



Name of Policy: Film Policy

Policy Number: POL-9

Effective Date: December 6, 2016

Review Date: 2018

Final approver: City Council

Training course code: Not applicable

1. Purpose

This policy outlines what is required to assess and coordinate film making, including the use of drones for filming, for commercial profit and is intended to help film-makers wishing to feature municipally owned properties including heritage buildings, sports venues, waterfront settings, natural pathways, streets and roads, all of which are hereafter referred to as “City Property”.

This policy allows for a coordinated one-stop approach for a production company to facilitate their use of City property as well as ensuring that City requirements are met.

2. Persons Affected

A Film Permit is required for all Film Projects making use of City Property in the City of Kingston. Film Permits are issued by the Film Liaison following internal review by other affected City personnel and any applicable outside organizations as necessary. Staff may fast track the permit process for small scale video productions.

3. Policy Statement

The City of Kingston (the “City”) recognizes the significance of and interest in the many features that make this community unique, including its history, scale, waterfront location, streetscapes and heritage infrastructure. It also recognizes the economic and cultural benefits that accompany increased levels of film production and seeks to make Kingston a ‘film friendly City’.

4. Responsibilities

Application

The Production Company must complete a Film Permit Application. A Film Permit will not be issued without a completed Film Permit Application.

In addition, the City reserves the right to review all film and advertising scripts and, acting reasonably, reject any Film Permit Application.

Application Review and Approval Process

The Film Liaison, in consultation with other City personnel as appropriate, is responsible for the coordination of approvals within the City.

Once submitted, applications are considered on a case-by-case basis by City personnel, including the Film Liaison, and other appropriate staff. Any concerns are discussed and special requirements/approvals are identified (such as police/fire approval for certain special effects), City personnel requirements are determined, and appropriate fees and security deposit are established, all of which must be addressed before an approval of a Film Permit by the City is granted.

Kingston City Hall and the Frontenac County Court House are civic and national heritage sites of great historical significance and fully functioning as an office of local government and federal court respectively. City Hall also includes many protected interior features and is surrounded by the Market Square Heritage Conservation District. A Production Company Film Project requesting the interior use of City Hall and/or Memorial Hall or the Frontenac County Court House shall be permitted only with the approval of the Chief Administrative Officer, or designate, in consultation with appropriate staff.

The Film Liaison will contact the Production Company with information on the City Property and costs and will arrange a time to view the City Property with the Production Company. If the Production Company wishes to proceed with the Film Project, the Film Liaison will provide a Film Permit Application outlining the filming conditions and all of the City's requirements.

Prior to the issuance of a Film Permit, the Production Company must provide the Film Liaison with an insurance certificate; a security deposit where applicable; a written description of any impacts/alterations to the City Property where applicable; and payment of all required fees and/or costs as estimated by the City.

Use of Drones

Drones flown around City Hall/Market Square are within the Mandatory Frequency zone for YGK, so a number of procedures must be followed.

Planned drone flights must be:

- During the day (unless you have a night exemption);
- Not go over crowds or built-up areas; and
- Must be outside the Mandatory Frequency (MF) zone for Kingston Airport - YGK.

Filmmakers must ensure they have all necessary documentation with them (i.e. a Special Flight Operators Certificate and a night exemption if they plan to use drones at night).

Application Timelines

The Production Company must complete a Film Permit Application and submit it to the Film Liaison at least 15 business days in advance of the Film Project date being requested unless otherwise agreed.

Costs

There will be no fee charged for a Film Permit. The Production Company may be required to pay for the cost of services and for City personnel, including the Film Liaison, when the Film Project is on City property. The costs for such City personnel will be determined on a case-by-case basis at the discretion of the Film Liaison who will consult and obtain the approval of appropriate City personnel and the Production Company.

All costs for parking, facility rentals, street closures, etc., as established in the Fees and Charges By-Law, will be the responsibility of the Production Company. All costs incurred by the City on behalf of the Production Company, such as advertising and removal/reinstallation of equipment, are also the responsibility of the Production Company.

All costs must be paid prior to Film Permit issuance. Once a Film Project begins, or is about to begin, the Production Company will be notified immediately if there are any changes to the costs.

The City may require that emergency services personnel attend the Film Project prior to commencement of, or to be on-site during, the Film Project. All costs associated with these requirements are the responsibility of the Production Company.

In all cases, where services have been deemed necessary by the City but are not provided by the City of Kingston, the Production Company is required to pay the service provider directly.

Monitoring

The Production Company must keep a copy of the Film Permit on site at all times. At the commencement of the scheduled Film Project, the City may designate City personnel to attend the Film Project site and act as the City's contact person. The Film Liaison is responsible for liaising/monitoring with 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.

