

# THE CORPORATION OF THE TOWN OF TILLSONBURG

## BY-LAW 2024-###

### A BY-LAW to Regulate Film Events on Municipal Premises and on Municipal Roads.

**WHEREAS** Section 8 (10) of the Municipal Act, 2001, S.O. 2001 c.25 as amended, no states that a municipality may pass by-laws respecting economic, social and environmental well-being of the municipality;

**WHEREAS** Section 11 of the Municipal Act, 2001, S.O. 2001 c.25 as amended gives the Town of Tillsonburg the power to pass by-laws respecting culture and its highways, including parking and traffic on highways;

**WHEREAS** Section 23.2 (5) of the Municipal Act, 2001, S.O. 2001 c.25 as amended authorizes the Town of Tillsonburg to delegate an employee of the municipality, subject to any conditions the Town of Tillsonburg may impose, the power to close its streets temporarily for any purpose specified in the by-law;

**NOW BE IT THEREFORE ENACTED** by the Council of the Corporation of the Town of Tillsonburg as follows:

#### Definitions

1. In this By-law:
  - (1) "Commissioner" means the Development Commissioner for the Town or any successor positions or his or her designate;
  - (2) "competent person" means the Filming Event supervisor or his or her designate;
  - (3) "filming" means filming, videotaping, photography or any other form of visual recording for a feature film, television film, television program, documentary, commercial, music video, educational film or other purpose but does not include interviews, newscasts or press conferences on Town premises;
  - (4) "Filming Event" means filming upon Town premises or filming that requires a Town lane closure or a Town road closure or may interfere with the normal flow of traffic on a Town road;
  - (5) "Filming Event Permit" means a Filming Event Permit as issued under this By-law;

- (6) "Filming Event supervisor" means the person designated in accordance with section 5(2) of this By-law;
- (7) "lane" means that part of a roadway that accommodates a single line of moving or parked vehicles;
- (8) "local municipality" means the Town of Tillsonburg;
- (9) "municipal fees and charges" means fees and charges prescribed by the Town;
- (10) "municipal law enforcement officer" means a by-law enforcement officer appointed by the Town;
- (11) "person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (12) "road" includes, but is not limited to, a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (13) "Town" means the Town of Tillsonburg;
- (14) "Town lane closure" means a closure of one or more lanes on a Town road such that the traffic flow in all directions existing before the closure is maintained and no diversion of traffic to another road is required;
- (15) "Town premises" means land owned by the Town and the buildings on it, but does not include a Town road;
- (16) "Town road" means a road under the jurisdiction of the Town; and
- (17) "Town road closure" means a closure of one or more lanes on a Town road such that a diversion of traffic to another road is required.

### **Prohibitions**

- 2. No person shall undertake a commercial Filming Event without first having obtained a Filming Event Permit in accordance with this By-law.
- 3. No person shall participate in a commercial Filming Event unless a Filming Event Permit has been granted in accordance with this By-law.

## Filming Event Permit Application

4. Every person who intends to undertake a commercial Filming Event shall apply to the Commissioner for a Filming Event Permit.
5. Every person who applies for a Filming Event Permit shall provide the Commissioner with:
  - (1) the person's name, signature, position, organization, street address, telephone number, fax number and e-mail address;
  - (2) the name, position, organization, street address, telephone number before and during the Filming Event, fax number and e-mail address of the Filming Event supervisor who will carry out the responsibilities listed in sections 14 and 15 of this By-law;
  - (3) the contact name, position, legal name, street address, telephone number, fax number and e-mail address of the organization undertaking the Filming Event;
  - (4) the type and purpose of the Filming Event;
  - (5) 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 and times;
  - (6) 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 that the Filming Event will finish including clean-up time;
  - (7) the requested list of Town premises, if any, to be used for the Filming Event, with a minimum of four months notice for high-use facilities, and a minimum of one month notice for all others. The Commissioner may, with review/approval by the applicable department, consider requests to use Town facilities with less notice, but subject to final approval in the Town's sole and absolute discretion;
  - (8) the Town roads, if any, to be used for the Filming Event;
  - (9) any potentially hazardous activities associated with the Filming Event;
  - (10) a Certificate of Insurance, satisfactory to the Commissioner, showing a comprehensive policy of public liability and property damage insurance for the Filming Event in respect to any one accident, against loss or damage resulting

from bodily injury to or death of one or more persons and loss of or damage to property in a minimum amount of \$5,000,000

although the Town, may, in their sole and absolute discretion, consider lesser amounts commensurate with the risk level for smaller productions;

(11) a signed indemnity, satisfactory to the Commissioner, indemnifying and saving harmless the Town from any and all claims, demands, suits, actions and judgments made, brought or recovered against the Town, and from all loss, costs, damages, charges or expenses that may be incurred, sustained or paid by the Town by reason of the granting of the Filming Event Permit;

(12) payment at the time of application in the form of cash, a money order or a certified cheque in an amount equal to the anticipated municipal fees and charges for the Filming Event;

(13) a security deposit in the form of cash, a money order, a letter of credit or a certified cheque in an amount satisfactory to the Commissioner; and

(14) any additional information or documentation for the purposes of administering this By-law as requested by the Commissioner.

(15) Any Production requiring use of a municipal park will need to pay an additional fee as contained in the current Rates and Fees bylaw.

6. No person applying for a Filming Event Permit shall knowingly provide false information to the Commissioner.
7. Every person who applies for a Filming Event Permit shall make their application at least 14 days in advance of the Filming Event.
8. All productions will adhere to the Town of Tillsonburg's Health & Safety, and Contractor policies with appropriate documents signed at least fourteen (14) days before start of production.

