



Town of Newmarket
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Film By-law Staff Report to Council

Report Number: 2023-20

Department(s): Legislative Services

Author(s): John Comeau, Supervisor of Licensing and Property Standards

Meeting Date: March 27, 2023

Recommendations

1. That the report entitled Film By-law Staff Report dated March 27, 2023 be received; and,
2. That Council approve the draft Film By-law; and,
3. That Council amend AMPS By-law 2019-52, Fees and Charges By-law 2022-61, and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Town currently has a Film Policy in place that regulates filming in Newmarket. Through Staff Report 2022-38, gaps in the current policy were identified and Council provided direction to explore revisions to the policy that will both address outstanding issues and utilize a tiered permitting structure rather than the current one size fits all model.

The purpose of this report is to present to Council a proposed Filming By-law that updates our permitting process, and allows for better enforcement of filming that is conducted without proper approvals.

Purpose

The purpose of this report is to present Council with a proposed by-law to licence and permit filming throughout Town.

Background

The Town of Newmarket's current [Film Policy](#) was originally adopted in 2008, and was revised most recently in July of 2016. The Film Policy provides guidelines for how a film permit may be obtained in Newmarket, and speaks to:

- Issuance of permits
- Fees
- Insurance requirements
- Restrictions and limitations
- Considerations to Residents/Businesses
- Considerations to Traffic and Parking
- Special Effects
- Code of conduct

The Town of Newmarket's Licensing Division has issued 13 film permits since 2019, 5 of which took place in 2022. Over the years, gaps have presented themselves in our current Film Policy as identified in [Staff Report 2022-38](#). On June 6, 2022, at a Committee of the Whole meeting, Town Council directed staff to review Film Policy CORP 1-04 and bring forward new proposed updates to the policy using a model that included tiered classifications, rather than the current one size fits all model.

Discussion

Municipal Review

Prior to proposing new regulations, Regulatory Services conducted a review of filming regulations and policies currently in place within a number of larger Canadian municipalities including Toronto, Ottawa, Hamilton, Victoria, Edmonton and Calgary. Larger municipalities often have a higher demand for filming than smaller municipalities, and as a result have significantly more robust regulations and policies. Town Staff have utilized information identified during this review that has been incorporated into the proposed regulations in an effort to create a more modernized permitting process.

Film By-law vs. Film Policy

Historically the Town has regulated the issuance of permits through a Film Permit Policy. Though this process works well to outline conditions in which Permits may be issued and procedures that must be followed, it leaves Regulatory Services Staff with minimal tools for enforcement should individuals violate the policy.

Section 10(2) of the Municipal Act, S.O. 2001, c25, as amended, establishes that a municipality may pass by-laws for the economic and social well-being of the

municipality, the health, safety and well-being of persons, and the protection of persons and property, including consumer protection. By utilizing our authority under the Municipal Act to pass a Film By-law that regulates filming within the Town, Council can establish administrative monetary penalties and empower Town Staff to address any persons found filming contrary to the regulations established. A municipal scan has found that Toronto, Hamilton and Ottawa all utilize a Film By-law.

As a result of the enforcement benefits found in establishing a Film By-law, Town Staff are recommending and have drafted a proposed By-law for Council consideration.

Classifying Film Permits

A significant gap identified in our current Film Policy is that it utilizes a one size fits all approach to permitting films within Town. In an effort to fill that gap, the proposed regulations allows for a tailored approached based on three factors:

1) Location

The proposed regulations classify film events to be occurring in either the Special Film Zone (SFZ) of the General Film Zone (GFZ). Any filming that takes place within the Business Improvement Area (BIA), is considered to be taking place in the SFZ. Filming anywhere else in Newmarket would fall under the GFZ. Film permit requirements have been tailored depending on the zone. The differences can be seen below:

	Special Film Zone (BIA)	General Film Zone
Days of the week filming is permitted	Sunday - Thursday	Any day
Required notice for Notice of Intent	21 days notice – Standard Film 10 days notice - Local Film Company	14 days – Standard Film 10 days notice – Local Film Company
Required notice for Public Notification	72 hours	
Special Parking Considerations	Consultation with specific business owners is required to permit on street parking of large vehicles	None
Additional Circulation	BIA Board of Management included on initial circulation to provide feedback on any potential concerns.	None

2) Size of Production

Another factor that has been considered with the proposed regulations is the size of the production. The Town's current policy applies the same requirements for productions regardless of the size of crew working on the production. The Town has seen many different sized productions come to Town and it is clear that the level of disruption and work required for larger scale productions requires special attention. With that, the proposed regulations add additional requirements for productions of 100 or more crew.

