

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt a Filming Policy

Whereas Section 10(2) of the *Municipal Act, 2001*, S.O, 2001, c.25 authorizes a municipality to pass by-laws respecting the public assets of the municipality acquired for the purpose of exercising its authority, the economic, social and environmental well-being of the municipality, health safety and well-being of persons, the provision of any service or thing that it considers necessary or desirable for the public and the protection of persons and property;

Whereas at its meeting of October 10, 2023, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendations of Chief Administrative Office Report No 2023-173, Subject: Filming Policy; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the policy and procedure respecting the Filming Policy in the City of Port Colborne appended hereto as Schedule "A" and made part of this By-law be approved.

Enacted and passed this 10th day of October, 2023.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

City of Port Colborne Filming Policy

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1.1 Purpose

This policy outlines the application process, terms and conditions of approval, and directives for filming in the City of Port Colborne, including, but not limited to, City facilities and buildings, streets and roads, parks, trails and pathways, and beaches. A policy like this protects the rights, privacy, and safety of residents, businesses, and City staff, while at the same time supporting the social, cultural, and economic benefits that the film and television industry brings to the community. It also goes as far as establishing the City's one-stop, coordinated approach to ensuring all requirements are met and all applicable by-laws are followed.

1.2 Applicability

This policy applies to the following categories of filming projects:

- feature films;
- short films;
- television films;
- television network (including reality) programs/series;
- commercials (for-profit) and music videos;
- documentaries;
- educational films;
- student and not-for-profit films and commercials; and
- general commercial (including drone and aircraft) videography.

The City of Port Colborne reserves the right to refuse filming and issuing a film permit to any applicant that does not comply and/or satisfy the criteria of this policy, including any filming project that contains scripted content which may be considered offensive, discriminatory, obscene or controversial. Decisions, including those that involve revoking a film permit, will be made on a case-by-case basis and at the discretion of the City Clerk or designate.

Projects that are not subject to this policy include:

- street interviews;
- newscasts and current affairs;
- press conferences;
- filming for personal purposes;
- videography related to weddings, sports, tourism, City-run events; and
- general photography.

1.3 Administration

This policy is administered by the Economic Development & Tourism Services (EDTS) Division. A staff member from this Division, hereby designated as the Film Liaison, will be the initial and primary contact for all filming requests. Applications requesting approval for filming in the City of Port Colborne must be submitted in writing to the EDTS Division according to the lead time requirements set out in this policy. Applications will be received by the Film Liaison and directed to the appropriate City departments or divisions for review. The Film Liaison will advise the Mayor and Council of all approved film permits as soon as they are issued.

By adopting this policy, Council has delegated authority to the City Clerk, or designate with authority to bind the corporation, to issue a film permit, grant an exemption to the Noise By-law, as amended, for filming purposes, and execute any related documents (e.g., Filming Agreement) resulting from the administration of this policy. When one or more temporary road closures and exemptions to current or new by-laws, as amended, are requested by the applicant, Council will retain the right to make a final decision on the request.

1.4 Compliance

It is the applicant's responsibility to be aware of and comply with all relevant by-laws and all applicable provincial and/or federal legislation. Any complaints and disputes must be handled by the production company and resolved to the satisfaction of the City, with notice provided. In the event that a dispute cannot be resolved, the decision of the City Clerk (or designate) will be final and binding.

1.5 Compensation

The City of Port Colborne will not compensate individuals or businesses, including production companies, their directors, officers, employees, agents, contractors, and subcontractors, or any of them in connection with or in any way related to the filming project, for any for out-of-pocket expenses, disruptions or damage attributable to filming on municipal or private property. Although they may do so voluntarily or be otherwise legally obligated to do so, production companies are not required to compensate residents, occupants or businesses for any filming-related disruptions.

2.1 Municipal Property

Location managers and production companies must bear in mind that municipal property and City-owned facilities function primarily to serve the community. Filming will not be permitted if it severely limits public access or adversely impacts staff's ability to perform their work or serve customers. As a result, restrictions or specific conditions may need to be established before a film permit is issued. Any bookings at a City-owned facility that were made prior to the receipt of a film permit application will supersede the filming request.

Any proposal to alter or change the condition of municipal property and assets must be approved by the Director of Public Works (or designate). This work must be done by Public Works staff, or it will be conditional to a requirement that such staff be present to monitor or supervise. The City, in its sole discretion, will determine the number of staff reasonably required to attend the filming location or site.

At the conclusion of the filming project, the production company is responsible for restoring any municipal property and assets, including garbage removal, to the same condition as before the filming project and within a mutually agreed upon time period. A failure to clean up and restore municipal property and assets will be subject to a forfeiture of the security deposit as well as additional penalties or fees as determined by the City. The production company will be given first opportunity to repair any damages,

within a reasonable timeframe, and assume the full cost of any repairs or replacements. If the repair work is not completed to the satisfaction of the City, as determined by the Director of Public Works (or designate), the City will complete the work and the production company must pay for all costs and expenses incurred.

2.2 Private Property

With respect to filming on private property or at individual businesses, the property owner is responsible for negotiating with the production company the terms, conditions, and fees associated with its use. A film permit is not required for any filming taking place on private property unless the activity necessitates road closures, interrupts traffic, involves traffic sign and streetlight control, alters, removes or controls public infrastructure, includes special effects and dangerous filming, or has a direct impact on neighbouring residents, occupants or businesses. In such cases, compliance with the criteria of this policy will apply.

