

By-law 2015-227

**A By-law of the City of Greater Sudbury to
Regulate Filming Activity on City of Greater Sudbury Property**

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

And Whereas section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorize a municipality to pass by-laws respecting the public assets of the municipality acquired for the purpose of exercising its authority, the economic, social and environmental well-being of the municipality, health, safety and well-being of persons, the provision of any service or thing that it considers necessary or desirable for the public and the protection of persons and property;

And Whereas subsections 425(1) and 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorize a municipality to pass by-laws providing that any person who contravenes a municipal by-law passed under that Act be guilty of an offence and for establishing a system of fines for offences under such by-law;

And Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council, amongst other things, to delegate its authority, to provide for inspections and inspection orders, to impose fees and charges for services and for the use of its property or property under a municipality's control;

And Whereas the Council of the City of Greater Sudbury wishes to promote film production in the City of Greater Sudbury;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Part 1 - Interpretation

Definitions

1. In this By-law:

"Appointment By-law" means By-law 2007-161 being *A By-law of the City of Greater Sudbury respecting the Appointment of Officials of the City of Greater Sudbury*;

"Board of Management" means a board of management established for a Business Improvement Area in accordance with section 204 of the *Municipal Act, 2001*, S.O. 2001, c. 25,

“Business Day” means any day excluding Saturdays, Sundays and statutory or City holidays;

“Business Improvement Area” means an improvement area designated by the City of Greater Sudbury in accordance with section 204 of the *Municipal Act, 2001*, S.O. 2001, c. 25;

“By-law Enforcement Officer” means a member of any police service with jurisdiction in the City or any natural person appointed by Council for the enforcement of by-laws, including this by-law;

“Chief Building Official” means the designate appointed in the City’s Appointment By-law and any amendments or successive By-laws thereto pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23;

“Chief of Fire and Paramedic Services” means the designate appointed in the City’s Appointment By-law and any amendments or successive By-laws thereto;

“Chief of Police” means the Chief of Police of the Greater Sudbury Police Service;

“City” means the municipality of the City of Greater Sudbury or the geographic area, as the context requires;

“City Property” means land owned, leased or occupied by the City, including buildings or other structures or facilities, and includes but is not limited to a building and Highway;

“Code of Conduct for Cast and Crew” means the code of conduct for cast and crew of film productions approved by the Director of Asset Services;

“Council” means the municipal council of the City of Greater Sudbury;

“Delegation By-law” means By-law 2014-225 being *A Bylaw of the City of Greater Sudbury Respecting the Delegation of Authority to Various Employees of the City* and any amendments or successive By-laws thereto;

“Filming Event” means Recording, except in a film studio or film laboratory, for a feature film, television film, television program or series, documentary, paid advertisement, including a commercial, music video, educational film, including the pre-production and post-production activities associated therewith, but does not include:

- (i) activities by news media related to the dissemination of information;
- (ii) location scouting; or

(iii) recording personal movies or photographs;

“Film Permit” means a permit issued under Part 3 of this By-law;

“Film Production” means one or more Filming Events which are intended to form or be part of a feature film, television film, television program or series, documentary, paid advertisement, including a commercial, music video, educational film;

“Director of Asset Services” means the Director of Asset Services of the City of Greater Sudbury or his designate;

“Hearing Committee” means the Hearing Committee appointed by Council from time to time to hear matters referred to the Hearing Committee by By-law;

“Highway” means a common and public highway, street, avenue, alleyway, lane, parkway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between lateral property lines thereof;

“Land or Facility Use Permit” means a permit issued for use of land for a Filming Event issued under the authority of this By-law;

“Mayor” means the head of the Council;

“Permit Holder” means a Person to whom a Film Permit has issued and includes Persons doing work on behalf of the Permit Holder;

“Person” includes a natural person, firm, partnership, association, corporation, company or organization of any kind whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators, successors and assigns or other legal representative of such person;

“Personal Information” means information about an identifiable individual, including,

- (i) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (ii) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (iii) any identifying number, symbol or other particular assigned to the individual,

- (iv) the address, telephone number, fingerprints or blood type of the individual,
- (v) the personal opinions or views of the individual except if they relate to another individual,
- (vi) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (vii) the views or opinions of another individual about the individual,
- (viii) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; and
- (ix) images of a person or recordings of a person's voice.

