

Version
1.0

Town of Newmarket Film Handbook

A GUIDE TO FILMING IN NEWMARKET



Film Handbook

Filming in Newmarket is regulated under the Town’s Film By-law 2023-XX. This By-law requires that any person wishing to film within Newmarket obtain a film permit through the Town’s Licensing Division. In addition to the requirement to obtain a film permit, this By-law requires that any person participating in a film project comply with a number of regulations.

The logistics of obtaining a film permit and coordinating a film project can appear complicated. As a result, the Town’s Licensing Division has created a Film Handbook to outline to those looking to film in Newmarket key aspects of our filming regulations. This document will provide the following information regarding Filming in Newmarket

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Applicability

This policy applies to all commercial filming which takes place on, or impacts Town property in the Town of Newmarket. A production company or individuals who would like to film are required to notify the Town's Licensing Division prior to filming to determine if their project requires a permit.

A Film Permit is not required where filming is located entirely on private property or contained within an individual businesses where Town property or neighbouring properties are not effected in any way. Additionally, the following activities are exempt from obtaining a Film Permit:

- Photography and videography related to weddings and sports teams
- Street interviews
- Newscasts
- Filming by emergency services, upper tier municipalities and provincial or federal agencies
- Filming by the Town of Newmarket

The Town retains the final authority to prohibit any form of filming.

Local Film Company (LFC) Business Licence

A Local Film Licence is an annual Business Licence issued under the Film By-law to any film production company located and registered within the Town of Newmarket. The terms of a Local Film Licence issued under the Film By-law are for a period commencing January 1st and ending December 31st of the year for which the Licence is issued.

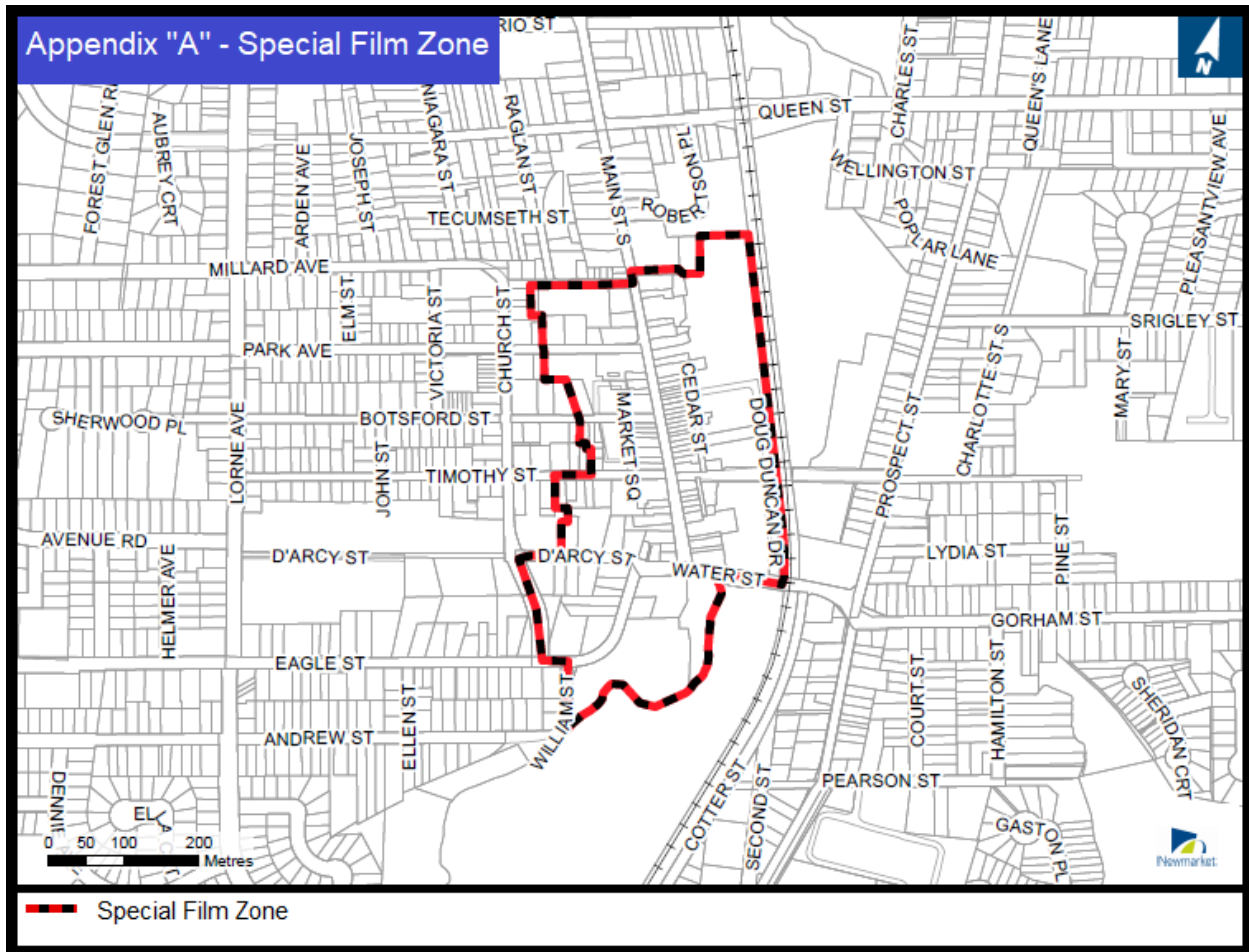
The Town supports Local Film Companies by providing an alternative streamlined application process and lower fees for local businesses wishing to conduct filming within Newmarket. To obtain a Local Film Company Licence please visit www.newmarket.ca/licensing for an application.