Filming on private property or at individual businesses that does not comprise the above-mentioned activities must still be reported to the City, through the EDTS Division, a minimum of 48 hours before filming occurs. This is to ensure the City has an opportunity to determine that the filming project will not contravene any municipal by-laws or policies and/or disrupt City services or operations. The production company must also forward a copy of the written permission obtained from the property owner to the Film Liaison.

2.3 Requirements

A film permit, comprising a letter of approval from the City and an executed filming agreement, is required for any applicable filming project making use of municipal property in the City of Port Colborne. It is the applicant's responsibility to provide the following documentation, which is subject to change from time to time, according to the lead time requirements specified in this policy. This information must be completed to the satisfaction of the Film Liaison and be submitted as a package not less than three (3) business days before the filming project begins.

2.3.1 Mandatory

- Film Permit Application (see Appendix A)
- Location/Site Map
- Certificate of Insurance (see 3.2)
- Filming Agreement (see Appendix D)

2.3.2 Additional Materials (as applicable)

- Script (or scene/shot breakdown) and production schedule
- Municipal Facility Rental Agreement
- Temporary Road Closure Application (see Appendix B)
- Dangerous Filming & SPFX Application (see Appendix C)
- Municipal Consent Permit
- Building Permit
- Parking Plan and/or Traffic Management Plan

- Road Occupancy Permit from Niagara Region
- Separate permits from Niagara Region
- Proof of a Paid Duty Officer agreement with Niagara Regional Police Service
- Proof of approval from the Ontario Ministry of Transportation (MTO) for closures and traffic matters involving provincial highways under the jurisdiction of the Ontario Provincial Police (OPP)
- Proof from regional, provincial or federal governments that they authorize the use of property owned by them

2.4 Timelines

Recognizing that production companies expect their filming requests to be processed in a timely manner, the Film Liaison may expedite the film permit application review process from time to time.

Type of Request	Lead Time
Film Permit for a project on municipal property with minimal cast and crew, and no road closures or use of special effects	4 business days
Film Permit for a project on municipal property with substantial cast and crew, and no road closures or use of special effects	7 business days
Film Permit for a project on municipal property requiring a temporary road closure, intermittent traffic control, traffic sign and streetlight control, and/or any alterations or removals	14 business days
Film Permit for a project on municipal property involving the use of special effects and/or dangerous filming	16 business days
Coordination with Niagara Regional Police Service (NRPS)	5 business days
Review by Port Colborne Fire & Emergency Services (PCFES)	10 business days
Film set construction	20 business days
Film Permit for a project involving multiple locations and multiple permits	21 business days

Business days are Monday through Friday, from 8:30 a.m. to 4:30 p.m., excluding holidays. Complex requests, particularly those involving special effects (SPFX) and dangerous filming, may require more lead time. This is to be determined on a case-by-case basis. Lead time for Paid Duty Officers from NRPS and standby services from PCFES cannot be guaranteed by the City of Port Colborne.

2.5 Approval

Once all required and supporting documentation has been submitted, and any special requirements or concerns have been addressed, the approval of a film permit will be

granted. This permit will comprise a letter of approval from the City, information from the film permit application, and a filming agreement that must be signed by an authorized representative of the production company and the City Clerk or designate (with authority to bind the corporation) of the City of Port Colborne.

2.6 Notifications

In almost all circumstances of filming on municipal or private property, a notification letter must be prepared by the applicant and submitted to the Film Liaison four (4) business days prior to filming. This letter, once approved by the City's Corporate Communications Division, must be hand-delivered to any residents, occupants, and businesses impacted by the filming project a minimum of 48 hours—or five (5) business days for road closures—before the project begins. The City reserves the right to modify notification letters for clarity and accuracy. The City also reserves the right to issue public notices about filming on municipal or private property at its sole discretion. The cost of any notices that are advertised by the production company or the City will be the responsibility of the applicant.

The City will not provide the names, addresses or contact information of any impacted residents and occupants to the production company.

2.7 Residential & Business Areas

Every effort must be made by the production company to minimize the disruption and negative impacts—including, but not limited to, noise (e.g., generators and SPFX), light (e.g., spillover), air (e.g., exhaust fumes), water (e.g., pollution to Welland Canal, Lake Erie, and the municipal water system), natural ecosystems and wildlife—that may result from filming in residential and business areas. Exemptions to the Noise By-law, as amended, will be considered on a case-by-case basis by the City Clerk or designate.

Filming in residential areas will be limited to two occasions per year for each residential block. Filming in these areas at any time, but particularly between 11:00 p.m. and 7:00 a.m., and 11:00 p.m. and 9:00 a.m. on weekends and holidays, will not be approved unless a majority of affected residents have given their written approval and presented no objections. The same procedure must be followed for dangerous filming and SPFX in residential areas. It will be the responsibility of the production company to canvas the impacted residential areas, obtain signatures of support or non-objections, and present this in a form acceptable to the Film Liaison 72 hours before filming. If a minimum of 66% of residents do not object, then the filming project will be permitted.

Filming in business or commercial areas, for any given period of time, is subject to consultation with the Downtown Port Colborne BIA or the Main Street BIA. Unless a minimum of 66% of affected businesses have given their written approval and presented no objections, filming will not be approved. The same procedure must be followed for dangerous filming and SPFX in business areas. It will be the responsibility of the production company to canvas the impacted business areas, obtain signatures of support or non-objections, and present this in a form acceptable to the Film Liaison 72 hours before filming.

