Film Companies undertaking a commercial or non-commercial Production on City property. The Film Liaison may make exceptions to this requirement, in appropriate circumstances, which may include but is not limited to: filming, videography, or photography related to current affairs, newscasts, weddings, sports teams, academic projects, family photos, video and photo projects undertaken by the City or its designate, and events pursuant to the Special Events Policy.
- 2.1.2 Film Companies must consult with the Film Liaison no less than 15 Business Days prior to the start of Coning. The purpose of the consultation is to identify the complexity of the project and unique needs (e.g. special effects) that may require additional resources, planning, approvals, fees, services, and related information or documentation.
  - 2.1.2.1 The Film Liaison may make exceptions to this requirement, in its sole discretion, giving consideration to the Production complexity and available resources. However, in general, the more locally complex a Production is, the more lead time it will require.
- 2.1.3 A Consultation Checklist including a requirements list and general timelines will be provided by the Film Liaison within 5 Business Days of the consultation. .
- 2.1.4 With the assistance of the Film Liaison, the Film Company will be required to notify and/or gain approval for the Production from various City departments, agencies and individuals, depending on the nature and scope of the Production. This may include but is not necessarily limited to street occupancy and closure permits, noise exemption permits, park usage permits, temporary changes to street signs, or accessing fire hydrants. Film Companies are required to disclose all aspects of their plans to ensure appropriate agencies are consulted.
- 2.1.5 It is the responsibility of the Film Company to review the Consultation Checklist for accuracy and completeness. The Film Liaison must be given clear Written Notice of any corrections required to the Consultation Checklist.
- 2.1.6 In accordance with the Consultation Checklist, an Application must be received by the Film Liaison no less than 10 Business Days prior to the start of Coning.
  - 2.1.6.1 The Film Liaison may make exceptions to this requirement, in its sole discretion, giving

- consideration to the Production complexity and available resources.
- 2.1.6.2 Diagrams and drawings of all locations affected by the Production should be submitted with the Application.
  - 2.1.6.3 Proof of insurance must be submitted within 10 days and prior to the issuance of the Film Permit.
  - 2.1.6.4 Notification Letters must be submitted at the time of Application.
  - 2.1.6.5 Rush charges may apply in accordance with the Fee Schedule.
  - 2.1.6.6 Should the Production require Brantford City Council approval to amend By-laws or receive other special approvals, additional time to accommodate the Council meeting cycle may be required.
- 2.1.7 An Application must be accompanied by a Film Permit fee payment in accordance with the Fee Schedule. This fee will help to offset the cost of processing, review, and approval of the filming Application. The Film Permit fee may be waived by the Film Liaison for Productions related to education, charitable/non-profit Productions, or extremely small independent Productions.
- 2.1.8 Film Companies are required to have complete documentation and all necessary or appropriate agreements and approvals in place no less than 5 Business Days prior to the start of Coning. Timelines will be identified by the Film Liaison, and outlined in the Film Permit.
- 2.1.8.1 The Film Liaison may make exceptions to this requirement, in its sole discretion, giving consideration to the Production complexity and available resources.
- 2.1.9 If all is in order and approved by the Film Liaison, the City will issue a Film Permit within 3 Business Days of receiving the Application as well as all necessary supporting documentation, payments, and approvals.

## **2.2 General Security Deposit**

- 2.2.1 An Application must be accompanied by the General Security Deposit in accordance with the Fee Schedule. This Deposit may be in addition to other deposits required by City departments, facilities, or services depending upon the scope of the Production.
- 2.2.2 The General Security Deposit will be returned within 30

Business Days of the last day of the Production Schedule if unexpected costs or claims do not arise.