Film Zones

The Town of Newmarket's Film By-law separates the Town into two different Film Zones; the Special Film Zone (SFZ) and the General Film Zone (GFZ). The Town has identified the Business Improvement Area (BIA) as a Special Film Zone, recognizing the greater impacts that filming generally has on the area. Filming within the Special Film Zone:

- a) requires earlier notice on applications (21 days for standard film permits, 10 days for Local Film Business Licence holders).
- b) will require applications be circulated to the Business Improvement Area Board of Management for comment
- c) is subject to an additional Special Film Zone Impact Fee
- d) is not permitted on Fridays or Saturdays unless special authorization has been provided

For reference, a copy of “Appendix A” of the Town’s Film By-law has been provided below to illustrate the location of the Special Film Zone:



Notice of Intent

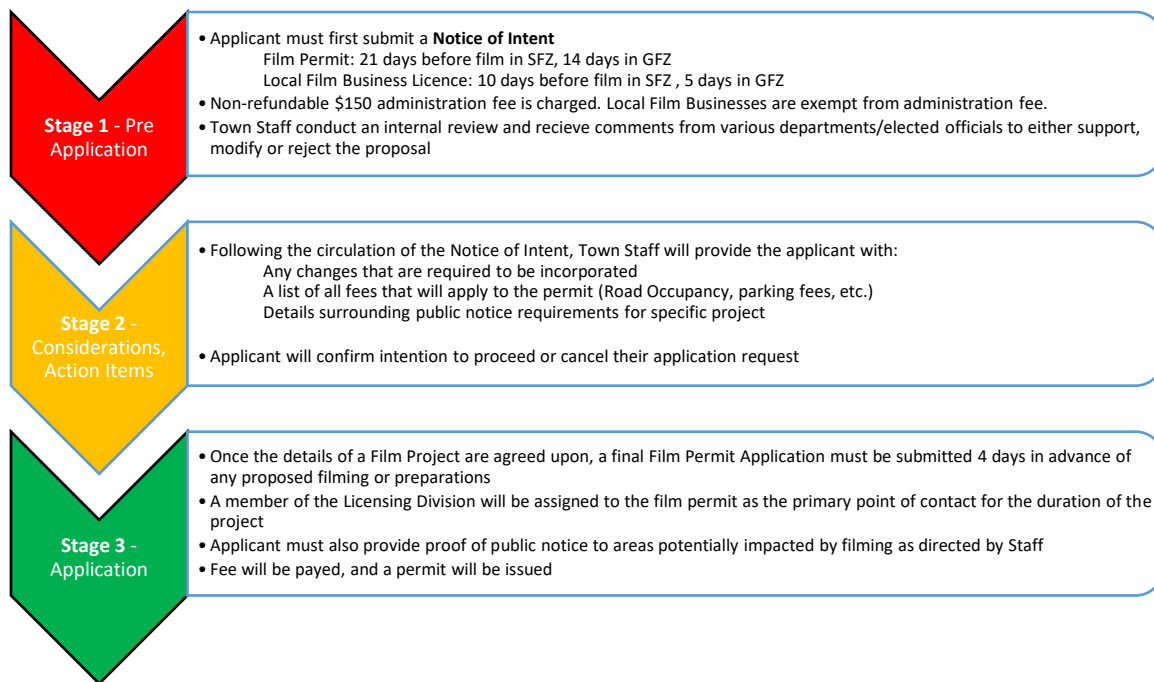
The first step in obtaining a Film Permit with the Town of Newmarket is completing a Notice of Intent and submitting it to the Licensing Division. The Town understands that there are many moving parts when organizing a film project, and it can be difficult to submit a full film permit application weeks in advance of shooting. In order for Town Staff to facilitate a film project, notification time is required.