"Potentially Hazardous Activity" includes but is not limited to use of special effects, fire, fireworks, stunts or pyrotechnics;

"Recording" means filming, videotaping, photographing or any other form of visual recording;

"Restricted Lands, Buildings or Areas" means a City-owned or occupied building or part thereof or any lands within the geographic limits of the City in or on which a Filming Event is prohibited or restricted;

"Road Occupancy By-law" means By-law 2011-218 being *A By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes* and any successor by-law thereto;

"Senior Management Team" has the same meaning as defined in By-law 2014-225 being *A By-law of the City of Greater Sudbury respecting the Delegation of Authority to Various Employees of the City* and any amendments or successive By-laws thereto;

"User Fee By-law" means By-law 2015-8 being *A By-law of the City of Greater Sudbury to Establish Miscellaneous User Fees for Certain Services Provided by the City of Greater Sudbury* and any amendments or successive By-laws thereto; and

"Ward Councillor" means a member of Council for a ward established by By-law 2005-250 being *A By-law of the City of Greater Sudbury to Dissolve the Existing Wards, to Divide the*

City into Twelve New Wards, and to Create Single Member Wards and any amendments or successive By-laws thereto

Interpretation

2. The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.
3. The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.
4. Specific references to laws, including By-laws, in the By-law are printed in italic font and are meant to refer to the current laws applicable as at the time that the By-law was enacted, as they are amended or replaced from time to time.

Application

5. This By-law shall apply within the geographic limits of the City.

Part 2 – Prohibitions

Prohibitions

6. No Person shall cause, allow or permit a Filming Event to occur on City Property except in accordance with a valid Film Permit.
7. No Person shall participate in a Filming Event on City Property except in accordance with a valid Film Permit.

Part 3 – Permit

Permit – Eligibility

8.-(1) Subject to Subsection (2), a Person who intends to cause a Filming Event on City Property shall apply to the City for a Film Permit.

(2) A Person who intends to cause a Filming Event on a Highway under the jurisdiction of the City shall apply to the City for a permit under the Road Occupancy By-law.

No Permit Required – City

9. Despite sections 6 and 7, a Film Permit shall not be required where the Filming Event is undertaken by the City or by a contractor carrying out work on behalf of the City.

No Permit Required – Road or Box Occupancy or Road Closure Permitted

10. Despite sections 6 and 7, a Film Permit shall not be required where the applicant has obtained a valid Road Occupancy Permit, a valid Road Closure Permit or a valid Box Occupancy Permit for the Filming Event issued in accordance with the Road Occupancy By-law.

Permit – Information and Documentation Required

11. In making application for a Film Permit, an applicant shall:

- (a) File an application with the Director of Asset Services in a form established by the Director of Asset Services from time to time which shall include:
 - (i) Applicant's legal name;
 - (ii) Name of the authorized representative of the applicant;
 - (iii) Contact information, including telephone number, email address, municipal address and fax number for the applicant and authorized representative(s) of the applicant;
 - (iv) If the applicant is a corporation, the corporate headquarters of the applicant;
 - (v) Production type of Filming Event;
 - (vi) The location(s) proposed for the Filming Event, including a synopsis of the activities at the location(s) and a detailed description of any Potentially Hazardous Activity;
 - (vii) Dates and times proposed for the Filming Event including setup and takedown, and, if postponed for any reason, alternative dates and times; and
 - (viii) A signature by a natural person with signing authority for the applicant.
- (b) Provide a release, in a form and with content established by the Director of Asset Services, releasing the City from responsibility or liability in relation to the Filming Event;

- (c) Provide an indemnity, in a form and with content established by the Director of Asset Services, indemnifying and saving harmless the City from claims arising from the Film Event;
- (d) File a copy of the crew list;
- (e) File a copy of the script for the Filming Event;
- (f) File evidence satisfactory to the Director of Asset Services that the Person filing the application is a duly authorized representative of the applicant;
- (g) File additional documentation as required by the Director of Asset Services, which the Director of Asset Services, in his sole discretion, deems necessary in the circumstances for the purpose of administering this By-law;
- (h) Pay to the City any fee or charge required by this By-law; and
- (i) File a certified copy of an insurance policy or other proof of insurance acceptable to the Director of Asset Services as evidence of compliance with subsection 23(1).

