



**Subject: Filming Policy**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-173

Meeting Date: October 10, 2023

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**Recommendation:**

That Office of the Chief Administrative Officer Report 2023-173 be received;

That the City Clerk or designate be delegated the authority to issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the Filming Policy;

That the Director of Corporate Services/Treasurer or designate be delegated the authority to negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law;

That new rates and fees be added to the by-law that establishes the rates and fees for various City services; and

That the City of Port Colborne Filming Policy, as recommended by staff, be approved.

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**Purpose:**

The purpose of this report is to present a filming policy that outlines how City staff will henceforth coordinate requests for filming in Port Colborne. The report also puts forward recommendations to delegate authority to the City Clerk to issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the filming policy, and to the Director of Corporate Services/Treasurer to negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law.

The filming policy will apply to feature films, short films, television films and programs/series, commercials and music videos, documentaries, educational films, student and not-for-profit films and commercials, as well as general commercial videography.

## **Background:**

To become a location that welcomes the film and television industry and all of the social, cultural, and economic benefits that come with it, the City of Port Colborne should have a policy in place to guide staff in processing filming requests. A scan of Ontario municipalities with film offices or designated film liaisons showed that such offices and staff generally reside within economic development departments.

The total annual production activity in Ontario generates billions of dollars for the provincial economy (e.g., \$4.5 billion in 2022). Production activity in the Niagara Region is continuously growing, with the City of St. Catharines reporting 40 film inquiries in 2021 compared to 12 in 2019 and 10 in 2018. The City of Port Colborne receives an average of six film inquiries a year. In comparison to Ontario's two busiest filming hubs (i.e., Hamilton and Toronto), Niagara is still relatively unknown to producers and location managers or scouts. Niagara Region Economic Development—in their Economic Development Strategy 2022-2032—identified the film sector as having significant investment and growth potential. To that end, their staff are working with the local area municipalities to drive new interest in the eclectic locations throughout Niagara that would be ideal for film productions.

Following this lead, the City's Economic Development & Tourism Services (EDTS) Division has determined that establishing a filming policy and administering its contents will springboard a coordinated approach to both processing requests and promoting Port Colborne as a film location.

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## **Discussion:**

Requests to film on City-owned and/or private property can arrive at any time of the year, and it is important to have a framework that offers guidance not only to City staff but also the production companies showing interest in Port Colborne. These requests can be considerably varied in terms of where, when, what, and how (long) the production unfolds—mainly ranging from low impact (e.g., one or few locations and a short filming duration with minimal cast, crew, and production requirements) to high impact (e.g., several locations and a long filming duration with copious cast and crew, and multifaceted production requirements). Furthermore, there is an expectation, given the abundance of desirable locations in Ontario to choose from, that filming requests be processed by the property owner in a timely and sometimes speedy fashion.

One central point of contact in the EDTS Division will serve as the Film Liaison and distribute any incoming film permit applications—to be made available for completion on the City's website—to the appropriate managerial staff or department/division heads for their review. A film permit for filming on City-owned property, containing an approval

letter from the City Clerk and an executed filming agreement, will be issued to applicants only once all requirements have been met. Film permits for filming on private property will not be required nor issued unless, at any point in time, the activity will involve City-owned property or directly impact public life.

By adopting the filming policy, Council hereby delegates approval authority to the City Clerk or designate 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 are requested by the applicant, Council will retain the right to make a final decision on the request.

The filming policy introduces three new rates and fees: film permit, staff time for the Film Liaison, and security deposit. If the filming policy is approved by Council, these rates and fees will be effective immediately and are subject to change hereafter with every annual update or amendment to the Rates & Fees By-law. Staff recommend that student and non-profit filming projects be exempt from the film permit fee. However, other rates and fees will apply to these projects. An adoption of the filming policy also gives approval authority to the Director of Corporate Services/Treasurer or designate to negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law. Such negotiations are to occur primarily when the applicant requests multi-day and/or multi-location rates (i.e., bundled or packaged rates) as part of their filming project.

The application forms in the appendix of the filming policy are templates only, and even after they are posted on the City's website, they will be subject to change from time to time. The filming agreement included in the appendix was reviewed by the City's solicitor and its contents may be updated in the future based on any new legal advice.

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### **Internal Consultations:**

A draft of the filming policy was circulated internally to every department and division affected by the policy. It was also sent externally to the City's solicitor and insurance broker for their review.

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### **Financial Implications:**

Production companies will be charged rates and fees according to the City's Rates & Fees By-law. Three new fees will be added to this By-law as a way to recover the costs associated with reviewing film permit applications and coordinating the various requests that come from allowing companies to film on City-owned property in Port Colborne. A security deposit is among these fees, and it is compulsory in order to deal with any instances of non-payment of fees or damages caused by a filming project.

**Public Engagement:**

A section of the filming policy gives instructions to film permit applicants regarding communication to the public. In almost all circumstances of filming on municipal or private property, the applicant will be tasked with preparing a notification letter that, subject to City approval, 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 starts. Filming in residential and business areas will require the applicant to carry out a more detailed process that involves canvassing the impacted areas to obtain signatures of support or no objections.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community
  - Economic Prosperity
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**Conclusion:**

The City of Port Colborne currently does not have a filming policy. Promoting Port Colborne as a film location will be made easier once there is a policy in place to help give direction to City staff and any inquiring production companies. The recommendation to approve the policy presented in this report will springboard a concerted effort to drive new interest in Niagara as a filming hub.

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**Appendices:**

- a. By-law to Adopt a Filming Policy

Respectfully submitted,

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**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.