Impact on Residents, Occupants, Businesses and Stakeholders

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

Notice to the Community

The Production Company will notify affected residents and businesses in writing and in advance of the Film Project, as directed by the Film Liaison or appropriate City departments. The notice will include information related to the Film Project, including the duration and location of the Film Project, planned special effects and service disruptions such as road and lane closures, sidewalk usage and street parking restrictions. A copy of all notification letters must be filed with the Film Liaison. A sample notice letter can be obtained from the Film Liaison.

For larger Film Project productions, as determined by the Film Liaison in consultation with other City personnel, the Production Company will also place an advertisement in the daily newspaper notifying residents of the upcoming Film Project schedule, its impacts on traffic and other details affecting the community. The cost of road closure notices, if required, that are advertised by the City will also be the responsibility of the Production Company.

Where the Film Liaison determines, in conjunction with other City personnel, that the approval of affected residents or businesses must be obtained prior to a Film Permit being issued, it will be the responsibility of the Production Company to obtain such approval.

The request for approval must be in a form approved by the Film Liaison, and must clearly indicate what the resident or business is being asked to approve, why their approval is being sought, and that they have a right to object to the Film Project taking place. The approval must be indicated by signature, noting the name and address of the resident or business owner.

Notice to Elected Officials, City Personnel and Key Stakeholders

The Film Liaison will notify City Council and other key stakeholders as soon as the Film Permit has been issued.

Copies of the Film Permit and/or information pertaining to the Film Project will be forwarded to appropriate services including, but not limited to, Kingston Fire and Rescue, and Kingston Police.

Compensation for Disruption

The City does not compensate individuals or businesses for disruption due to a Film Project on City Property.

Access to Premise

The Production Company must ensure that residents, owners and customers, and City personnel have access to their respective residential or business premises and that there is pedestrian and vehicular access to adjoining properties. Accommodations must be in place for access by persons with disabilities.

Parking

Parking fees will be charged in public parking areas and will be considered in the cost of the Film Permit. Accommodations must be in place for persons with disabilities.

Traffic

The Production Company must place signs in public access areas to inform residents that the City Property is being used for a Film Project and that traffic delays may occur. Intermittent traffic stoppages, if permitted by the Traffic Supervisor, will be limited to a maximum of three minutes unless otherwise stated on the Film Permit and must be conducted under the supervision of a Paid Duty Police Officer.

Any barricades, signs and signals shall be to the satisfaction of the Traffic Supervisor. Requests to cover, alter, remove and/or reinstall traffic or street signs will require approval and work will be completed under the supervision of the Traffic Supervisor and/or Manager of Parking Operations at the cost of the Production Company as part of the Film Permit Application process. Accommodations must be in place for persons with disabilities.

Safety

The safety of the public, City employees and all those working on the Film Project is the responsibility of the Production Company. The Production Company is also responsible

to comply with the provisions of the Occupational Health and Safety Act requirements. They will also maintain a safe environment for all visitors and residents.

Environmental Impact

Residents, occupants and business owners should be free from any negative conditions resulting from a Film Project, including but not limited to, spill-over lighting, exhaust fumes or noise that may affect their ability to enjoy their property or conduct their business unless they have been contacted by the Production Company and have confirmed that they do not have any objection. Specifically:

- Lighting
 - Lighting should be oriented away from neighbouring residences unless residents have been contacted and do not express any objection.
 - Lighting should not interfere with the safe movement of traffic.
- Generators
 - All generators used on streets in residential areas or in or on City Property must be “blimped” generators (i.e. noise reduced generators) unless otherwise approved.

Impact on Municipal Assets

Any alterations to City property for a Film Project including the construction of sets/staging will be identified during the Film Permit Application process and must be approved by Facilities Management & Construction Services. Any proposed alterations to City Property, including heritage and museum property, must also be approved by the Planning, Building & Licensing and Cultural Services Departments as required. Any proposed alterations to or use of an object in the Civic Collection must be approved by the Cultural Services Department. These approvals may include a requirement for monitoring during the Film Project.

The Production Company is responsible for restoring all City Property including exterior and interior building finishes and fixtures to their original condition at the conclusion of the Film Project. Requests to fly flags, including those from other countries, at City Hall or any City Property site, will be identified during the Film Permit Application process and will require appropriate approvals.

Any requested adjustments to mechanical, HVAC or electrical systems must be identified during the Film Permit Application process and must be approved by Facilities Management & Construction Services.

Clean Up

The Production Company is responsible for clean up at the Film Project site at the end of every day of the Film Project with a minimum amount of noise and disruption. Upon

completion of the Film Project, the Production Company must ensure that the City Property is returned to its original condition, including garbage removal, unless otherwise approved by the Film Liaison or other arrangements have been made with Facilities Management & Construction Services, Public Works and the Film Liaison. Any failure to clean up will be subject to cost consequences as indicated under the Security Deposit section.