Application – Time

12.(1) Subject to subsection (2), the applicant shall file the application for a Film Permit four (4) business days prior to the date on which the Filming Event is planned to commence.

(2) Despite subsection (1), where:

- (a) a Film Production is likely to or does require more than eight (8) licences, permits or exemptions under this or any other By-law of the City of Greater Sudbury; or
- (b) a Filming Event will involve a Potentially Hazardous Activity;

the Director of Asset Services may require additional days of processing time for Film Permits but shall require no more than thirty (30) days for any one Film Permit.

Application – Review

13. The Director of Asset Services is not required to process an application for a Film Permit which:

- (a) is not complete as determined by the Director of Asset Services in his sole discretion; or

(b) is not submitted in accordance with this By-law.

14. Upon receipt of a complete application, the Director of Asset Services shall consult with and have regard for the comments of the:

- (a) where applicable, the Chief of Police, the Chief of Fire and Paramedic Services and the Chief Building Official where a Filming Event involves a Potentially Hazardous Activity; and
- (b) the Manager of Security, By-law and Court Services where the Filming Event occurs in a building or facility on City Property or near a building or facility on City Property as determined by the Director of Asset Services.

Application – Powers of Director of Asset Services

15. After receipt of a complete application and after the consultation described in section 14, the Director of Asset Services shall:

- (a) issue a Film Permit with standard conditions as provided in this By-law;
- (b) issue a Film Permit with some or none of the standard conditions as provided in this By-law and the Director of Asset Services may include:
 - (i) such other terms and conditions as may be required by any other By-law of the City of Greater Sudbury; and
 - (ii) such additional conditions as the Director of Asset Services determines necessary in the circumstances; or
- (c) refuse to issue the Film Permit as provided in this By-law.

16.-(1) When deciding whether to issue or refuse a Film Permit, the Director of Asset Services may consider any factors, including but not limited to, the following:

- (a) whether or not the Filming Event is likely to be carried out in compliance with the Film Permit and this or other By-laws having regard for the Person applying for the Film Permit, the participants or Persons providing services to the Person applying for the applicant and the history of compliance with a By-law, licence, permit approval or other type of permission issued by the City;

- (b) if the Filming Event would cause a conflict with an authorized use of the property or a previously scheduled activity for which the City has issued a licence, permit, approval or other type of permission;
- (c) if the Filming Event is proposed in Restricted Lands, Buildings or Areas;
- (d) if the Filming Event would be disruptive to:
 - (i) emergency vehicles or services;
 - (ii) residents, occupants or businesses;
 - (iii) City work or activities of any type; or
 - (iv) traffic or public transit;
- (e) if the Filming Event may result in damage to City Property or property in the surrounding area, including but not limited to assets, infrastructure, environmental, cultural or heritage resources;
- (f) if the Filming Event could result in a threat to public safety or conflict with By-laws or policies;
- (g) the number and frequency of other Filming Events which have occurred at the same location or in close proximity, whether conducted under a valid Film Permit or otherwise;
- (h) the time of day of the Filming Event; and
- (i) if the content being recorded during the Filming Event:
 - (i) is directly or indirectly derogatory or exploitative of any natural person or groups of natural persons;
 - (ii) may cause offence, in light of community standards; or
 - (iii) if the content being recorded during the Filming Event contains violent or sexual content.

(2) In addition to the factors described in subsection (1), when deciding whether to issue or refuse a Film Permit, the Director of Asset Services may consult with Persons.

Permit - Refusal

17.-(1) The Director of Asset Services shall refuse to issue a Film Permit:

- (a) if the application is incomplete;
- (b) the applicant has not paid a prescribed fee;
- (c) if, for any reason, the issue of the Film Permit would be inconsistent with this By-law or any other By-law; or
- (d) the applicant owes any fine, debt, administrative penalty, charge or fee to the City.

(2) Where an applicant has applied for a licence, permit or exemption for a Filming Event under another By-law of the City of Greater Sudbury and the applicant still proposes to use the City Property for the activity for which the licence, permit or exemption was refused, the Director of Asset Services shall refuse to issue the Film Permit.

(3) The Director of Asset Services shall advise the applicant of his decision to refuse a Film Permit and provide a reason or reasons for the refusal.