- 2.2.3 Subject to unforeseen circumstances, City Property will be inspected for damages by the appropriate City department(s) within 2 Business Days of the last day of the Production Schedule.
- 2.2.4 Unexpected costs and claims related to the Production will be identified and provided via Written Notice to the Film Company within 10 Business Days of the last day of the Production Schedule. The Film Company will have opportunity to respond to outlined costs and claims, and provide a plan for resolution. These may include City property or other private landholders or businesses.
- 2.2.5 If the resolution plans are acceptable to the Film Liaison and the work is completed to the satisfaction of the City, the associated costs or claims will not be deducted from the General Security Deposit. If the work is not completed to the satisfaction of the City, the work (or steps in resolution) will be completed by the City and the associated costs will be invoiced to the Film Company and/or deducted from the General Security Deposit.

## **2.3 Issuance and Revocation**

- 2.3.1 Prior to the issuance of the Film Permit, all discussions and information are to be considered part of the process of applying for permission. Permission is only granted in the written issuance of the Film Permit.
- 2.3.2 The City or the Film Company may request an amended Film Permit to address changes to any aspect of the information contained in the Application or the Film Permit, including but not limited to, project description at the Production Schedule. The Applicant will submit an amended Application to address such changes. The Film Liaison may require up to 3 Business Days to issue an updated Film Permit.
- 2.3.3 The City reserves the right to revoke any Film Permit in the event that:
  - 2.3.3.1 The Film Liaison issued the Film Permit, in part or in whole, based upon information provided by the Applicant/Film Company which was false, incorrect or misleading at the time it was submitted, at the time the Film Permit was issued, or it becomes false, incorrect or misleading prior to the last day of the Production Schedule;
  - 2.3.3.2 Any conditions of the Film Permit or any other



Permits or Agreements issued by the City are not met, as determined in the sole discretion of the Film Liaison; or,

- 2.3.3.3 The Film Liaison determines, in its sole discretion that there has been substantial deviation from the Application.
- 2.3.4 Revocation of the Film Permit is effective immediately upon written notification to the Applicant or other designated Film Company representative(s). The City will not be held responsible for any costs to the Film Company due to the withdrawal or revocation of permission.
- 2.3.5 Evidence of all approvals must be in writing.
- 2.3.6 All Applications are reviewed and considered based on the Film Policy and approved or denied upon the information provided.
- 2.3.7 The Film Liaison reserves the right to limit the issuance of Film Permits for geographic areas of Brantford that experience repeated film activity or may be sensitive to disruptions for any reason.
- 2.3.8 Associated costs to the City must be paid prior to Coning. Unpaid costs may result in the revocation of the Film Permit.

## **2.4 Costs and Compensation**

- 2.4.1 There is a nominal fee paid for the Film Permit as determined in the City's current Fees & Charges By-Law.
- 2.4.2 Costs for parking, facility rentals, street closures, etc., as established in the Fees and Charges By-Law, will be the responsibility of the Film Company. Costs incurred by the City on behalf of the Film Company, such as the removal/reinstallation of equipment, are also the responsibility of the Film Company.
- 2.4.3 In cases where services have been deemed necessary by the Film Liaison, but are not provided by the City, the Film Company is required to pay the service provider directly.
- 2.4.4 The City does not compensate individuals or businesses for disruption due to a Production on City Property. Affected businesses or individuals may request to be compensated by the Film Company for lost profits or other business interruption. Any such matters received by the City will be referred to the Film Company for resolution. As is common practice in the film industry, the Film Company may negotiate with the affected parties and ask that evidence be produced of legitimate costs and sales records corresponding to similar periods to those affected by the Production.

2.4.5 Should the City receive a claim for lost profits, business interruption, or other similar claim, the Film Company will indemnify and hold harmless the City for any such claim in accordance with the indemnification requirements set out in the Film Permit.