These additional requirements include:

- A dedicated Licensing Officer be assigned as the point of contact on behalf of the Town and available throughout the duration of the filming. This Licensing Officer will be paid for by the applicant, as outlined in the proposed amendments to the Town's Fees and Charges By-law.
- A dedicated Film Permit Hotline be opened by the Town during the entirety of the Film Permit, monitored by the Town's Licensing Division. This will allow businesses and residents a direct line to Licensing Staff so that any questions or concerns regarding the filming can be addressed in a timely manner.

Additionally, Staff have proposed that film productions with a crew size of 100 or more be charged a "Impact Fee" and film productions with a crew size of 200 or more will be charged a "High Impact Fee" as outlined in the proposed amendments to the Fees and Charges By-law.

3) Local Companies

The third factor addressed with the proposed regulations is regarding the presence of local film companies who regularly utilize the Town of Newmarket for filming in comparison to outside companies who source Newmarket for one off film events. Local film companies are often required to complete multiple Film Permit Applications within a given year, and a streamlined process will help support local businesses.

The proposed regulations establishes a Local Film Licence that may be obtained by any film production company located and registered within the Town of Newmarket. This Film Licence will be a yearly requirement for local film companies who wish to film in Newmarket. As a requirement for the Licence, businesses will be required to submit an application, proof of insurance, and a list of known shoots scheduled to take place within Newmarket for the calendar year.

As a benefit for local filming companies, any holder of a Local Film Licence will not be required to pay an Administration Fee, or a Film Permit Application fee for each film event. Instead, they will be charged a yearly licence fee. Licensed Film Companies will still be required to pay for expenses incurred by the Town for services offered (for

example, road closure permits), and will be subject to Special Film Zone Impact fees (for filming within the BIA).

Film Permit Application

Staff are proposing significant changes to the application process. Our current Film Policy requires only 48 hours' notice for a film permit application to be submitted, or 7 business days for any permits that require road closures or the use of Town Parks. Town Staff have experienced significant issues in circulating Film Permit applications appropriately using these timelines. Conversely, consultation with a local film company has indicated that due to the nature of the film industry providing very specific details regarding a film project can be difficult until close to the actual film date. Concerns were also raised by companies previously permitted to film in Newmarket regarding the complicated nature of the current application process in general.

In response to this issue, Town Staff are proposing new streamlined process that will help allow the Town to prepare for any proposed filming, while also allowing film companies a better chance to be successful in the application process. The proposed application process will be broken down to a two parts:

Part 1 – Notice of Intent

The proposed By-law requires that an applicant for a Film Permit submits a Notice of Intent 10-21 days prior to the proposed film date depending on the location of the filming. The Notice of Intent will provide high level details regarding the proposed film project, including the following information:

- Date, time and location of filming
- Size of film crew
- Nature of project
- Resources required from the Town

Upon receipt of the Notice of Intent, the Town's Licensing Division will circulate the document to a number of parties as outlined in the proposed By-law. This circulation process will allow for any conflicts to be raised and addressed, and resources needed can be discussed. The circulation of a Notice of Intent will be sent to:

- Senior Leadership Team;
- The Director of any effected Department;
- The Mayor, Deputy Mayor, and Regional Councilor of the ward that the filming is taking place in; and
- Any external agencies that we require comment from or wish to provide notification to

In addition to the above parties, Staff note the importance of consulting the BIA. The BIA is disproportionately affected by Film Permits as a result of the lure that the Main Street area has for filming. Recognizing this, Staff are recommending that the BIA Board of Management be included on the initial circulation for any Notice of Intents received that identify filming located within the Special Film Zone (BIA). By including the BIA in the earliest stages of processing the application, Staff believe this will allow the BIA to assist in minimizing any impact that filming might have on the businesses and residents in the area, and flag any significant concerns that are present.

Part 2 – Application

Following the circulation of the Notice of Intent, the Regulatory Services will compile comments received, and follow up with the applicant to advise what can and cannot be approved. Staff will provide the applicant with a list of conditions that must be met to proceed with the Permit, and a breakdown of any costs associated with the request (including road occupancy permits, rental fees, as well as the cost of staff used to assist with the film permit).