A copy of all notification letters and approval documentation must be submitted to the Film Liaison for filing and internal communication purposes prior to any filming taking place.

2.8 Access & Safety

Production companies must agree to provide pedestrian and vehicular access, throughout the entire duration of the filming project, to persons with disabilities, mobility challenges, and special needs or circumstances. Regarding sidewalks, 1.5 metres of unencumbered pedestrian access must be maintained for mobility device users.

All production company vehicles (e.g., cars, vans, buses, and trucks) must adhere to posted speed limits, traffic legislation, and all applicable laws and regulations on streets—including the City’s Parking and Traffic By-law, as amended—unless otherwise approved by the rightful governing authority. These vehicles must not park in fire routes and within 16 metres of an intersection (or 45 metres of an intersection controlled by a traffic signal), impede any emergency response vehicles, and block (by maintaining the necessary clearance) fire hydrants, bus stops, crosswalks or crossovers, railway crossings, driveways, ramps, ingresses/egresses, and accessible parking for persons with disabilities.

Production companies will be responsible for complying with the provisions and requirements of the *Occupational Health and Safety Act*, any related regulations, and the Safety Guidelines for the Film and Television Industry in Ontario. It is also their responsibility to ensure that all on-set personnel conduct themselves and operate in a safe, professional, and respectful manner in the course of their duties. Production companies must promptly report to the Ministry of Labour and City of Port Colborne any serious accidents, fatal or critical injuries, and/or claims for liability or loss that occurred during the filming project.

2.9 Signage

The production company is responsible for the cost and placement of signs in publicly accessible areas—no later than 24 hours before filming—to inform the public that filming on municipal or private property is taking place. The use of barricades, signals, and other signs must be to the satisfaction of the Director of Public Works (or designate) or Chief Building Official (or designate). Additional sign permits may be required through the City’s Building Division to show compliance with the Sign By-law and/or the Building Code. Requests to control, cover, alter, remove or reinstall traffic signs and streetlights will require approval and supervision from the Director of Public Works (or designate), and all costs must be borne by the production company.

Building emergency signage (i.e., required under the *Fire Protection and Prevention Act*) must not be temporarily covered, altered or removed unless approved by PCFES.

3.1 Procedures

The film permit application will be available on the City's website for any applicant who wishes to film on municipal property in the City of Port Colborne. If this application includes a space to which rental fees apply, the applicant must rent this space and will be subject to pay the rental fees outlined in the Rates & Fees By-law, as amended.

In order to avoid unnecessary delays in the review process, the Film Liaison must be notified as early as possible of location scouting, road closures, intermittent traffic control, traffic sign and streetlight control, dangerous filming, use of special effects, and film set construction. Approval may be denied at the onset if the request cannot be accommodated within the required timeframe.

Every film permit application will be directed to the necessary City departments or divisions for review if it requires approval for the following:

3.1.1 Road Closures

Filming requests that require one or more temporary municipal road closures must be approved by the Director of Public Works (or designate), in consultation with Port Colborne Fire & Emergency Services (PCFES) and Niagara Regional Police Service (NRPS), before such requests are presented to Council. Regional road closures must be approved by Niagara Region in consultation with the City's Public Works Department, PCFES, and NRPS. It is the applicant's responsibility to make the necessary arrangements with NRPS to have Paid Duty Officers conduct traffic and pedestrian control (if required), adhere to the Ontario Traffic Manual, identify alternate access routes or detours, and maintain adequate access to adjacent residential or business areas.

3.1.2 Intermittent Traffic Control

Intermittent traffic interruptions or pattern changes are preferred over temporary road closures. Filming requests that impact a municipal right-of-way (i.e., roads, lanes, and sidewalks) must be approved by the Director of Public Works (or designate) in consultation with PCFES and NRPS. Alternate routes or detours may be required and will be determined by the City in conjunction with the applicant. It is the applicant's responsibility to adhere to the Ontario Traffic Manual and arrange with NRPS for Paid Duty Officers to conduct traffic and pedestrian control (if required). These interruptions must be limited to a maximum of three (3) minutes.

3.1.3 Traffic Signs, Streetlights & Public Infrastructure

Filming requests that require any traffic signs and street fixtures (i.e., lights, street names, etc.), and public infrastructure to be controlled or altered and/or removed must be approved by the Director of Public Works (or designate), and, if applicable, Niagara Region or MTO. All such work must be done by Public Works staff, or it will be conditional to a requirement that such staff be present to monitor or supervise.

3.1.4 Parking

Filming requests that include significant vehicle (e.g., car, van, bus, and truck) parking for a period of three (3) consecutive days or longer will require the applicant to submit a detailed parking and/or traffic management plan, regardless of whether the production is taking place on municipal or private property. This parking and/or traffic management plan must list all of the roads and residential or business areas affected, applicable dates and times, and confirm compliance with the City's Parking and Traffic By-law, as amended. The film permit will cover parking for production vehicles only, subject to an acceptable maximum.

The amount of parking permitted in a given area may be limited as determined by the Film Liaison in consultation with By-law Services and the ward Councillors.