#### **Grant, Refusal or Revocation of Filming Event Permit**

9. The Commissioner may grant a Filming Event Permit, refuse to grant a Filming Event Permit or may grant a Filming Event Permit imposing conditions as a requirement of obtaining and continuing to hold it, including, but not limited to, the condition that a notice setting out the location, date, time and other information as required be delivered not less than 7 days or as required by the Commissioner in advance of the Filming Event to all affected homes, businesses and institutions, as determined by the Commissioner.
10. In considering the grant, refusal or grant with conditions of a Filming

Event Permit, the Commissioner may have regard to:

- (1) whether or not, considering past Filming Events, the Filming Event is likely to be carried out in compliance with the Filming Event Permit and this By-law;
  - (2) a conflict with a previously scheduled activity for which the Town has granted a permit;
  - (3) the disruption to municipal work of any type;
  - (4) the disruption of traffic or public transit;
  - (5) the response of Ontario Provincial Police Services to the application; and
  - (6) whether or not the Filming Event may result in a threat to public safety or conflict with municipal by-laws, resolutions or policies.
11. At any time after a Filming Event Permit has been granted by the Commissioner, the Commissioner may revoke the Filming Event Permit or impose a condition on the Filming Event Permit upon giving verbal notice, in person or over the telephone, or written notice, by regular mail, fax or e-mail to the person who applied for the Filming Event Permit or the Filming Event supervisor.

### **General**

12. The Commissioner may modify the time period prescribed for submitting an application for a Filming Event Permit set out in section 7 of this By-law.
- (1) The Commissioner may use the advance payment and the security deposit to pay for municipal fees and charges for the Filming Event. The Commissioner may also use the security deposit to pay for any municipal damages, costs or expenses in connection with the Filming Event;
  - (2) If the municipal fees and charges together with municipal damages, costs and expenses in connection with the Filming Event are more than the amount of the advance payment provided, the Commissioner will invoice for the difference; and
  - (3) If the municipal fees and charges together with municipal damages, costs and expenses in connection with the Filming Event are less than the amount of the advance payment provided, the Commissioner will return the difference along with the security deposit.

13. The person applying for a Filming Event Permit shall comply with any conditions imposed under section 8 of this By-law and ensure that the Filming Event supervisor complies with sections 14 and 15 of this By-law.
14. While a Filming Event is underway, the Filming Event supervisor shall:
  - (1) be present at the Filming Event;
  - (2) produce the Filming Event Permit to the Commissioner, a municipal by-law enforcement officer or any police officer on his or her demand;
  - (3) ensure that there is a minimum of disruption to businesses, residents and institutions during the Filming Event;
  - (4) ensure proper site security and safety;
  - (5) pay any invoices from the Commissioner for the Filming Event;
  - (6) ensure compliance with any conditions imposed under section 8 of this By-law that are required to be carried out while the Filming Event is underway; and
  - (7) advise the Commissioner of the name, position, organization, street address, telephone number before and during the Filming Event, fax number and e-mail address of the Filming Event supervisor, should there be any change in this information as identified on the Filming Event Permit.
15. The Filming Event supervisor shall clean up and restore the Town premises or the Town road immediately following the finish of the Filming Event.
16. When a Town lane or a Town road is closed by the Commissioner for a Filming Event, any utility may enter at any time to carry out their services.
17. The person applying for a Filming Event Permit under this By-law, the Filming Event supervisor and the participants in the Filming Event shall not do or permit to be done on Town premises or on a Town road anything that may:
  - (1) constitute a nuisance;
  - (2) make structural alterations;

- (3) cause damage;
- (4) cause injury or annoyance to the occupants of neighbouring premises;
- (5) make void or voidable any applicable insurance; or
- (6) constitute a breach of any by-law, statute, order or regulation of any municipal, provincial, federal or other competent authority, including those pertaining to filming, special events, fees, charges, work within a road, signs, traffic, parking, noise, pyrotechnics, alcohol, firearms, building, smoking, and use of municipal property and equipment.

18. No person shall install, maintain, move or remove signing and barricades on Regional roads without the permission of the Commissioner except a competent person who may, at an appropriate location, move and then immediately restore a barricade to its original position to allow access/egress to the Filming Event site without changing the intent of the barricade set-up.

19. The person who applied for the Filming Event Permit, the Filming Event supervisor and the organization undertaking the Filming Event as identified in the Filming Event Permit shall not permit:

- (1) anything that has excessively violent or sexual content to take place during the Filming Event; or
- (2) a product resulting from the Filming Event to be included in any project that has excessively violent or sexual content, including a film that would be refused approval or classified as an adult sex film by the Ontario Film Review Board.

20. A permit granted under this By-law:

- (1) 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 permission of the Commissioner; and
- (2) shall expire when the Filming Event finishes as indicated on the Filming Event Permit.

## **Penalty**

21. Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

## **Administration and Enforcement**

22. Any administrative forms required under this By-law may be prescribed from time to time by the Commissioner.
23. This By-law may be enforced by the Commissioner, a municipal by-law enforcement officer or a police officer.
24. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such section or sections or parts shall be deemed to severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.
25. This By-law may be cited as the "Filming Event Permit By-law".

**READ A FIRST AND SECOND TIME THIS — day of \_\_\_\_\_, 202#.**

**READ A THIRD AND FINAL TIME AND PASSED THIS \_\_\_ day of \_\_\_\_\_, 202#.**

\_\_\_\_\_  
MAYOR – Deb Gilvesy

\_\_\_\_\_  
CLERK – Tanya Daniels