A Notice of Intent form consists of a number of questions designed to get an early understanding of what the film project will look like, and what impacts it might have on Town resources, residents and businesses. Applicants are asked to provide as much details as possible surrounding the film project. Upon receiving the Notice of Intent, Licensing Staff will circulate the information to various departments

and elected officials to receive comments on whether the project is supported, rejected or requires modification.

For more information, or to obtain a Notice of Intent form, please visit www.newmarket.ca/licensing.

Application Process



Approval/Denial of an Application for a Film Permit

Following receipt of a Notice of Intent to film in Newmarket, the Town's Licensing Division will circulate the proposal to key stakeholders to receive comment. At the conclusion of the circulation, the Town's Licensing Division will gather the comments received and determine if a film permit can be issued.

Reasons for denying a Film Permit application are listed in the Town's Film By-law, which include the following:

- past conduct of the applicant
- scheduling conflicts with the location
- the level of disruption to the community
- the availability of the Town to accommodate any request made
- whether or not the Filming includes anything that is derogatory to or exploitative of any person or groups of persons or other inappropriate content

- whether or not the proposed Filming is likely to cause a threat to public safety or conflict with Town By-laws or Policies
- Any other factors that provide Staff with reasonable ground to not issue a permit

Fees

Fees for Film Permits are set by Council through the Town’s Fees and Charges By-law, and are subject to a yearly increase. Currently, fees for filming in Newmarket include:

Application Fee	\$150
Film Permit Fee	\$500, per day of filming
Special Film Zone Impact Fee	\$50 per member of cast and crew, per day of filming
Impact Fee (for 100+ cast and crew)	\$2,000, per day of filming
High Impact Fee (for 200+ cast and crew)	\$4,000, per day of filming
Local Film Licence	\$500, yearly
Local Film Licence Holder – Special Film Zone Impact Fee	\$50 per member of cast and crew
Local Film Licence Holder – Impact Fee (for 100+ case and crew)	\$2,000
Local Film Licence Holder – High Impact Fee (for 200+ cast and crew)	\$4,000
Late fee Surcharge (applied to filming requests that do not meet timelines established)	20% surcharge added to total fees imposed if application is approved
Minor Special Effects Deposit	\$5,000
Major Special Effects Deposit	\$20,000

Additionally, fees will be applied for any resources needed of the Town throughout the film project. This may include:

- Road Occupancy Permits
- Road Closure Permits
- Facility Rental Fees
- Parking Fees
- Operations Support Staff (to move planters, relocated signage, etc.)
- By-law Support Staff
- Film Liaison (automatically required for production sizes exceeding 100 personnel)

For more information on what the cost of your film in Newmarket might cost, please contact the Town’s Licensing Division.

Student Filming

The Town of Newmarket supports student filming where ever possible. Through the Town's Filming By-law, the Town's Licensing Division has the authority to exempt student film projects from aspects of the film permitting process, including fees.

If you are interested in conducting student filming project within Newmarket, please contact the Town's Licensing Division for more information on how we can support you.

Security Deposit

A security deposit may be required prior to the issuance of a film permit as stipulated on the permit application. This deposit shall not be returned until all invoices, charges and claims have been cleared. Security deposits can be paid by credit card or a certified cheque, made out to the Town of Newmarket. The amount required for the security deposit is determined based on the nature of the project and the amount of special effects used during production (see Film Permit Application Package).

Insurance Requirements

All companies filming in the Town of Newmarket must submit prior to permit issuance, a certificate of comprehensive general liability insurance in the amount of \$3 Million per occurrence or such higher limits as the Town of Newmarket reasonably requires depending on the nature of filming.

In addition, Standard Form Automobile Liability Insurance must be submitted for any vehicles owned, operated or associated with the Production Company with a liability limit of not less than \$2 million dollars per accident or occurrence.

