



CORPORATE POLICY

Sub Topic:	Policy No. CORP 1-04
Topic: Film Policy	Employees Covered:
Section: Corporate & Financial Services/Clerks	Council Adoption Date: May 12, 2008
Effective Date: upon Council adoption	Date updated:
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Policy Statement & Strategic Plan Linkages

This policy upholds the Town of Newmarket's Community Vision of being Well beyond the ordinary linking to the branches Well-equipped and managed (implementing policy and processes that reflect sound and accountable governance) and Well-respected (inspiring partnerships and cooperation with stakeholders that revolve around well-being, synergy and balanced living). The Town of Newmarket encourages and supports filming and photography projects within the municipality and issues permits for approved projects.

Purpose

The Town of Newmarket recognizes the direct and indirect economic benefits to the community associated with the film industry. The film permit application process is essential in ensuring that Town property and the rights, safety and privacy of the citizens of the Town of Newmarket are protected.

Film permits will be issued only in accordance with applicable by-laws, including but not limited to bylaws governing noise, road closures, fireworks and fees and charges.

Definitions

"BIA" means the Main Street District Business Improvement Area.

"Blimped generator" means a generator that is noise reduced.

"Director" means the Director of Legislative Services.

“Commercial Filming” use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs and filming activities by persons hired by the town for specific town business.

"Film Liaison" means the staff person determined to be the Film Liaison for the Town; the Film Liaison person may depending upon the nature of the filming, be a staff person from the Parks, Recreation & Culture Department or the Public Works Services Department or the Clerk's Department.

"Film Permit" means a permit and/or letter authorizing filming with the Town.

“Minor Special Effects” means effects such as water, snow and other materials that are used in the production of filming and may impact the filming location and surrounding areas.

“Major Special Effects” means effects such as fireworks, explosions and pyrotechnics that are used in the production of filming and may impact the filming location and surrounding areas.

"Production Company" means a company of individuals conducting filming.

"Production Vehicles" mean vehicles carrying' equipment involved in filming "Town" means the Town of Newmarket.

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Applicability

This policy applies to all Commercial Filming which takes place on, or significantly impacts, Town property in the Town of Newmarket, excluding current affairs and newscasts. The Production Company or individuals are required to notify the Legislative Services Department prior to filming to determine if their project requires a permit. Photography and videography related to weddings, sports teams and family photos do not require a Film Permit and are not subject to this policy. Student and non-profit film projects shall also be exempt from permit fees.

With respect to location filming on private property or individual businesses, the property or business owner is responsible for negotiating with the Production Company the terms, conditions and fees related to the use of the private property. A film permit is not required for filming taking place on/in private property. However, the Production Company or individual must still notify the Town, through the Legislative Services Department.

Authority

The Director (or designate) has the authority to approve film permits. Film Permits are issued in consultation with the appropriate staff and/or outside agency.

Procedures

Application Requirements

The Production Company must complete a Film Permit Application Package (Appendix C) and submit the package to the Legislative Services Department. Applications should be made at least forty eight (48) hours in advance of the filming activity. If a road closure of more than 24 hours is required, the application should be submitted at least 7 business days in advance to allow time for the approval process. Applications for Town Parks must be received a minimum of 7 business days in advance of filming.

Letters of notification must be delivered to residents and/or businesses 48 hours **before** the start of coning, parking or filming, whichever comes first (see application package for specific notification requirements).

Prior to the issuance of the permit, the Production Company must provide the Clerk's Department with an insurance certificate, the security deposit (if applicable) and payment of all required fees.

Timeline Examples

- For filming on a Thursday, applications must be received Monday during business hours, allowing two days for processing and issuance on Wednesday.
- Applications received after 4:00 pm will be considered as received the following business day.
- 48 hours in advance means that your permit will be ready 48 hours from the time it is received during regular business hours. If we received it 9 am Wednesday your permit will be ready by 9 am Friday. This may affect your filming start times.
- If you email an application on Thursday after 4:00 pm, you will not receive a permit until Tuesday morning.
- If you email your application on the weekend, it will be received on Monday and issued on Wednesday.
- For filming in a park on a Tuesday, applications must be received by Wednesday the week prior, 9 am Thursday morning at the latest.
- Changes to permits require 48 hours' notice to residents and businesses. If you are filming Wednesday, and decide to add a new street for parking on Tuesday afternoon, that is too short notice and your change will be denied.
- Give yourself enough time to make changes, if necessary, and still meet the 48 hour rule.
- Plan ahead; add rain dates to your application before you submit it, not after your permit has been issued. Have backup shoot dates in mind in case your application is deemed too short notice.

Applications for film permits that involve Town Roads or use of Town owned facilities are forwarded by the Film Liaison to the Director of Public Works and the Director of Recreation and Culture, or the Commissioner of Community services (or designate). Additional fees for use of Town roads and/or facilities may apply and will be relayed to the Production Company through the Film Liaison. Filming in/on Town owned facilities such as community centres are subject to the compatibility of community booking schedules and are at the discretion of the Director of Recreation and Culture.