### **3.0 Filming Guidelines**

#### **3.1 Production Schedule and Changes to Schedule**

- 3.1.1 The Production Schedule will include the hours for which Production activity may occur. Permit applications may be approved for Production activities taking place only between the hours of 07:00 and 22:59, with no excessive noise generated after 21:00.
- 3.1.2 The Film Permit may identify special conditions for filming between the hours of 23:00 and 06:59, including but not limited to measures ensuring the Production does not violate any municipal Bylaws, such as the Noise Bylaw. (More information about the impacts and limitations of sound can be found in Section 3.9 of this Film Policy.)
- 3.1.3 Changes made to the Production Schedule that become necessary as a result of unforeseen circumstances may be accommodated, in the sole discretion of the Film Liaison. An amended Film Permit may be issued to establish the revised Production Schedule. Additional permits may also require amending (e.g. Road Occupancy, Parking, etc.) should the schedule change and are subject to the current charges, as established in the Fees and Charges By-Law.

#### **3.2 Traffic and Traffic Stoppages**

- 3.2.1 Interference with pedestrian and/or vehicular traffic must be accompanied with the proper permitting and approvals, including adherence to the Temporary Road/Sidewalk Occupancy for Construction policy, as amended from time to time.
- 3.2.2 Except where a road is closed for filming, Production vehicles must obey all appropriate traffic regulations, unless otherwise stated on the Film Permit or other applicable permit, or as otherwise directed by a Paid Duty Police Officer.
- 3.2.3 Paid Duty Police Officers are required, as determined by the City, for such activities as intermittent traffic stoppages, traffic control or when required to direct pedestrian or

vehicular traffic, including those instances involving municipal park/properties. All costs associated with these requirements are at the expense of the Film Company.

- 3.2.4 Intermittent traffic stoppages to a maximum of 3 minutes may be made possible under the supervision of a Paid Duty Police Officer. Road and street closures longer than 3 minutes require prior written approval from the City.
- 3.2.5 It is the Film Company's responsibility to arrange for the City to cover, alter, remove and/or reinstall traffic or street signs as may be necessary. Such requests should be raised during the initial consultation with the Film Liaison. Costs associated with these requirements are at the expense of the Film Company.
- 3.2.6 If traffic is affected by intermittent stoppages or street/road closures, the Film Company shall prepare a Traffic Control Plan, as per the legislative requirements of The Ontario Traffic Manual, Book 7, to the City.
- 3.2.7 All filming locations shall be set up to allow EMS to access the area. Film Companies must obtain requirements for the unique nature of each location from the respective EMS.
- 3.2.8 Special arrangements and limitation may be required in winter seasons to accommodate snow removal and placement along public streets.

### **3.3 Road and Street Closures**

- 3.3.1 Approval for street and road closures must be requested through the City's Operational Services department or another appropriate City staff member and included as part of the Application.
- 3.3.2 All applicable permits, including but not limited to road or sidewalk occupancy permits, must be obtained. Requests must be completed at least 10 Business Days prior to the start of Coning, or a rush charge may be applied in accordance with the Fee Schedule.
- 3.3.3 If a road/street is to be partially or completely closed or traffic restricted in any way, it is the responsibility of the Film Company to notify the following agencies as directed by City staff to inform them of the start and end dates/times of filming:
  - Grand Erie District School Board
  - Brant Haldimand Norfolk Catholic District School Board
  - Brantford Police Services
  - County of Brant Ambulance Services
  - Brantford Fire Department

- Engineering Services Department
- Brantford Transit
- GO Transit
- Downtown Brantford Business Improvement Area (if applicable)

- 3.3.4 If building or property access is restricted, it is the responsibility of the Film Company to notify the businesses and residents affected, as well as the Film Liaison. This notice must be provided in writing to the affected parties at least 5 Business Days prior to the start of coning. The Film Company is required to make all necessary accommodations to affected businesses and residents.
- 3.3.5 Costs to provide, install, and/or remove peripheral detour routes and advisory signage by the City will be the responsibility of the Film Company, as outlined in the current Fees and Charges By-Law.
- 3.3.6 Costs associated with lost revenue to transit services may also be incurred by the Film Company.
- 3.3.7 All filming locations shall be set up to allow EMS to access the area. Film Companies must obtain requirements for the unique nature of each location from EMS.
- 3.3.8 Closed roads and sidewalks may only be reopened when it is safe to do so. This includes, but is not limited to, restoring surfaces, traffic signage and signals, and street lights as well as removing snow or debris prior to opening. Paid Duty Officers required for any road closure are to remain on site at the cost of the Film Company until the road can safely be reopened.