All such policies shall add the Town of Newmarket as an additional insured and contain a cross liability clause, a severability of interest's clause and shall not call into contribution any other insurance available to the Town of Newmarket. In addition, such policies may not be cancelled or amended without the prior written consent of the Town of Newmarket.

Public Notification

The onus of notifying potentially affected businesses and residents of a film project belongs with the applicant of a film permit. The Town requires that an applicant for a film permit circulates public notice using the Town's Public Notice Template to any affected businesses and residents within 200 meters of the filming. Proof of public notification is required to be submitted to the Town 72 hours prior to the first day that the film permit is active.

Traffic

No interference with pedestrian or vehicular traffic is to occur without being noted on the permit. Every opportunity is to be taken to ensure that access, either vehicular or pedestrian, is not restricted to persons with disabilities. Production vehicles must comply with appropriate traffic regulations unless stated otherwise on the permit. All moving vehicles must comply with regulations governing traffic in Town parks/properties unless otherwise noted on the permit. Except where a road is closed for filming, where a moving vehicle is involved, the applicant shall adhere to the posted speed limits and to lawful conditions unless directed otherwise by a Paid Duty Police Officer.

Intermittent traffic stoppages to a maximum of 5 minutes, unless stated otherwise, shall be under the supervision of a Paid Duty Police Officer. The Film Liaison will arrange for the Public Works Services Department to cover, alter, remove and/or reinstall traffic or street signs as may be necessary at the cost of the applicant.

Parking

Production vehicles must be parked in compliance with [Town of Newmarket Parking By-law 2019-63](#). Any vehicles associated with the production must not:

- block fire hydrants
- be parked in fire routes
- park within 9 metres of an intersecting street
- impede any emergency response vehicles
- block driveways or other access/egress ramps
- leave two feet clearance on either side of a driveway, ramps or other accesses/egresses/ingresses
- Park within 30 meters of a bus stop, pedestrian crossover or signalized intersection
- Idle contrary to Town of Newmarket Idling By-law

Vehicles must also adhere to any other requirements specified on the permit. Should a production company receive permission from a property owner to block a driveway, notification shall be provided to the Town. Relocating vehicles by towing to accommodate filming or parking is not permitted.

A production company may be able to reserve parking in Municipal Parking lots for a fee. For more information about parking rates and availability, please contact the Town's Licensing Division.

All vehicles carrying equipment involved in the production will be issued a copy of the film permit to display on their dashboard. It is the responsibility of the production company to determine in advance the number of production vehicles requiring such a permit

Filming Activities and Relationship to Fire/Police/Ambulance

Paid Duty Police Officers are required as determined by the Licensing Division for such things as permit compliance, use of prop guns, intermittent traffic stoppages and traffic control and/or when required to direct pedestrian or vehicular traffic including those instances involving Town parks/properties. A copy of the permit is to be supplied to the Paid Duty Officer on duty. All costs associated with these requirements are the expense of the applicant.

It is the responsibility of the Film Production Company to notify the Central York Fire Services in advance (in writing) when the use of flammable liquids/materials is being planned. The notice must provide details of how the materials will be used. Central York Fire Services may require a permit application from an authorized Pyro technique Technician and may impose conditions regarding the use of these materials. Any conditions will be included as part of the Film Permit.

When applying for a Film Permit, the production company must indicate any special effects and pyrotechnics being used. Appropriate Paid Duty Police Officers are required for the detonation of pyrotechnic special effects. A blast analysis may be required and additional time is needed to arrange for this activity. Qualified Emergency Medical Services personnel (paramedics) must be on site during the filming of dangerous situations such as special effects, stunts, and /or detonation of pyrotechnics, as determined by the Film Liaison.

Monitoring and Behavior

The Production Company must comply with Town of Newmarket Filming By-law 2023-XX. A copy of the Film Permit must be kept on site at all times. At the commencement of the scheduled shoot, the Film Liaison (if deemed necessary) will oversee the activities of the Production Company and will act as the Town's contact person. The Film Liaison is responsible for monitoring the Production Company on site, and has the authority to revoke the Film Permit if the Production Company does not adhere to the Film Permit, or to grant last minute on-site requests. The Production Company must place signs in public access areas or in heavily trafficked areas to inform the public that the area is being used for filming and delays may occur. Any such delays must not exceed five (5) minutes unless prior approval has been arranged.