Permits for filming in the Main Street district of the Town are subject to the approval of the BIA. Filming occurring in this district shall be subject to an additional fee as outlined in the Town and Newmarket Fees and Charges by-law.

Applications are considered on a case by case basis by the appropriate staff or authority. Any concerns are discussed and special requirements/approvals are identified (fire services approval, special effects), staff requirements are determined, and appropriation fees and security deposits are established, based on the nature of the production.

Any filming on Town roads that intersect Regional roads, or that has the potential for impact on Regional roads, will require a Road Occupancy Permit from the Regional Municipality of York. Any stoppage of traffic affecting a Regional road will require a traffic management plan to be submitted along with the application for a Road Occupancy Permit. It is the responsibility of the Production Company to contact the Regional Municipality of York for the necessary road permits. Contact information has been included in Appendix B.

Application Process

Applicants can apply for a Film Permit by completing the Film Permit Application, found on the Town website at www.newmarket.ca/filming. The application package includes production information, location permit application, insurance requirements and related fees. This package must be completed and submitted, along with any additional forms/letters/maps to the Legislative Services Department (by email or in person) prior to the issuance of a film permit.

Additional information including Filming Guidelines and Regulations, Code of Conduct for Cast and Crew, Sample Letter of Notification checklist, and relevant by-laws are available on the Town Website, under "Filming."

Fees

Fees for filming are indicated on the Film Permit Application and in the Fees and Charges by-law. Projects which are not considered to be "commercial" are not subject to permit fees.

The application fee must be submitted with the application package. After the application package and requirements are reviewed, the film permit fee will be collected and the Film Permit will be issued. The Production Company is responsible for all out-of-pocket expenses related to the use of Town roads, properties, parks or equipment and shall be given an estimate of these costs prior to permitting. Once filming begins or is about to begin, if there are any changes to these arrangements, the production company is to be notified immediately.

The Production Company may be required to pay for the services of Town staff when filming on Town owned property, such as recreation facilities or parks. The necessity for such staff and any associated costs will be determined on a case by case basis at the discretion of the appropriate staff.

Emergency services personnel may be required to be contacted prior to filming or to be on site during filming. All costs associated with these requirements are the responsibility of the applicant. Where required services are not being provided by the Town, the applicant shall be required to pay the service provider directly.

Security Deposit

A security deposit shall 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 present to the Film Liaison, 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.

Restrictions and Limitations

Restrictions on hours/days for filming: Permits authorizing filming in areas zoned residential between 11:00 p.m. and 7 a.m. will not be approved unless all affected residents have been notified in advance. Depending on the potential impact on the area, written consent may be required by the majority of affected residents.

Location: Location filming in areas zoned residential will be limited to 2 occasions per year for each residential block unless a majority of affected residents (as determined by the Film Liaison) consent to additional filming. Written approval must be provided for additional occurrences and all notification procedures are to be followed to the satisfaction of the Film Liaison. The amount of filming in other areas may also be limited as determined by the Film Liaison in consultation with Ward Councillor(s).

Notification

Community: The film company must provide written notice of filming a minimum of 48 hours in advance to affected residents/occupants and businesses, or as instructed by the Film Liaison. The notification must include the duration and location of filming and information about planned special effects, road and lane closures, sidewalk usage without obstructing pedestrians and the

time that cones will be placed on the street to restrict parking. Filming that takes place in residential areas will require the written consent of the majority of the affected residents under the following circumstances:

- Filming takes place between 11 :00 p.m. and 7:00 a.m., Sundays or on Statutory Holidays.
- Equipment (lighting and generators) is oriented towards neighboring residences during overnight filming.
- Filming on a residential block has already occurred twice in the calendar year.

Councillors: Councillors will be notified by the Film Liaison of filming in their respective wards once the permit application is received.

BIAs: When necessary, the Film Liaison will notify the Business Improvement Area (BIA), advising them of the duration and location of filming, and any information about special effects, road and lane closures, sidewalk usage, and the time cones will be placed in the street allowance. Notification will include the name of the production manager, title of the production, and a contact telephone number.

Consideration to Residents/Occupants/Businesses

Residents, occupants and businesses should be free from any negative environmental conditions resulting from filming including spill-over lighting, exhaust fumes or noise that affect their ability to remain at their property or conduct their business, unless they have been contacted and do not express any objection.

Lighting: Lighting for filming should be oriented away from neighbouring residences unless residents have been contacted and do not express any objection and should not interfere with the safe movement of traffic. Night filming involving intensive lighting between 11 p.m. and 7 a.m. requires written approval by a majority of affected residents.

Noise: The production company must comply with legislation governing noise. If the affected residents/occupants/businesses have been advised in advance of the nature of the noise and do not object, the likelihood of a complaint will be reduced.