Permit – Issue

18. A Film Permit is issued when it is dated and signed by the Director of Asset Services.

19. The Permit Holder shall ensure that the Permit Holder or an authorized representative of the Permit Holder can be contacted at the contact number provided in the application for the Film Permit, 24 hours per day, seven days per week, during the period that the Film Permit is effective.

20. The Permit Holder shall keep or cause to be kept, a copy of the Film Permit at the site of the Filming Event.

21. The Permit Holder shall produce or cause to be produced the Film Permit when asked to do so by the Director of Asset Services or a By-law Enforcement Officer.

22. The Director of Asset Services may notify the Mayor and the affected ward's Ward Councillor of the issue of a Film Permit for a Filming Event and provide the Ward Councillor with the following information:

- (a) name of the Permit Holder;

- (b) authorized representative of the Permit Holder;
- (c) title of the production; and
- (d) permitted activities.

Film Permit - Standard Conditions - General

23. Whether or not it is specified on the face of the Film Permit, it is a condition of every Film Permit or extension of a Film Permit that:

- (a) an authorized representative of the Permit Holder shall be present during the Filming Event;
- (b) the Permit Holder shall ensure the safety and security of the location of the Filming Event;
- (c) the Film Permit does not authorize a Filming Event on private property;
- (d) the Permit Holder shall ensure compliance with the Code of Conduct for Cast and Crew;
- (e) the Permit Holder shall comply and ensure compliance with the rules authorized in accordance with this By-law;
- (f) the Permit Holder, its heirs, executors, administrators and assigns indemnifies and saves harmless the City, its elected and non-elected officials, employees, agents, servants and workmen from all causes of action, losses, costs, damages, charges, damages or expenses that may be incurred, sustained or paid by the City by reason of the granting of the Permit or reason of existence or operation of the Filming Event, and this indemnity shall survive the expiry of the Permit;
- (g) the Permit Holder, its heirs, executors, administrators and assigns release the City, its elected and non-elected officials, employees, agents, servants and workmen from all causes of action, losses, costs, damages, charges or expenses that may be incurred, sustained or paid by the Permit Holder by reason of the granting of the Permit or reason of the existence, or operation of the Filming Event other than those actions, losses, costs, damages, charges or expenses that arose from the negligence, acts or omissions of the City and its elected and non-elected officials, employees, agents, servants and workmen, and this release shall survive the expiry of the Permit;

- (h) the Permit Holder shall place and maintain in good standing during the effective period of the Film Permit and any extension:
 - (i) a policy of comprehensive general liability insurance with an insurer licenced in the Province of Ontario:
 - (1) with limits of not less than two million (\$2,000,000) dollars per occurrence for bodily injury, death and damage to property including loss of use thereof;
 - (2) which names the City as an additional insured or as its interest appears; and
 - (3) which contains an endorsement to provide the City with thirty (30) days prior written notice of cancellation of the policy; and
 - (ii) such other forms of insurance or such greater amounts of insurance as the Director of Asset Services may reasonably require in the form and amounts and for insurance risks against which a prudent party would insure, or such other forms or amounts of insurance as may be required by By-law; and
- (i) the Filming Event shall be conducted in a manner that is minimally disruptive to businesses, residents and institutions.

Film Permit – Additional Conditions

24.-(1) In addition to the conditions provided herein and such other conditions as the Director of Asset Services may determine, the Director of Asset Services may issue a Film Permit with one or more of the following conditions:

- (a) requiring the applicant to do or not to do things that, in the Director of Asset Services' opinion, would reduce or eliminate adverse impacts associated with the Filming Event;
- (b) requiring payment of a security deposit as provided herein; and
- (c) the Permit Holder shall provide evidence of any of the following:
 - (i) the Permit Holder shall provide notice in the form and content to be determined by the Director of Asset Services to occupants, property

owners, homes, businesses, institutions, organizations, boards of management of business improvement areas, business associations, neighbourhood associations or other Persons or groups as determined by the Director of Asset Services, and a copy of such notice shall be provided to the Director of Asset Services prior to commencement of the Filming Event;

- (ii) when a Filming Event takes place in a Business Improvement Area, that the Permit Holder has given notice to and consulted with the Board of Management or an authorized representative thereof; and
- (iii) that the Permit Holder has consulted with other Persons regarding matters identified by the Director of Asset Services including:
 - (1) other City divisions, departments or sections;
 - (2) Province of Ontario;
 - (3) Government of Canada;
 - (4) Greater Sudbury Police Service;
 - (5) Ontario Provincial Police Service;
 - (6) Union Gas;
 - (7) Ontario Hydro;
 - (8) Greater Sudbury Utilities Inc.;
 - (9) railway corporations; and
 - (10) Nickel District Conservation Authority.