### **3.4 Parking of Production/Crew Vehicles**

- 3.4.1 All Film Companies may be required to submit a parking plan with the Application and shall observe designated areas noted by the Film Permit.
- 3.4.2 Unless otherwise authorized, all vehicles associated with the Production must obey local parking and traffic regulations.
- 3.4.3 Production vehicles arriving on location shall not enter the area before the time stipulated on the Film Permit. Operators of Production vehicles shall turn off engines as soon as possible.
- 3.4.4 Production vehicles may not impede vehicle or pedestrian traffic with the use of slide-outs or pull-outs.
- 3.4.5 A Film Company may be able to reserve parking in City parking lots or on City streets, subject to availability and applicable fees.
- 3.4.6 Production vehicles must not block fire hydrants, park on fire

routes or within 9 metres of an intersecting street, impede any emergency response vehicles, block driveway or other access/egress ramps. Production vehicles must leave at least 1 metre of clearance on either side of a driveway, ramp or other accesses/egresses/ingresses, or accessible parking spot for persons with disabilities.

- 3.4.7 No Production equipment and/or vehicles are to be within 25 metres of a bus stop, a pedestrian courtesy crossing or a signalized intersection, unless otherwise noted on the Film Permit.
- 3.4.8 Unless otherwise noted, the Film Permit applies to parking for Production vehicles only, and not for crew vehicles. It is the responsibility of the Film Company to find legal parking for private crew vehicles. All costs associated with alternate parking are the responsibility of the Film Company. It is up to the film company to make alternate parking arrangements for residents and businesses in possession of a valid street parking permit for areas where such vehicles are displaced by the filming activity. Moving or towing of any vehicle is prohibited without the express permission of the owner of the vehicle and Written Notice given to the Film Liaison.
- 3.4.9 The Film Company is responsible for finding suitable alternative legal parking for affected residents, merchants and employees. All costs associated with alternate parking are the responsibility of the Film Company.
- 3.4.10 Residents, merchants and employees of one-way streets affected by road closures may require access to or from their building or parking area as a result of road closure.
- 3.4.11 A copy of the Film Permit must be clearly posted in the front window or dash of all parked Production vehicles.
- 3.4.12 Production vehicles located outside of parking areas reserved for the Production or not adhering to parking and traffic regulations may be ticketed, or even towed, at the expense of the owner or Film Company.
- 3.4.13 The Film Company is responsible for returning all occupied parking, street, sidewalk, and other spaces to their original state including the removal of snow, ice, debris, and other materials accumulated during occupancy.

### **3.5 Notification Letters**

- 3.5.1 Using the City's film Notification Letter template, draft Notification Letters must be submitted with the Application to the Film Liaison for review and approval. Notification Letters must inform residents and local businesses about the details and impacts of filming in their neighbourhoods. This may

include but is not necessarily limited to locations of filming, hours of operation, road occupancies and closures, special effects, proposed by-law exemptions, and mock police or military activities.