Generators: All generators used on streets in residential areas or in Town parks will be "blimped" generators unless otherwise approved.

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.

Traffic Stoppages

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.

Parking and/or Standing

Production vehicles must not block fire hydrants or be parked in fire routes or within 9 metres of an intersecting street or impede any emergency response vehicles and must also adhere to any other requirements specified on the permit. A full list of the specific parking prohibitions is available.

In Town parks, production vehicles and equipment must not block driveways or other access/egress ramps. Production vehicles must leave at least two feet clearance on either side of a driveway, ramp, or other accesses/egresses/ingresses. In all other circumstances, vehicles cannot block driveways or other access ramps without the approval of the owner.

No production equipment/vehicles are to be within 30 metres of a bus stop, a pedestrian cross-over or a signalized intersection unless otherwise noted on the permit.

It is up to the film company to make alternate parking arrangements for residents in possession of a valid street parking permit in areas where vehicles are displaced by filming. Relocating vehicles by towing to accommodate filming or parking is not permitted.

Production vehicles must leave at least 0.7m clearance on either side of a driveway, ramp, other accesses/ egresses or ingresses

Production vehicles must not block parking lot access/egress ramps and accessible parking for persons with disabilities.

A production company may be able to reserve parking in Municipal Parking lots (see Appendix A). For information about parking rates and availability, please contact the Film Liaison.

Identification of Production Vehicles

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 Police/Fire/Ambulance

Paid Duty Police Officers are required as determined by the Film Liaison 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 city 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.

Disruption to Residents/Occupants/Businesses

It is the Production Company's responsibility to ensure that there is a minimum of disruption to residents, occupants and businesses where filming occurs.

Code of Conduct

It is the responsibility of the production company to ensure that their staff operate in a safe and professional manner in the course of their duties and adhere to the Town of Newmarket Code of Conduct for Cast and Crew. The Code of Conduct will be posted on the Town website for Production Companies, residents and businesses to review.

Monitoring

The Production Company must keep a copy of the Film Permit 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 and Regulations

Interior safety signs in buildings must not be covered, (e.g. fire exit signs) unless expressly agreed to by the property manager/owner. All production companies must adhere to the Ontario Ministry of Labour Safety Guidelines for the Film & Television Industry in Ontario, 4th Edition - January 1999. Copies of the Ontario Ministry of Transportation's Ontario Traffic Manual Series (OTM) are available for download from the Ontario Ministry of Transportation.

Indemnification/Save Harmless

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

Despite the issuance of a permit, the 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.

Dispute Resolution

In the event that the appropriate staff, the Film Liaison, the BIA and/or the production company cannot come to a resolution on an issue before, during or after filming, the decision of the Town of Newmarket Director of Legislative Services (or designate) shall be final and binding.

Acknowledgement

The Production Company may provide a screen credit to the Town on the final film/video.

Appendices

Appendix A: Municipal Parking Lots
Appendix B: List of Contact Information

A. Municipal Parking Lots

Municipal parking, if space is available, can be reserved in the following lots:	Location (location maps available upon request)	Approximate Capacity (standard parking stalls)
Downtown – P1	Timothy Street (between Cedar Street and Doug Duncan Drive.)	16
Downtown – P2	Cedar Street	8
Downtown – P3	Doug Duncan Drive (North end)	238 ±
Downtown – P4	Timothy Street (Old Town Hall Entrances)	7
Downtown – P7	Timothy Street (between Cedar Street and Doug Duncan Drive)	10
Magna Centre	800 Mulock Drive	460 ±
Ray Twinney Community Centre	100 Eagle Street West	920 ±
Hollingsworth Community Centre	35 Patterson Avenue	88
George Richardson Park (GRP LOT 1)	195 Bayview Parkway	82
George Richardson Park (GRP LOT 2)	215 Bayview Parkway	35
George Richardson Park (GRP LOT 3)	225 Bayview Parkway	55
George Richardson Park (GRP LOT 4)	500 Bayview Parkway	95

Conditions for reserved parking:

- Film company to provide all necessary pylons, tape, and supervision during period of reservation
- Lots are reserved on a daily basis only
- Parking fees may apply

B. Contact Information

List of Contact Information

Town of Newmarket mailing address:

395 Mulock Drive
PO Box 328, Stn Main
Newmarket ON
L3Y 4X7

Legislative Services Department

Attn: Film Liaison - Florence DiPassio
395 Mulock Drive
PO Box 328, Stn. Main
Newmarket, ON L3Y 4X7
905-895-5193 ext. 2206
905 953-5100 (fax)
fdipassio@newmarket.ca

Central York Fire Services

ATT: Fire Prevention Officer
905 895-9222
905 895-1900 (fax)

York Regional Police

ATT: Paid Duty Coordinator
(905) 830-0303
Fax: (905) 895-7264

Region of York

ATT: Transportation Services Department
1-877-464-9675 ext. 75700
Fax: 905-895-3047
permits@york.ca