(2) If the Permit Holder fails to pay the security deposit or provide evidence satisfactory to the Director of Asset Services by the date and time determined by the Director of Asset Services in his sole discretion of fulfillment of the conditions described in subsection (1), the Film Permit shall be void.

Permit - Additional Conditions – After Issue

25.-(1) After issue of a Film Permit, the Director of Asset Services may impose additional conditions on the Film Permit upon notice in writing to the Permit Holder and upon that notice the Film Permit shall be deemed to be amended.

(2) Notice may be provided in writing by facsimile, email or letter mail to the authorized representative and is deemed to be received upon issue of the notice.

Permit – Suspension or Revocation

26.-(1) The Director of Asset Services may, without notice, revoke or suspend a Film Permit if

- (a) the Film Permit was issued in error;
- (b) the Permit Holder requests in writing that the Film Permit be revoked; or
- (c) the Permit Holder or participants in a Filming Event fail to comply with this or any other By-law, the conditions of the Film Permit or the Code of Conduct for Cast and Crew.

(2) The revocation or expiry of a Film Permit shall not release the Permit Holder from its obligations under this By-law, another By-law of the City of Greater Sudbury or the Film Permit to indemnify and release the City.

(3) The Director of Asset Services shall advise a Permit Holder of his decision to revoke a Film Permit under this By-law and the reason for the refusal.

Permit – Withdrawal

27.-(1) At any time prior to the issue or refusal of a Film Permit, the applicant may withdraw his application for a Film Permit.

(2) Upon written request of the applicant, the Director of Asset Services, in his sole discretion, may issue a full or partial refund of any application fees after considering how much work has been executed in preparing to issue the Film Permit.

Film Permit – Security Deposit

28.-(1) In addition to security required by other By-laws of the City of Greater Sudbury and any fees or charges for a Permit or required under any other By-law, an applicant for a Film Permit shall provide, as a condition to the Film Permit, security in the amount to be determined by the Director of Asset Services.

(2) Security shall be provided by way of irrevocable letter of credit in a form acceptable to the City, certified cheque or cash.

(3) The City shall release the Permit Holder's security where the Director of Assets determines that:

- (a) an application for a Film Permit is withdrawn;

- (b) the Filming Event has concluded, the Film Permit expired and the Permit Holder has complied with all of the requirements of the Film Permit to the satisfaction of the Director of Asset Services; or
- (c) the Filming Event has concluded, the Film Permit expired and after paying City fees and charges or costs for damages or expenses incurred by the City as a result of the Filming Event, there is a balance remaining on the security.

(4) The City may draw on the security deposit to pay for City fees and charges or costs for damages or expenses incurred by the City as a result of the Filming Event.

(5) If the Permit Holder fails to provide security in accordance with the terms of the Film Permit to the Director of Asset Services by the date and time determined by the Director of Asset Services in his sole discretion the Film Permit shall be void.

Permit – Offence – False Information

29. No person applying for a Film Permit shall knowingly provide false information to the City.

30. Where it is discovered or revealed that the Permit Holder or authorized representative has provided misleading or false information on the application for a Film Permit, the Film Permit shall be revoked by the Director of Asset Services and the Permit Holder shall immediately cease the Filming Event.

Refusal or Revocation - Hearing

31.-(1) Subject to subsection (4), in the event that the applicant or Permit Holder is not satisfied with the Director of Asset Services' decision to refuse or revoke a Film Permit, the applicant is entitled to appeal the decision, in writing within 30 days of the Director of Asset Services' decision along with the fee prescribed in the City's User Fees By-law, to the Hearing Committee.

(2) The Hearing Committee may make any decision that the Director of Asset Services may make under this By-law with respect to the revocation or refusal of a Film Permit.

(3) A decision of the Hearing Committee is final.