The City will attempt to recommend available off-street parking and the use of shuttle vans or buses for cast and crew. However, it is the applicant's responsibility to make their own on-site and off-site parking arrangements, park the majority of the cast and crew's personal vehicles off-site during production days, minimize the loss of on-street parking, not interfere with regular pedestrian or vehicular traffic, and pay for parking fees or special parking permits in public parking areas. These fees are not included in the cost of the film permit. Production vehicles, depending on their size, must stay on and use suitable roadways as well as adhere to the load and time restrictions imposed by the applicable governing authority. Such vehicles may be issued parking permits, which must be displayed on their dashboards, for parking privileges at or near the filming location. Personal vehicles will not be issued parking permits.

3.1.5 Special Effects (SPFX) & Dangerous Filming

The use of special effects machines or equipment, firearms or guns (i.e., relics, replicas, rubber and prop, etc.), (simulated) gunfire, weapons, explosives or (mock) bombs, detonators, flash powder, pyrotechnics, fireworks or squibs, fire or flame effects, open air burning, flammable liquids or materials, and the filming of dangerous stunts will require notification and approval from the appropriate authorities, including PCFES and NRPS. These filming activities will be subject to the applicable City by-laws, including, but not limited to, Discharge of Firearms By-law, Fireworks By-law, and Open Air Burning and Recreational Fires By-law.

Paid Duty Officers may be a requirement for such activities as deemed necessary by NRPS. Standby services from PCFES may be a requirement as deemed necessary by PCFES. Private paid duty services and standby services are not permitted. The presence of one or more licensed professionals on set as well as Emergency Medical Services (EMS) personnel will be required. All costs associated with dangerous filming, including the payment of NRPS and EMS fees, will be at the expense of the production company.

3.1.6 Film Set Construction

The desire to construct a film set must be approved by the City of Port Colborne's Building Division. A site inspection and approval of technical drawings may be required if the proposal exceeds 10 square metres and/or contains plumbing with a building associated with the structure. Special or temporary use by-laws, particularly those that supersede the current Zoning By-law, as amended, may also be required.

3.1.7 Drones & Low-flying Aircraft

All drone operations must follow the rules and regulations set by Transport Canada. The applicant must also notify the Film Liaison if the filming project will involve drone (Remotely Piloted Aircraft or RPAs) operations. A copy of the drone pilot's certification may be required to keep on file. All drone operations must respect the privacy of the residents where the drone will be flown by issuing a notification letter.

Authority to fly lower than 1000 feet above ground is required from Transport Canada. Obtaining Transport Canada approval for low-flying aircraft (e.g., helicopters, hot air balloons, etc.) is the sole responsibility of the applicant. The City reserves the right to object to such flying activity—regardless of whether it is taking place on municipal or private property—and require that aviation liability insurance in the amount of \$25,000,000.00 (twenty five million), with the City of Port Colborne named as an additional insured, be provided.

3.2 Insurance

The applicant must, at its own expense, including the cost of deductibles, have insurance coverage from a company registered to do business in the province of Ontario. A certificate of commercial general liability insurance in the amount of not less than \$2,000,000.00 (two million dollars) must be presented to the Film Liaison prior to the issuance of a film permit. Where a road closure, intermittent traffic control, traffic sign and streetlight control, public infrastructure control, alteration or removal, special effects and dangerous filming, and drone (or RPA), aircraft or watercraft activity is involved, the commercial general liability insurance must be in the amount of not less than \$5,000,000.00 (five million dollars).

The certificate of commercial general liability insurance must name the City of Port Colborne as an additional insured and include the following: a provision for cross liability and severability of interest; coverage for bodily injury, property damage, and personal injury; non-owned automobile coverage (not less than \$2,000,000.00); contractual non-owned coverage; products and completed operations coverage; broad form property damage; contractual liability; work performed by sub-contractors; and a provision to not call into contribution any other insurance available to the City. This certificate must also provide 30 days prior notice of cancellation.

The applicant must also have all risks property insurance and standard form automobile liability insurance. All risks property insurance must be in an amount equal to the full replacement cost of property of every description and kind owned by the applicant or for which the applicant is legally responsible, and which will be used for the filming of the

production. Standard form automobile liability insurance must have an inclusive limit of not less than \$2,000,000.00 (two million) per occurrence for third party liability, in respect of the use or operation of vehicles owned, operated or leased by the applicant.

Additional insurance and coverage (e.g., commercial property, third party liability, drone liability, aviation liability, tenants' legal liability, pyrotechnics, explosives, fire, weaponry, animals, aerial filming, watercraft, on-water and underwater filming, contents and equipment, rentals, business interruption, etc.) in an amount of not less than \$5,000,000.00 (five million dollars) may be required depending on the filming activities taking place and as determined by the appropriate City department or division. Higher limits may apply as reasonably required by the City.

3.3 Rates & Fees

Recognizing that filming projects vary in complexity and budget, the rates and fees charged for each project will be evaluated on the basis of the filming project in conjunction with the City of Port Colborne's Rates and Fees By-law, as amended. Review of the film permit application is a paid service (see Appendix E), and rates and fees will be applied on a cost-recovery basis. Student and not-for-profit filming projects will be exempt from the film permit fee but other rates and fees will apply.

Staff has delegated authority to negotiate the price of rates and fees for any good (e.g., use of municipal property) or service not identified in the Rates and Fees By-law, as amended, and specifically in the case of any multi-day and/or multi-location filming project.