Clean up

Production crews must clean the location at the end of the day with a minimum amount of noise and disruption and ensure that the area is returned to its original condition, unless otherwise approved by the Film Liaison or other arrangements are made with an operating Division of the Town and noted on the permit, in which case the production company will be billed accordingly. Materials and debris are

not to be washed into catch basins.

Safety

It is the responsibility of the applicant to ensure that the production crew operates in a safe and professional manner in the course of their duties. This applies to filming on public and private property. The production company must adhere to all applicable laws, regulations, rules and by-laws of the federal, provincial and municipal governments including but not limited to:

- The Ontario Ministry of Labour Safety Guidelines for the Film & Television Industry in Ontario
- The Ontario Ministry of Transportation Traffic Manual, in particular as Book #7 relates to temporary conditions of roadway operations
- The Ontario Fire Code, and may be subjected to a fire safety inspection and be asked to produce a fire safety plan to the satisfaction of the municipality.
- The Ontario Electrical Safety Code, in particular all electrical work and electrical equipment must be inspected and/or approved by the Electrical Safety Authority's Inspection and interior signs on buildings must not be covered (i.e. fire exit signs) unless agreed upon prior to filming. Covering of fire exits is permitted only if all people in the area have been advised of location exits in case of emergency.

Freedom of Information

Submissions received by the municipality are confidential because they contain third party information. However, the Municipal Freedom of Information and Protection of Privacy Act applies to municipalities and sets out certain rules regarding the release of third-party information held by the municipality. This is not a guarantee that information submitted to the Town will not be released. To assist the municipality in maintaining applications as confidential documents, it is the responsibility of the applicant to include a written notice within the application as to which specific components of the filming project are submitted in confidence. The notice must also include the nature of the confidential information and what harm(s) would result from the release of this information. Reasons for confidentiality under the Act include trade secrets, scientific, technical, commercial, financial, and/or labour relations/human resources information.

Under no circumstances can the entire application be identified as confidential by the applicant, unless identified in advance by the municipality for security reasons. Once an application process has been closed, information related to the permit may be made available to the public upon request. Requests for information may be subject to a fee as per the Fees and Charges By-law.

Indemnification

The Production Company shall indemnify and save harmless the Town from and against all claims, actions, 'damages, injuries, costs, expenses or losses whatsoever, which may arise or be brought against

the Town as a result of or in connection with the operations of the Production Company and the said use of location(s) by the Production Company, including its employees, contractors, agents or representatives; and specifically, the Town will not be responsible for any liability arising from these activities with respect to the advertising or any copyright or trademark infringements.

Compliance

All Filming Activities must be done in compliance with Film By-law 2023-XX. Any person found in violation of the Town's Filming By-law may be subject to Administrative Monetary Penalties, as set out in the Town's Administrative Monetary Penalty (AMPS) By-law 2019-62.

Despite the issuance of a permit, a Production Company shall ensure that it and its staff and agents comply with all applicable legislation and by-laws in addition to the conditions provided on the Film Permit. Failure to comply with such requirements may result in the revocation of the Film Permit, even if no specific terms on the Film Permit are breached.

Filming at Town Facilities

Filming at a Town Facilities is permitted, subject to availability and the approval of the Town's Recreation and Culture Department. Fees will be applied to the film permit for any rentals that are required.

If you would like to schedule a tour of a Town Facility to see if it is right for your film project, please contact the Town's Licensing Division.

Use of Local Businesses

The Town of Newmarket encourages all applicants to utilize Newmarket businesses for needs during their time filming. Notice of Intent forms include a section where applicants can highlight the positive impact that filming might have on local businesses that will be considered in reviewing the application.

For more information on how local Newmarket businesses can help your production, please contact our Economic Development Office by email at ecdev@newmarket.ca, or by phone at (905) 953-5131.

Acknowledgment

The Town of Newmarket wishes to enhance its ability to attract commercial, video and film production. In an effort to promote our filming within Newmarket, we ask for:

- Confirmation that the municipality will be mentioned in the credits
- Confirmation to use the film title and production company in any promotional information used by the Town of Newmarket.

Disclaimer

The municipality reserves the right to refuse to allow filming or issuance of a Permit to an applicant that does not comply with and/or satisfy the criteria outlined in the Film By-law, or to terminate the Permit. Decisions will be made on an individual basis.

Contact

For more information on the filming within the Town of Newmarket, please utilize the below contact information:

Town of Newmarket Licensing Division
905-953-5300 ext. 2221
licensing@newmarket.ca
www.newmarket.ca/licensing