- 3.5.2 Approved Notification Letters must be distributed by the Film Company at least 5 Business Days prior to the start of Coning. Both sides of the street should receive notification letters, within a 150 metre radius of the film location as well as all residents and businesses affected by a street closure (e.g. further along a one-way street), or as otherwise instructed by the Film Liaison for unique circumstances (e.g. effects of unusual noise from special effects). Additional letters may also be required to inform residents and local businesses of by-law exemption applications (e.g. Noise Exemption Permit) and provide an opportunity to receive their feedback.
- 3.5.3 If filming in the downtown area, a Notification Letter must also be distributed to the Downtown Brantford Business Improvement Area (DBBIA) a minimum of 5 Business Days prior to the start of Coning.
- 3.5.4 The Film Company will provide Written Notice to the Film Liaison in writing about the details of the completed distribution of the Notification Letter, including date, mode and geographic area of distribution.
- 3.5.5 The approval of affected residents and businesses may be requested by the Film Liaison prior to a Film Permit being issued. For example, this may be requested for neighbourhoods that experience frequent Film Projects. It will be the responsibility of the Film Company to obtain such approval.
  - 3.5.5.1 The approval process will be identified by the Film Liaison. To minimize physical contact, the process may require an additional letter with documented distribution to residents and businesses. The letter could request the resident or business to register any objection with the Film Company. The Film Company would be responsible to catalogue and present objections to the Film Liaison in a prescribed manner.
- 3.5.6 For more complex Productions, as determined by the Film Liaison, the Film Company may be required to place an advertisement or notice 3 Business Days prior to the start of Coning in local or online media determined by the Film Liaison notifying residents of the upcoming Production Schedule, its impact on traffic and other details affecting the community.

- 3.5.7 The Film Company will provide Written Notice to the Film Liaison of any feedback from the community in response to the Notification Letter or any public postings, including from local or regional media.
- 3.5.8 The Film Liaison will be responsible for notifying members of Brantford City Council and other key stakeholders, as well as arranging notice to be featured on the City's website, as soon as possible, in advance of the Production. Notifications should outline details including, but not limited to, dates, locations, closures, anticipated impacts, special effects, and moch police and military activities.

### **3.6 Monitoring**

- 3.6.1 The Film Company must keep a copy of the Film Permit, the Consultation Checklist, and any other applicable permits on site at all times.
- 3.6.2 The Film 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. Posted signage must adhere to specifications as directed by appropriate City staff.
- 3.6.3 The Film Liaison may oversee the activities of the Film Company and will act as the City contact for the Film Company. The Film Liaison or another appropriate City staff member will be responsible for monitoring the Film Company on site. The Film Liaison has the authority to revoke the Film Permit if the Film Company does not adhere to the conditions of the Film Permit as set out in the Film Policy.

### **3.7 Set Location, Set Decoration, Props and Costumes**

- 3.7.1 The following activities will require written approval of the Film Liaison, in consultation with the designate of the appropriate City department. Depending upon the extent of the request, additional costs may be incurred for City staff time and resources to complete or support the work:
- covering, removing, or altering permanent or temporary road or traffic fixtures or signs;
  - covering, removing, or altering permanent or temporary traffic or street lights;
  - modifying City Property, including painting surfaces, anchoring vehicles or items; and/or structural changes.
- 3.7.2 If alterations to City Property or the construction of sets/staging is required, the Film Company is responsible for

restoring all exterior and interior building finishes and fixtures, as well as turf and paved surfaces, to their original condition at the conclusion of filming. The Film Company is responsible for all associated permits and restoration costs.

- 3.7.3 Any requested adjustments to mechanical, HVAC or electrical systems must be identified during the Application process.
- 3.7.4 Access to fire hydrants for grounding or supplying water must be requested in the Application and is subject to setup and usage fees.
- 3.7.5 If the Production involves mock police or military vehicles or uniforms, or prop weapons appearing during filming on any City Property, Brantford Police and the Paid Duty Police Officers must be notified 5 Business Days prior to the start of Coning by the Film Company.
- 3.7.6 Every effort must be made by the Film Company to ensure that property is not damaged.
- 3.7.7 Cast and crew must remain within the boundaries of the property for which the Film Permit authorizes and shall not trespass on private property, unless otherwise authorized in writing from the property owner(s).
- 3.7.8 Cast and crews are prohibited from removing, trimming or cutting of vegetation or trees unless written approval is provided by the Film Liaison or affected private property owner(s).
- 3.7.9 A designated film location professional must be present and accessible to the Film Liaison at all times during preparation, filming, and striking/take-down.
- 3.7.10 Requests to fly flags from other countries on any City Property may be considered as part of the Application process. Permission may be granted at the discretion of the Film Liaison, and may require appropriate posting and public notification.