A security deposit paid by credit card, certified cheque or in the form of an irrevocable standby letter of credit approved by the Director of Corporate Services/Treasurer (or designate) will be required a minimum of 48 hours before the issuance of a film permit. The security deposit will not be returned until all conditions have been satisfied, including cleanup, and all outstanding costs or expenses incurred by the City have been paid by the production company.

3.4 Additional Requirements

3.4.1 Staff Monitoring & Supervision

The production company must keep a copy of the film permit on-site at all times and add the Film Liaison to all call sheets. If deemed necessary, the Film Liaison may monitor the production company on-site, and depending on the nature of the production, additional City staff may be deployed to the filming location for a site meeting or to provide access and supervision (e.g., setup and tear down). The production company agrees to cover the costs associated with having staff present at the applicable hourly rate (regular or overtime). The City, in its sole discretion, will determine the number of staff reasonably required to attend the location or site. Mileage reimbursement may apply.

3.4.2 Unforeseen Circumstances

Changes to the production schedule that occur as a result of unforeseen circumstances will be accommodated by City staff as efficiently as possible. However, if, in the opinion of the Film Liaison, there has been an instance of non-compliance with this policy, or a false statement, misrepresentation, and/or substantial deviation from the information provided during the film permit application process, the film permit may be revoked. The City of Port Colborne will not be responsible for any costs resulting from the revocation of a film permit (see 1.5). The decision to re-instate the film permit may be given after any issues have been resolved to the satisfaction of all parties. In the event that the production schedule goes beyond the filming project's specified timelines, the City will have the option, in its sole discretion, to negotiate an extension or refuse to accept an extension request.

3.4.3 Sustainability

The City of Port Colborne has embraced the three pillars of sustainability and committed to ensuring that all choices and decisions are rooted in an awareness of this important concept. Production companies are asked to agree to the following:

- Respect sensitive environmental and historical areas, as well as (public and privately-owned) heritage properties, in the City where filming may be restricted or prohibited;
- Do not film City staff, uniforms, logo, identifiable materials, vehicles, equipment, etc., without prior written approval;
- Do not fly flags on municipal property that represent groups or organizations whose principles, purposes or activities are contrary to the laws of Canada, the laws of the Province of Ontario or the values and principles of the City;
- Make every effort to patronize Port Colborne businesses and use local services;
- Dispose of garbage, materials (e.g., liquids must not be washed into catch basins, etc.), and debris in an environmental-friendly manner;
- Reduce (e.g., waste that ends up in the local landfill, vehicle idling, etc.), reuse (e.g., materials on future filming projects), recycle, and donate (i.e., food, beverages, clothing, hygiene products, and other essential items) to the community's most vulnerable residents;
- Keep a detailed record of funds—whether by the production company, cast or crew—spent in the community and report this amount to the City in order to assist with measuring the impact of the filming project.

3.5 Credit

In return for the approval to film in Port Colborne, the City asks for the following:

- A letter confirming the City will receive screen credit in the final production;
- City's name and/or logo will be listed in the credits of the final production;
- Permission to use the production's title or to reference general information (e.g., dates, actors, directors, producers, writers, etc.) about the production in any City promotional materials; and

- Copies of any stills, footage, clips, etc. of scenes filmed in Port Colborne to be utilized by the City for promotional purposes.

Appendix A – Film Permit Application

Please read the City of Port Colborne's Filming Policy ahead of filling out this application.

Production Information				
Date of Application:				
Applicant Name & Title:				
Email:			Phone:	
Production Title:				
Production Type:				
<input type="checkbox"/> Feature Film	<input type="checkbox"/> Short Film	<input type="checkbox"/> TV Movie	<input type="checkbox"/> TV Series	<input type="checkbox"/> Commercial
<input type="checkbox"/> Music Video	<input type="checkbox"/> Documentary	<input type="checkbox"/> Educational Film	<input type="checkbox"/> Student or Not-for-profit Film	<input type="checkbox"/> Student or Not-for-profit Commercial
<input type="checkbox"/> Other:				
Episode Number (TV series only):				
Airing Network:				
Production Company:				
Address:				
Email:			Phone:	
Key Personnel – Contact Information				
Primary Contact:	Cell:	Email:		
Producer:	Cell:	Email:		
Production Manager:	Cell:	Email:		
Location Manager:	Cell:	Email:		
Asst. Loc. Manager:	Cell:	Email:		
Other:	Cell:	Email:		