Following this information being communicated to the applicant, a finalized application will be required to be completed to confirm the details of the production. The completed application and payments are to be received 72 hours prior to the beginning of any filming event.

Public Notification

An important requirement of the proposed regulations is for an applicant to ensure they have notified any business or resident that may be effected by the filming. In consultation with a local film company, it was advised that our current requirements for an applicant to notify the public is not overly onerous, and as a result our proposed regulations take a similar approach of requiring applicants to provide proof of notification to any property within a 200 meter radius of the film location. The requirement to provide 48 hours notice has been increased to 72 hours notice to ensure the community has the appropriate notice of any impacts that might be experienced as a result of filming.

Further consultation has provided insight that smaller or newer film companies may have difficulties knowing what is expected to be provided in terms of notice to surrounding properties. As a result, the Town's Licensing Division will be creating a notification template that can be used by an applicant for a film permit to highlight pertinent information.

Authority to Issue a Permit

Through the proposed Film By-law, Council would delegate authority to the Manager of Regulatory Services to approve or deny applications for Filming within the Town. The decision to deny or approve a Film Permit will be largely based on the information gathered through the circulation of the Notice of Intent. Criteria that will also be considered in deciding to approve or deny a permit may include:

- Past conduct of the applicant;
- Conflicts with previously scheduled activities;
- Excessive disruption of any Town work, traffic, residents or businesses; or
- Risk of damage to Town assets

Enforcement

Moving from a Film Permit Policy to a Film By-law allows Council to adopt regulations that are easily enforced by Regulatory Services. The proposed regulations include violations for:

- Filming without a permit
- Participating in a filming event that does not have a film permit
- Interfering with traffic unless approved
- Failing to comply with federal, provincial or municipal regulations

The proposed By-law and amendments to our Administrative Monetary Penalty System By-law provides Staff the tools necessary to ensure compliance with Town Regulations.

Fees and Charges

As a result of this review, Staff are recommending significant changes to our fee structure for Film Permits. Understanding the level of work and Staff resources needed to coordinate film events, it is important that the costs to the Town are captured through increased fees related to filming. There is also significant impacts to the community when filming occurs, and it is important that the Town is properly compensated for that impact. Below is a chart of proposed fees, outlining fees that apply to out of Town companies and local film licence holders:

Out of Town Companies	Local Film Licence Holders	Both
<ul style="list-style-type: none"> - Administration Fee - Permit Fee 	<ul style="list-style-type: none"> - Local Film Licence Fee 	<ul style="list-style-type: none"> - Road Occupancy Permit - Road/Sidewalk Closure - SFZ Impact Fee - (High) Impact Fee

		<ul style="list-style-type: none"> - Fees to cover cost of Staffing costs if needed - Security Deposits for special effects
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Filming Handbook

The logistics of obtaining a film permit and coordinating a film project can appear complicated. As a result, Town Staff have created a Film Handbook to assist prospective film producers with information regarding filming within Newmarket. This handbook outlines the application process, fees associated with filming, responsibilities of producers, and requirements that all must comply with when filming in Newmarket. A copy of the Town’s Film Handbook can be found in **Attachment #4**.

Conclusion

Staff have drafted a proposed Film By-law for Council consideration. Should Council adopt the new By-law, Staff will be prepared to transition to the new processes upon adoption.

Business Plan and Strategic Plan Linkages

This report supports the Town’s vision of a community Well Beyond the Ordinary and mission of Making Newmarket Even Better.

Consultation

Town Staff circulated a survey to the BIA from August 8th – August 18th in an effort to better understand the impacts filming has on the area. The results of the survey can be found in **Attachment #5**. Informal comments have been received from members of the BIA during the circulation and implementation of previous film permits.

Film companies Brain Power and Gilead 5 Productions Inc. were consulted during this review.

Copies of this Report and the proposed Film By-law were circulated to SLT, Legal Services, Public Works Services, Parks and Facilities, and Recreation and Culture, and Economic Development.

Human Resource Considerations

None.

Budget Impact

The issuance of Film Permits does generate revenue for the Town.

Attachments

Attachment #1 – Proposed Film By-law 2022-XX

Attachment #2 – Amended AMPS By-law 2019-62, Schedule A

Attachment #3 – Amended Fees and Charges By-law

Attachment #4 – Film Handbook

Attachment #5 – Results of BIA Survey

Approval

Lisa Lyons, Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

Contact

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