### **3.8 Stunts, Explosives and Special Effects**

- 3.8.1 Explosives and special effects are regulated under the authority of the Ontario Fire Code and the Explosives Act.
- 3.8.2 The Film Company must obtain appropriate approvals at least 10 Business Days prior to the start of Coning from EMS for any activities involving the execution of special effects involving explosives, pyrotechnics and/or other hazardous devices and materials and/or stunts as well as the use of any flammable liquids or materials during the course of the Production. The Film Company is responsible to clarify and pay fees associated with obtaining approvals and for any



EMS supervision during filming. Some special effects may also require the presence of specialists from other Police services.

- 3.8.3 Combustible materials must not be accumulated in or around a film site in such quantity as to create a fire hazard.
- 3.8.4 The City may prohibit or limit the use of materials that may impact soil, groundwater, storm water, or other sensitive environmental elements. Usage of such materials may require special preventive and clean-up arrangements with the Film Company being responsible for associated costs and coordination.

### **3.9 Noise, Light and Other Environmental Conditions**

- 3.9.1 The community should be free from any negative environmental conditions resulting from the Production. These conditions include but are not limited to spillover lighting, exhaust fumes or noise that will affect their ability to enjoy their property, or conduct their business or daily routines.
- 3.9.2 The Film Company and all aspects of the Production must comply with the City's Noise Control By-Law and any applicable amendments, and any other legislation governing noise. For example, a Noise Exemption Permit from the City may be required for any excessive noise related to filming activities between the hours of 21:00 and 06:59.
- 3.9.3 Lighting for filming operated during Production must be oriented away from residences, unless affected residences have been consulted and do not express any objection. Lighting must not interfere with the safe movement of traffic. Production lighting illuminating areas on, across, or near roads open to traffic may require a photometric plan.
- 3.9.4 All generators operated during Production must be "blimped" (i.e. ensuring the sound of its operation is as quiet as that of an idling automobile engine) unless otherwise approved by the Film Liaison.

### **3.10 Unmanned Air Vehicles (UAV)**

- 3.10.1 For the use of drones, remote control aircrafts or unmanned air vehicles (UAVs) for commercial purposes, the Applicant must provide the following to the Film Liaison with the Application:
  - 3.10.1.1 Insurance, as set out in the Hold Harmless and Indemnity Agreement-Insurance Requirements ..

3.10.1.2 Proof of the device/vehicle's registration with Transport Canada.

3.10.1.3 Proof of the pilot/operator's license with Transport Canada.

3.10.2 Any Production represented by the Film Company planning to use a drone on a film may be requested to organize a meeting with EMS to discuss the details of the proposed flight.

3.10.3 The Film Company must notify area residents and businesses via a Notification Letter that filming will involve a drone. More information about Notification Letters can be found in Section 3.5 of this Film Policy.

3.10.4 The Film Company must ensure that copies of all necessary documentation identified above are on hand at all times.

### **3.11 Insurance and Indemnification**

3.11.1 The Film Company will be required to enter into a Hold Harmless and Indemnity Agreement and to comply with the insurance requirements as set out in the Agreement. A permit will not be issued until such time that the Film Company has executed the Agreement and has provided proof of insurance that is satisfactory to the City.

### **3.12 Dispute Resolution**

In the event that the appropriate staff, the Film Liaison, the DBBIA or the Film Company cannot come to a resolution or an issue before, during or after filming, the decision of the City of Brantford City Solicitor, or designate, shall be final and binding.

### **3.13 Code of Conduct**

3.13.1 It is the responsibility of the Film Company to ensure that all representatives of the Production, including cast, crew and other staff, adhere to the City's Code of Conduct for Film and Television Cast and Crew, available on [www.advantagebrantford.ca/film](http://www.advantagebrantford.ca/film).