Filming Location(s)		
Main Filming Location: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior <input type="checkbox"/> Combination		
Additional Filming Locations: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior <input type="checkbox"/> Combination		
Locations include municipal property or private property: <input type="checkbox"/> Municipal property <input type="checkbox"/> Private property <input type="checkbox"/> Combination		
Basecamp Location:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Other applicable dates and times:		
Description of the scene(s):		
Location/Site Map: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Script: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Size of cast and crew:		
Scene(s) includes construction (e.g., film set) and/or the use building structures: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Scene(s) involves changes to the existing structure and/or appearance of (municipal or private) property and/or buildings: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, describe the extent to which these changes will be made:		
Parking		
Number of passenger vehicles:	Number of production vehicles and cast trailers:	Number of oversize trucks:
Describe the parking arrangements:		
Overnight parking: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Special parking arrangements requested:		
Special Requests		
Temporary Road Closure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Intermittent Traffic Control	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Traffic Signs, Streetlights & Public Infrastructure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
SPFX and/or Dangerous Filming	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Drones	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Animals	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other:		
City Services		
Cleanup & Garbage Collection: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Staff Monitoring & Supervision: <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> Billed accordingly to the production company at the applicable hourly rate 		
Additional Requests: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide details:		
Intermittent Traffic Control (if applicable)		
Travelling shot with normal traffic flow: <input type="checkbox"/> Yes <input type="checkbox"/> No	Camera in Car: <input type="checkbox"/> Yes <input type="checkbox"/> No Process Trailer: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Location:	Dates & Times:	
From (cross street):	To (cross street):	
Description of the scene(s):		
Traffic Signs, Streetlights & Public Infrastructure (if applicable)		
Description of control, alterations or removals of traffic signs, streetlights, and/or public infrastructure:		
Documentation		
I agree to submit the following documentation not less than three (3) business days before production begins. Certificate of Insurance: <input type="checkbox"/> Yes <input type="checkbox"/> No Filming Agreement: <input type="checkbox"/> Yes <input type="checkbox"/> No I agree to submit a residential/business area notification letter not less than four (4) business days before production begins: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Economic Impact		

Estimated amount of money to be spent by the production company, cast or crew in Port Colborne:

I agree to make every effort to patronize Port Colborne businesses and use local services: ☐ Yes ☐ No

I agree to keep a detailed record of the funds spent in Port Colborne and report this amount to the City: ☐ Yes ☐ No

The following provides a list of the most referenced by-laws with respect to filming projects. This list is not intended to be a complete listing of all by-laws that may apply to a filming project. Applicants are responsible for ensuring that they are aware of and comply with all relevant by-laws, as amended, and all applicable provincial and/or federal legislation.

- AMPS Parking & Non-Parking By-laws
- Encroachment By-law
- Keeping of Animals By-law
- Open Air Burning and Recreational Fires By-law
- Parking and Traffic By-law
- Public Nuisance By-law
- Site Alteration By-law
- Water By-law
- Discharge of Firearms By-law
- Fireworks By-law
- Noise By-law
- Parks By-law
- Parking Permit By-laws
- Sign By-law
- Tree By-law
- Zoning By-law

Appendix B – Temporary Road Closure Application

Production Information		
Date of Application:		
Applicant Name & Title:		
Email:	Phone:	
Production Title:		
Production Type:		
Production Company:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Temporary Road Closure		
Occupy a lane on a roadway: <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupy a sidewalk or boulevard: <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupy an alleyway: <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, number of lanes:	If yes, can 1.5 metres around the encumbrance be maintained? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, will passage be partially or completely blocked? <input type="checkbox"/> Partially <input type="checkbox"/> Completely
Item for Occupancy (e.g., moving vehicle, production vehicle, other):		
Location of Occupancy:		
Description of Occupancy:		
Occupancy Start Date:	Occupancy End Date:	
Length (in metres) of occupied space:	Width (in metres) of occupied space:	
A traffic control plan—with maps, diagrams, etc.—to illustrate the occupancy will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Residential/Business Area Notification Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No		
I agree to notify residents, occupants or businesses five (5) business days before filming begins: <input type="checkbox"/> Yes <input type="checkbox"/> No		

Appendix C – Dangerous Filming & SPFX Application

Production Information		
Date of Application:		
Applicant Name & Title:		
Email:	Phone:	
Production Title:		
Production Type:		
Production Company:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Special Effects (SPFX)		
Location:		
Date and Time:		
FX Location Representative:		
Representative's Cell Number:		
FX Supervisor Name:		
Supervisor's Cell Number:		
Pyrotechnician Certificate # & Expiry:		
Pyrotechnician Certificate # Class:		
Description of the scene(s) during which SPFX will be used:		
<input type="checkbox"/> SPFX machines or equipment	<input type="checkbox"/> Firearms, guns or gunfire	<input type="checkbox"/> Weapons
<input type="checkbox"/> Explosives or bombs	<input type="checkbox"/> Pyrotechnics or flash powder	<input type="checkbox"/> Fireworks or squibs
<input type="checkbox"/> Fire, open air burning or flammable liquids or materials	<input type="checkbox"/> Flame effects	<input type="checkbox"/> Dangerous stunts
A completed SPFX Plan—with maps, diagrams, and a detail description of the effect,		

including safe distances between personnel, objects and the effect—as well as a certificate of insurance will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
A completed Fire Safety Plan will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
Pyrotechnics
Set-up date:
Projected initiation times:
Detonating cord inclusions: <input type="checkbox"/> Yes <input type="checkbox"/> No
Planned number of resets:
Materials to be used, including quantities:
Safety Measures – Describe the place and method of pyrotechnics storage on-site, as well as the use of extinguishers on set as a safety measure:
Do you intend to have the fire protection equipment disconnected from this effect: <input type="checkbox"/> Yes <input type="checkbox"/> No
Squibs
Will squibs be used with anything else (i.e., black powder)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will fuses or detonators be used? <input type="checkbox"/> Yes <input type="checkbox"/> No
Set-up date:
Projected initiation times:
Planned number of resets:
Firearms, Guns, or Gunfire
Firearms Handler Name:
Firearms Handler Cell Number:
PAL # for Firearms Handler:
Firearms Business License #:
Set-up date:
Projected initiation times:
Planned number of rounds:

What is being fired at? <input type="checkbox"/> Vehicle <input type="checkbox"/> Prop <input type="checkbox"/> Person <input type="checkbox"/> Other
Will an air capsule gun (e.g., Sweeney) be used? <input type="checkbox"/> Yes <input type="checkbox"/> No
Describe what the air capsule gun rounds contain:
Types of firearms on set, including quantities:
Safety Measures – Describe the place and method of firearms storage on-site (Note: Prop or replica firearms must be secured in the same way as actual firearms):
A copy of the on-set Firearms Handler's PAL will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
A copy of the Firearms Business License will be submitted along with application: <input type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Regional Police Service will be notified and a Paid Duty Officer will be requested (if required): <input type="checkbox"/> Yes <input type="checkbox"/> No
The completed application and all required attachments will be emailed to both the City of Port Colborne and Niagara Regional Police Service at least 10 business days in advance of filming: <input type="checkbox"/> Yes <input type="checkbox"/> No

Appendix D – Filming Agreement

THIS FILMING AGREEMENT (the “**Agreement**”) is dated _____, 20__

BETWEEN

The Corporation of the City of Port Colborne

66 Charlotte Street, Port Colborne, ON L3K 3C8

(the “City”)

AND

Name

Address

(the “Permittee”)

(collective referred to as the “Parties”)

IN CONSIDERATION of the City having issued to the Permittee a film permit (the “Permit”) to engage in filming activities within the City of Port Colborne, which may include without limitation permission to enter onto, use, or occupy certain lands, property, or facilities, including roads and streets and public places, that belong to or that are under the control of the City as more particularly described in the Permit (“City Property”), the Permittee agrees as follows:

1. The Permittee shall ensure that all filming activities are carried out strictly in accordance with the City of Port Colborne’s Filming Policy, in a safe and appropriate manner, in accordance with all applicable City by-laws and Provincial and Federal laws, including but not limited to the *Occupational Health and Safety Act*, as amended, and the Safety Guidelines for the Film and Television Industry in Ontario, and assumes all risks connected with or that may arise out of such activities.
2. The Permittee shall inspect City Property prior to its use both as to its suitability for the Permittee’s activities and its condition, and its use by the Permittee shall, except for any undiscoverable hazardous condition, be construed as acceptance of the suitability and condition of the City Property. The Permittee shall leave the City Property in the same condition as, or better condition than, it was prior to the Permittee’s use.
3. The Permittee shall be allowed to enter on City Property from [date] to [date]. The Permittee shall elect not to use City Property for filming activities or any other purpose, which the Permittee shall have the right to do, only by providing written notice forty-eight (48) hours prior to the Permittee’s scheduled use of City Property.
4. The Permittee shall obtain, at its own expense, all permits from any public authority which may be required in connection with the Permittee’s filming activities.

5. The Permittee agrees to release absolutely, waive, and save harmless the City and its elected officials, officers, employees, servants, agents and contractors from and against any and all claims that the Permittee or its servants and agents might otherwise have against the City except only to the extent caused by the negligent or wilful misconduct of the City or its elected officials, officers, employees, servants, agents and contractors or arising out of any undiscoverable hazardous condition.
6. The Permittee agrees to indemnify and hold harmless the City, and its elected officials, officers, employees, servants, agents and contractors, from and against all claims and demands and all awards, judgements, actions, or causes of action and proceedings by whomsoever made or brought in respect of any claim for personal or bodily injury, including death, to any person, and for any loss of or damage to property caused directly or indirectly by or as a result of the granting of the Permit by the City or the activities of the Permittee within the City of Port Colborne, except to the extent caused by the negligence or wilful misconduct of the City or its officers or employees or arising out of any undiscoverable hazardous condition.
7. The Permittee shall obtain and maintain, at all times throughout the filming activities, insurance satisfactory to the City and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for bodily injury, property damage, and personal injury as well as include but not be limited to the following.
 - A. Commercial general liability insurance with:
 - i. A limit of liability of not less than \$2,000,000.00 (two million) per occurrence with an aggregate of not less than \$5,000,000.00 (five million), or a limit of liability of not less than \$5,000,000.00 (five million) per occurrence with an aggregate of not less than \$5,000,000.00 (five million);
 - ii. The City added as an additional insured with respect to the operations of the Named Insured;
 - iii. A provision for cross liability and severability of interest in respect of the Named Insured;
 - iv. Non-owned automobile coverage with a limit not less than \$2,000,000.00 (two million) and contractual non-owned coverage (SEF 96);
 - v. Products and completed operations coverage;
 - vi. Broad Form Property Damage;
 - vii. Contractual Liability;
 - viii. Work performed on behalf of the Named Insured by Sub-Contractors; and
 - ix. 30 days prior notice of cancellation provided.
 - B. All Risks Property Insurance in an amount equal to the full replacement cost of property of every description and kind owned by the Permittee or for which the Permittee is legally responsible, and which will be used for the filming of

the production (the "Production" includes the time before/prep, during/shoot, and after/wrap).