Permit – Expiry

32. Notwithstanding the status of the Filming Event, a Film Permit shall expire at the date and time indicated on the Film Permit or on an extended or amended date and time as approved by the Director of Asset Services in accordance with this By-law.

33. If an expiry date is not specified on the Film Permit, a Filming Event shall expire on the date of completion of the Filming Event authorized on the Permit.

Permit – Time – Valid

34. A Film Permit shall be valid for the period or periods of time stated on the Film Permit or for an extended or amended period as provided in accordance with sections 35 and 37 of this By-law.

Permit – Extension

35.-(1) Where the Filming Event authorized under a Film Permit cannot be completed prior to the expiry date specified in the Film Permit, a Permit Holder may apply in writing to the Director of Asset Services, for an extension to the expiry date of the Film Permit.

(2) When applying for an extension, the Permit Holder shall:

- (a) request an extension in writing from the Director of Asset Services, including:
 - (i) particulars of the need for the extension; and
 - (ii) such other information and documentation as may be required by the Director of Asset Services to make the request for extension complete; and
- (b) pay a non-refundable Film Permit extension fee determined in accordance with the City's Miscellaneous User Fee By-law.

(3) Requests for extensions may only be made after the issue of the Film Permit and no less than two business days prior to the expiry of the Film Permit.

36. The Director of Asset Services has the same powers in relation to an application for an extension as he or she has when considering whether to issue or refuse a Permit application.

Permit – Amendment

37.-(1) Where the activities associated with the Filming Event authorized under a Film Permit are modified, a Permit Holder shall apply in writing to the Director of Asset Services, for an amendment to the Film Permit.

(2) When applying for an amendment, the Permit Holder shall:

- (a) request an amendment in writing from the Director of Asset Services including:
 - (i) particulars of the need for the extension; and
 - (ii) such other information and documentation as may be required by the Director of Asset Services to make the request for amendment complete; and
- (b) Pay a non-refundable Film Permit amendment fee determined in accordance with the City's Miscellaneous User Fee By-law.

(3) Requests for amendments to the Film Permit may be submitted after the issue of the Film Permit and no less than two business days prior to the expiry of the Film Permit.

38.-(1) Subject to subsection (2), the Director of Asset Services has the same powers in relation to an application for an amendment as he or she has when considering whether to issue or refuse a Permit application.

(2) The Director of Asset Services may issue an amendment only in respect of minor matters associated with a Film Permit and Film Permits shall not be amended to change the location of the Filming Event.

Permit – No Transfer

39.-(1) No Person shall transfer a Film Permit.

(2) No Person shall use a Film Permit for a Filming Event:

- (a) at a location or in a building other than that for which the Film Permit was issued; or
- (b) for a Filming Event other than that for which the Film Permit was issued.

Part 4 - Enforcement

40.-(1) This By-law may be enforced by a By-law Enforcement Officer.

(2) Without limiting subsection (1), for the purpose of conducting an inspection to determine whether a Person is complying with a Film Permit, this By-law, or an order made under section 431 of the *Municipal Act, 2001* in respect of this Bylaw, a By-law Enforcement Officer may do any of the following:

- (a) investigate;
- (b) enter onto lands at a reasonable time;
- (c) require the production for inspection of documents or things relevant to the inspection;
- (d) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (e) require information from any Person concerning a matter related to the inspection; and
- (f) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, or photographs or visual recordings.

41. No Person shall hinder or obstruct, or attempt to hinder or obstruct, a By-law Enforcement Officer exercising a power or performing a duty under this By-law.

42. No Person required to produce documents, things or information by a By-law Enforcement Officer shall fail to respond forthwith.

Offence

43.-(1) Any:

- (a) Person who, or
- (b) director or officer who knowingly,

contravenes any of the provisions of this By-law or rules authorized by this By-law is guilty of an offence.

(2) Any Person or director or officer committing an offence under this By-law is liable:

- (a) on a first conviction to a fine of not more than \$5,000;
- (b) on a second conviction to a fine of not more than \$10,000; and
- (c) on a third and subsequent conviction to a fine of not more than \$100,000.

(3) For the purposes of subsections (1) and (2), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(4) The levy and payment of any fine under this By-law shall not relieve a Person from the necessity of paying any costs or charges for which such Person is liable under this By-law.