3.13.2 Cast and crew shall observe designated smoking areas and always extinguish cigarettes in appropriate containers. As per the Smoking – Clean Air By-Law, there is no smoking of tobacco or cannabis and no vaping on City Property.

### **3.14 Garbage, Recycling and Cleanup**

- 3.14.1 On garbage and recycle pick-up days, the Film Company shall ensure that Waste receptacles of affected businesses, institutions, and residents can be accessed by Waste collection contractors. This may require the Film Company granting access to Waste collection contractors to closed streets or arranging the transport and return of Waste receptacles, or some other means.
- 3.14.2 The Film Company will ensure that crew associated with the Production will remove Waste from the filming location, and any other location associated with the Production, at the end of each filming day.
- 3.14.3 The Film Company will ensure that the site is returned to its original condition at the end of the Production. All costs associated with proper Waste disposal will be the responsibility of the Film Company.
- 3.14.4 The Film Company may incur a disposal fee, per the Fee Schedule, for any remaining Waste on site after the Production.

### **3.15 Health and Safety**

- 3.15.1 The Film Company and Production cast and crew must adhere to the Ontario Ministry of Labour's Safety Guidelines for the Film & Television Industry of Ontario, as well as all other labour/occupational health and safety legislation and applicable laws. In the event of a public health crisis or declared emergency, federal, provincial and local health and/or emergency directives must be followed and the Film Production will be the responsible any impact to filming plans, operations, and costs.
- 3.15.2 The Brant County Health Unit (BCHU) may need to be consulted regarding catered food service.
- 3.15.3 Interior safety signs in buildings (e.g., fire, exit signs) must not be covered, unless expressly agreed to by the facility manager, or designate.
- 3.15.4 All generators and electrical hookups must be approved by the Electrical Safety Authority or a licensed Electrician or Electrical Engineer recognized by the City. Locates for electrical grounding on City Property must be identified in the Application.
- 3.15.5 All cables, similar items and tripping channels must be channeled or otherwise mitigated to avoid injury.

### **3.16 Legacy Projects / Givebacks**

3.16.1 Brantford is a film-friendly community. The City recognizes the significant economic advantages associated with film production activity locally and will strive to support the unique needs of every Production. Many past Film Companies have given back to the community in more tangible and long-term ways through legacy projects related to their Production to demonstrate a commitment to enhancing relationships with leaders, businesses, and residents in our community. The Film Company is invited to consider supporting a legacy project in Brantford. The Film Liaison can identify prospective Brantford legacy projects based on any size budget.

### **3.17 Local Sourcing**

3.17.1 The Film Company is encouraged to make every effort to patronize local businesses and services during Production in Brantford, such as casual employment of cast and crew, food catering, overnight stays, etc.

3.17.2 The Film Liaison can assist the Film Company with sourcing local suppliers of goods and services, as appropriate.

### **3.18 Additional Expenses**

3.18.1 The Film Company is responsible for all out-of-pocket expenses related to the use of City Property. This includes, but not limited to, City Property rentals and the wages of City staff and EMS workers for special requirements such as road closures, changes to City Property, and onsite support. Out-of-pocket expenses for requests discussed with the Film Liaison will be identified in the Consultation Checklist. Additional expenses may be incurred for last-minute requests or modifications to plans not identified in the original Application.

### **3.19 Credits and Marketing Visuals**

3.19.1 With written approval from the City, the Film Company may provide a screen credit to the City on the final film/video.

3.19.2 The City invites the Applicant to share approved images and video footage of local Production activities and scenes for the City to use when promoting Brantford as a film-friendly destination.