- C. Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario, having an inclusive limit of not less than \$2,000,000.00 (two million) per occurrence for Third Party Liability, in respect of the use or operation of vehicles owned, operated or leased by the Permittee.
 - D. Aircraft, Drone and Watercraft Liability Insurance, if applicable, with respect to any non-owned aircraft or watercraft connected to the project, in an amount of not less than \$5,000,000.00 (five million) per occurrence for Third Party Liability including Passenger Hazards.
8. The Permittee, its directors, officers, employees, agents, contractors, and subcontractors, or any of them in connection with or in any way related to the Production, shall comply with any instructions given by the City's film liaison (the "Film Liaison") for the purposes of the use of City Property. If at any time during the Production, the Film Liaison determines that any activity carried out by the Permittee is contrary to any rules, regulations, orders, or by-laws of the City, or contrary to any general law, or is unsafe or not in the best interest of the City, the Film Liaison shall have the right to order the Permittee to discontinue the Production. The Permittee shall comply immediately with any such instructions, directions, or orders given by the Film Liaison. In the event that the Permittee, its employees, agents, contractors or subcontractors fail to comply, the Film Liaison may use whatever reasonable force necessary to prevent the Permittee from continuing with the Production and remove the Permittee from City Property.
9. Subject to the City of Port Colborne's Filming Policy, all rights of every kind in and to all photographs, video and sound recordings made hereunder in connection with use of City Property by the Permittee (the "Footage") and any duplicates created of City Property (the "Duplicates") shall be and remain the sole and exclusive property of the Permittee and its licensees and assigns. Such rights shall include, without limitation, the perpetual and irrevocable right and license to use and re-use said Footage in connection with the Production and any other productions (including, without limitation, any television, motion picture, internet or other new media production) (collectively, the "Productions") as the Permittee may elect, and in connection with advertising, publicizing, exhibiting, merchandising, distributing and exploiting such Productions in any manner whatsoever and at any time by all means, media, devices, processes and technology now or hereafter known or devised in perpetuity throughout the universe. The rights granted to the Permittee hereunder in connection with the Footage and the Duplicates shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein. Neither the City nor any other party now or hereafter claiming an interest in the City Property and/or through the City shall have any right of action against the Permittee or any other party arising from or based upon any use or exploitation of

such Footage or Duplicates, whether or not such use is claimed to be defamatory, untrue or censurable in nature. The Permittee shall not be obligated to make any actual use of any Footage or Duplicates in the Productions or otherwise.

10. The Permittee shall agree to report to the Film Liaison the amount of money spent in Port Colborne, acknowledge the City of Port Colborne in the credits of the final production, and provide the City with permission to use the Production's information and copies of the Footage or Duplicates for marketing or promotional purposes.
11. With respect only to the use of City Property, the City warrants, represents and agrees that it is fully authorized to enter into this Agreement and has the right to grant the Permittee use of the City lands and facilities for the purpose of filming, and, to the best of its knowledge, the City owns and controls the copyrights and trademarks in and to the interior and exterior designs of City owned facilities such that no further permission(s) or consent(s) from, or payment to, any other entity is necessary for the City to grant the rights granted herein. Notwithstanding the foregoing, where the City Property is occupied by a tenant the Permittee must obtain the separate agreement of the tenant to the use of the City Property for the filming activities.
12. In the event of any claims by the City against the Permittee for physical damage to City Property, the liability of the Permittee shall be for the reasonable cost of repairing such damage; for any other claims by the City against the Permittee, whether or not material, the City shall be limited to the City's remedy at law for damages, if any, and the City shall not be entitled to enjoin, restrain or interfere with (i) the Footage or Duplicates as provided hereunder; or (ii) the production, distribution, merchandising, advertising, publicizing, exhibiting, or exploitation of the Productions.
13. Any schedule(s) attached to this Agreement form a part of this Agreement.
14. In the event of any conflict between the terms and conditions of this Filming Agreement and the terms and conditions of the City's Filming Policy, the terms and conditions of this Filming Agreement shall govern.
15. Except as otherwise specifically provided herein, this Agreement will be interpreted in accordance with the laws of the Province of Ontario.
16. If any provision in this Agreement is invalid or unenforceable, the remainder of this Agreement is not affected thereby and each covenant, obligation and provision of this Agreement is separately valid and enforceable to the fullest extent permitted by law.
17. This Agreement may be executed and delivered (including being scanned and e-mailed) in one or more counterparts, and by the different Parties hereto in separate

counterparts, each of which when executed shall be deemed to be an original, but all of which taken together shall constitute one and the same agreement.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement through duly authorized representatives.

_____	_____	_____
Permittee	Signature	Date

_____	_____	_____
The Corporation of the City of Port Colborne	Signature	Date

I have the authority to bind the Corporation.

Appendix E – Rates & Fees

Service Type	Name	Fee
Film	Film Permit – Municipal Property	\$175.00
Film	Staff Time – Film Liaison	\$85.00 per hour
Film	Security Deposit	\$2,500.00 minimum for low impact filming projects
		\$5,000.00 minimum for medium to high impact filming projects

Notes:

¹ All applicable taxes shall apply.

² Student and not-for-profit filming projects are exempt from the film permit fee.

³ Staff time—that of the Film Liaison and City staff (at the applicable hourly rate, regular or overtime, and mileage reimbursement, if required) from other departments or divisions, including PCFES—will be necessary to coordinate requests and permit application review for any filming projects, whether on municipal or private property, involving road closures, traffic interruption, traffic sign and streetlight control, public infrastructure control, alteration or removal, as well as SPFX and dangerous filming.

⁴ Security deposits may be adjusted lower or higher depending on the nature of the filming project and the number of filming days and/or locations.