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Film By-law Updates Staff Report to Council

Report Number: 2023-24

Department(s): Legislative Services

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

Meeting Date: April 17, 2023

Recommendations

1. That the report entitled Film By-law Updates dated April 17, 2023 be received; and,
2. That Council amend Delegation By-law 2016-17; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to follow up on [Staff Report 2023-20](#) and the presentation made to Council at the March 27th Committee of the Whole regarding proposed amendments to Town's current Film Policy.

Background

On March 27th, 2023 at a Committee of the Whole meeting, Staff presented [Staff Report 2023-20](#) which included proposed amendments to Town's current Film Policy. Council raised a number of questions regarding the proposed amendments, leading to a SLT recommendation that the item be deferred to the April 17th Committee of the Whole Meeting.

This reports answers questions raised at the March 27th Committee of the Whole, and presents updates to the proposed regulations that reflect the comments received by Council.

Discussion

Following the March 27th Committee of the Whole, Staff reviewed a number of comments/questions raised by Council:

1. Fees and Charges

During the March 27th Committee of the Whole meeting, Council raised questions regarding the Fees and Charges proposed by Staff. Specific requests were made for information to be provided regarding the cost of Film Permits in surrounding municipalities. In response to this request, **Attachment #6** provides a jurisdictional scan of fees and charges for Film Permits in surrounding municipalities.

Additional comments were received indicating a desire to see increased fees for film companies that are not local to Newmarket. Valid concerns were raised regarding the fee structure for multiday film permits. As a result, Staff have updated the proposed amendments to the Town's Fees and Charges By-law (**Attachment #3**) to increase fees for companies not local to Newmarket, identifying each charge as a per day fee. By charging outside film companies on a per day basis, it will increase the incentive to complete projects in a timely manner in order to minimize the impact to surrounding residents and businesses.

2. AMPS Penalties

Comments were made requesting further clarification on the proposed Administrative Monetary Penalties. Specifically comparisons were made between the proposed set fines and the cost of a Film Permit, and concerns were raised as to whether the proposed penalties were high enough to encourage compliance.

Through Section 9 of the proposed regulations, Staff are provided the authority to initiate charges under Part Three of the Provincial Offences Act. A monetary penalty under Part Three of the Provincial Offences Act can reach as high as \$100,000.

Moving forward, Staff recommend the AMPS set fines be adopted as proposed. Should the set AMPS fine be appropriate for the offense that presents itself, Staff will utilize AMPS. For any offences that warrant a higher penalty, Staff will proceed with laying a charge under Part Three of the Provincial Offences Act with the intent of securing a higher monetary penalty. Staff believe the above approach will appropriately deter non-compliance with Town regulations.

3. Authorities to Deny a Film Permit Application

Section 7 of the proposed regulations identifies the delegated authority that the Manager of Regulatory Services has in approving/denying film permit applications. Additionally, this section establishes criteria that is to be considered when reviewing an application to film within the Town.

When a Notice of Intent is received by the Licensing Division, it will be circulated to parties identified in Section 4(4) of the proposed By-law. Comments received by these parties will help inform the Manager's decision as to whether or not an approval is appropriate. Should the application not appropriately meet the conditions listed in section 7, then it will be denied. A municipality has the authority to not permit a film company from filming on Town property at their discretion as long as a reason is provided.

Overuse of a specific site for filming would meet the criteria for a possible denial under this By-law, making a specific cap on locations unnecessary.

As part of this review, Staff are requesting the Delegation By-law 2016-17 be amended (**Attachment #7**) to reflect the changes in the proposed regulations.

Additionally, the proposed Film Permit Handbook (**Attachment #4**) has been updated to include details regarding approvals/denials.

4. Encouraging use of Local Businesses

Comments were received indicating the importance of film companies utilizing and supporting local businesses. Due to contractual obligation of many film companies, requiring them to solely source food/beverage/other services from local companies is not possible.

With this feedback in mind, however, Staff will be adding a section to newly updated Film Permit Application that will request an applicant provide information on the positive impact the project will have on the community. Here an applicant will be able to identify if/how local businesses will be benefiting from a film project, which can be considered during the approval process. Additionally, a section has been added to the Film Handbook (**Attachment #4**) that encourages Film Companies utilize local business where possible, and connects prospective applicants to the Town's Economic Development Office to help facilitate this further.

5. Appendix "A" – Special Film

Questions were raised regarding the boundaries of the Special Film Zone as identified in Appendix "A" of the proposed Film By-law. Staff have confirmed that the boundaries

identified in Appendix “A” match those of the Business Improvement Area.

6. Additional BIA Consultation

This report forms part of the April 17th Committee of the Whole meeting agenda, which will be circulated to the BIA once the agenda for the meeting is published.

7. Consultation with Local Businesses

Staff have received comments that considerations should be given to privately planned events within the BIA to ensure parking space remains available. In particular, comments were received regarding the opening of the Postmark Hotel and wanting to ensure some level of coordination between Town Staff and businesses offering event space to ensure an area isn't over congested during as a result of a film permit.

As a result, Town Staff have added local businesses to our list of consulted interested parties. Businesses will be consulted with at the discretion of the Manager of Regulatory Services.

8. Environmental Concerns

Comments were received from the public requesting considerations be made to ensure any persons participating in a Film Permit project refrain from unnecessary idling, and ensure the site in which filming is conducted be properly cleaned. Two sections were added to the By-law to ensure all permit holders comply with the Town's Idling By-law, and to ensure film sites are cleaned immediately post filming.

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 aligns with the Town of Newmarket's vision of being *Well Beyond the Ordinary*.

Consultation

The BIA will have received a copy of both staff reports once the agenda for the April 17 Committee of the Whole Meeting is published.

Human Resource Considerations

None.

Budget Impact

The issuance of Film Permits generates revenue for the Town.

Attachments

Attachment 1 – Proposed Film By-law 2023-19

Attachment 2 – AMPS By-law Amendments

Attachment 3 – Updated Amended Fees and Charges By-law

Attachment 4 – Updated Film Handbook

Attachment 5 – Results of BIA Survey

Attachment 6 – Jurisdictional Scan of Film Permit Fees

Attachment 7 – Delegation By-law Amendments

Approval

Kiran Saini, Acting Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

Contact

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