## 3.20 Environmental Sustainability

The City of Brantford encourages all visiting Productions to consider lessening their environmental impact on the community, and the environment as a whole while filming in Brantford. The following “B-ROLE” recommendations are to be considered by Film Companies:

### Brantford Best Practices

- Brantford Green Team may be requested by the Film Company to conduct waste audit for larger productions
- Consider sourcing local vendors for Production requirements

### Reduce Waste

- Where possible, minimize the use of disposable items to divert waste from the landfill (i.e. use reusable cutlery, plates and cups, rather than disposable items)
- On-set recycling facilities for plastic, glass, cans and metal is encouraged
- Encourage the use of personal travel mugs and water bottles to discourage the consumption of single-use, disposable cups
- Consider using environmentally friendly products with recycled content
- Film Companies are encouraged to donate leftover food and/or Production materials to local charities, shelters and/or food banks
- Consider using live plants, flowers, etc. for set dressing and donate locally after filming
- Go digital wherever possible to reduce printing
- While the City of Brantford does not currently have a composting program, Film Companies are encouraged to compost through private companies
- Dispose of liquid wastes at approved disposal sites (do not use storm drains)

### CO<sup>2</sup>

- Consider adopting a meat-free day for catering
- Consider reducing energy consumption by using LED lighting
- Reduce transportation as much as possible, through carpooling, using low-emissions vehicles, and restricting idling of Production vehicles
- Consider buying organic and locally grown food to help

offset greenhouse gas emissions and other pollutants associated with the transportation of food

### **Low Impact Consumption**

- Consider partnering with local restaurants for catering needs
- Consider sourcing locally wherever possible to reduce product transportation
- Consider sourcing sustainably certified products
- Where possible, consider making permanent improvements to facilities/locations to meet Production needs, rather than masking

### **Education, Engagement and Recognition**

- Educate all cast and crew on local waste diversion and recycling practices
- Communicate sustainability goals and objectives to cast and crew
- Consider incorporating environmental and sustainable practices into characters and plot lines (i.e. dress the set with sustainable products and tools or engage characters in sustainable activities)

## **3.21 Other Restrictions**

3.21.1 There may be sensitive assets, areas and/or properties in Brantford where filming may be restricted.

3.21.2 The appropriate City staff will consider decisions about the nature and extent of filming in or around heritage properties and in environmentally sensitive areas on a case-by-case basis.

3.21.3 The City reserves the right to refuse to allow filming or the issuance of a Film Permit to an Applicant or Film Company who has failed in the past to adhere to the guidelines outlined in the Film Policy.

3.21.4 The Applicant agrees that the images and footage gathered during the Production will be used only for the purposes described within the Applications. The Applicant will also ensure all pertinent approvals have been obtained for such footage and images.

## **3.22 Related Legislation and By-Laws**

Film Permits will be issued only in accordance with applicable City By-laws and Provincial Legislation including but not limited to:

- Fees and Charges By-Law
- Bylaw 182-2002 : By-Law to Regulate Parking
- Chapter 206: Dogs – Other Animals
- Chapter 420: Parks – Avenues – Boulevards – Drives – Regulation – Control
- Chapter 440: Garbage – Collection – Removal
- Chapter 442: Garbage – Disposal Sites
- Chapter 537: Firearms – Gun – Discharge
- Chapter 554: Noise Control
- Chapter 556: Public Nuisance
- Chapter 570: Smoking – Clean Air Bylaw
- Chapter 614: Operations – On City Roads
- Ontario Fire Code
- Ontario Explosives Act

The City's By-Laws can be accessed through the City's website at: <https://www.brantford.ca/Modules/Bylaws/Bylaw/Search>. If you would like further information regarding the City's By-Laws, please contact the City Clerk at 519-759-4150.

<p>Date of Enactment:</p> <p>December 18, 2019</p>	<p>Related By-law Number/Staff Report Number:</p> <p>191-2019 / 2019-456 55-2021 / 2021-5</p>
<p>Review and Amendment Dates:</p> <p>March 23, 2021</p>	<p>Department Responsible for Review:</p> <p>Economic Development &amp; Tourism</p>
<p>Date of Next Review:</p> <p>2023</p>	<p>Applicable Legislation/Legislative Authority:</p>