(5) When a Person has been convicted of an offence under this By-law, a By-law Enforcement Officer may issue an order, in addition to any other penalty imposed on the Person convicted, requiring the Person who contravened this By-law or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

(6) Where a Person fails to comply with an order issued pursuant to subsection (5), the work ordered may be done by the City at the Person's expense.

Prohibition Order

44. The City may, in addition to any other penalty imposed on the Person convicted, seek an order from the Ontario Court (Provincial Division) or any court of competent jurisdiction, prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

Recovery of Costs

45. An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act* or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a court of competent jurisdiction.

Debt

46. Any unpaid costs or charges levied upon a Person and any interest associated with such costs or charges shall be a debt owing by the Person to the City.

Part 5 – General

Intellectual Property and Privacy

47.-(1) Subject to subsection (2) and section 48, nothing in this By-law or a Film Permit authorizes a Person to use a Recording of an individual or Personal Information or City or third party intellectual property, including trademarks, logos, or information subject to copyright, or confidential or proprietary information.

(2) A Permit Holder may use an approved version of a City logo or the City's name in the credits or promotional materials of a Film Production that includes Recording from a Filming Event for which a Film Permit was issued.

48.-(1) Subject to subsections (2) and (3), if a Recording from a Filming Event for which a Film Permit was issued contains images of City Property, a Permit Holder may publish the images of City Property.

(2) The authorization to use the images described in subsection (1) is subject to the consent of any natural person whose Personal Information was recorded and it is the obligation of the Permit Holder to obtain such consent.

(3) The authorization to use the images described in subsection (1) is subject to the consent of the Manager of Communications and French Language Services where such images contain signs, markers or materials which identify the intellectual property of the City of Greater Sudbury, including signs, logos or other materials.

49. Nothing in this By-law or the Film Permit authorizes a Person to collect, use or disclose the Personal Information of any natural person.

Agreements – Locations Databases

50. Members of the Senior Management Team or their designates are delegated the authority to approve and execute agreements to include photographs of City Property in a location library database where the City Property is within the member's departmental or divisional responsibility.

Part 6 - General

Confidential Information

51.-(1) The Director of Asset Services is authorized to collect Personal Information necessary for the purpose of administering this By-law.

(2) All information submitted to and collected by the City in accordance with this By-law, shall, unless the City Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(3) In the event that a Person submits information to the City in accordance with this By-law which such Person considers to be confidential, proprietary or exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the Director of Asset Services and shall provide sufficient details as to the reason for its purported exemption from disclosure.

Administration

52.-(1) This by-law shall be administered by the Director of Asset Services who is also delegated the authority to make all other decisions required of the Director of Asset Services under this By-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this by-law.

(2) The Director of Asset Services may delegate, in writing and from time to time, the performance of any one or more of his or her functions under this By-law to one or more natural persons from time to time as the occasion requires but may impose conditions upon such delegation and may revoke any such delegation.

Authority – Director of Asset Services

53. In addition to other powers as described in this By-law, the Director of Asset Services has the authority to:

- (a) from time to time issue rules relating to the conduct of a Filming Event including but not limited to:
 - (i) the use of lighting;

- (i) the hours during which a Filming Event, including takedown and setup, may be conducted; and
 - (ii) conditions or limitations on Filming Events in particular areas of the City including but not limited to residential neighbourhoods and requiring notice to Persons in areas of the City;
- (b) determine what constitutes Restricted Lands, Buildings or Areas; and
 - (c) from time to time, issue a Code of Conduct for Cast and Crew.

Severability / Conflict

54. If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or *ultra vires*, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

55. Subject to subsection 56, where a provision of this By-law conflicts with the provisions of another By-law, licence, permit, approval, agreement or other type of permission required, the provision of the other By-law, licence, permit, approval, agreement or other type of permission prevails.

56. Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the City.

Short Title

57. This By-law shall be cited as the "Film By-law".

Repeal

58. By-law 2005-118 being a By-law of the City of Greater Sudbury to Adopt a Film Policy is repealed upon the coming into force of this By-law.

Enactment

59. This By-law shall come into force and effect on February 1, 2016.

Expiry

60. This By-law expires at the end of January 31, 2020.

Read and Passed in Open Council this 24th day of November, 2015.


_____ Mayor


_____ Clerk

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