Production Vehicles

All vehicles carrying equipment involved in the Film Project will be issued a Location Filming Vehicle Permission Card which must be displayed on vehicle dashboards. It is the responsibility of the Production Company to determine in advance the number of production vehicles requiring such a permit. Production Company vehicles must be parked in pre-approved areas.

No interference with pedestrian or vehicular traffic is to occur without being noted on the Film Permit. Production Company vehicles shall adhere to the posted speed limits, traffic regulations and to all applicable laws and regulations on roads and streets unless stated otherwise on the Film Permit, directed otherwise by a Paid Duty Police Officer or where a road or street is closed for the Film Project.

Production Company vehicles must not block fire hydrants, be parked in fire routes or within nine metres of an intersecting street, impede any emergency response vehicles, block driveways or other access/egress ramps. Production Company vehicles must leave at least two feet of clearance on either side of a driveway, ramp or other accesses/egresses/ingresses and accessible parking for persons with disabilities.

No Production Company equipment/vehicles are to be within 30 metres of a bus stop, a pedestrian courtesy crossing or a signalized intersection unless otherwise noted on the Film Permit.

Relocating vehicles by towing to accommodate a Film Project will not be permitted unless a “friendly” tow is first reviewed with the Film Liaison and is arranged via Parking Operations. A “friendly tow” means that it will be at no cost to the vehicle owner and will be paid for by the Production Company, that the vehicle will be moved to a location as close as possible to the original location, that every reasonable attempt will be made to contact the vehicle owner and that the Production Company shall be solely responsible for any damage caused to a vehicle as a result of the tow.

Police, Fire, and Ambulance Services

Qualified emergency services personnel (police, fire, ambulance) may be required to be on site during the Film Project where potentially dangerous situations such as special effects, stunts and /or detonation of pyrotechnics will be used, all of which have been identified in the Film Permit Application and are identified in the Film Permit.

Kingston Fire and Rescue must be advised in advance, in writing, when the use of pyrotechnic devices, fireworks or flammable or combustible liquids or materials is being planned. The notice must provide details of how the materials will be used in the Film Project. Kingston Fire and Rescue may impose conditions regarding the use of these materials. Any conditions that are directed by Kingston Fire and Rescue will be included as part of the Film Permit and will require a pyrotechnic special effects permit.

Paid Duty Police Officers are required, as determined by the Film Liaison, for such things as permit compliance, intermittent traffic stoppages and traffic control and/or when necessary to direct pedestrian or vehicular traffic including those instances involving City Property. Paid Duty Police Officers are required for the detonation of pyrotechnic special effects. A copy of the pyrotechnic special effects permit is to be supplied to the Paid Duty Police Officer on duty. All associated emergency service costs will be the responsibility of the Production Company.

Insurance Requirements

A Production Company must present to the Film Liaison, prior to Film Permit issuance, a certificate of insurance including proof of Commercial General Liability in the amount of \$5 million, which shows that the City has been added as an additional insured. The insurance coverage must be provided by a company licensed in the Province of Ontario. The insurance certificate will be retained by the Film Liaison.

The City reserves the right to determine the appropriate type and level of insurance based on the scope and assessment of risk for Film Projects considering:

- heritage properties such as City Hall or the Frontenac County Court House
- community centres and arenas

Indemnification/Save Harmless

The Production Company shall indemnify and save harmless the City from and against all claims, actions, damages, injuries, costs, adjuster fees, expenses or losses whatsoever, which may arise or be brought against the City, as a result of or in connection with the Film Project, including but not limited to the use of City Property by the Production Company, its employees, contractors, agents or representatives. Without limiting the generality of the foregoing, the Production Company acknowledges that the City will not be responsible for any liability arising from the activities of the Film Project with respect to the advertising or any copyright or trademark infringements.

Security Deposit

Where deemed necessary by the City, a security deposit shall be provided to the City by the Production Company prior to the issuance of the Film Permit. The deposit shall be in cash or by certified cheque. This deposit shall not be returned until all conditions of the

Film Permit have been fulfilled, and the following paid in full: clean up and all associated costs, costs of City personnel and damage repair.

The following is a guideline for security deposits. These amounts may be adjusted based on the nature of the production and at the discretion of the City Film Liaison:

- City Hall or other major City Property and protected heritage properties - \$10,000
- City roads, parks, community centres and arenas - \$5,000

City Property will be inspected for damages by the appropriate City department(s) within 48 hours of completion of the scheduled Film Project, or within 72 hours of completion of weekend events, pursuant to the Film Permit, unless unforeseen circumstances prevent the inspection during this time frame. The Production Company will be given first opportunity to repair any damages, within a time frame specified by the City. If the work is not completed to the satisfaction of the City, the work will be completed by the City and the cost of the repairs will be invoiced to the Production Company and/or deducted from the security deposit.

Policy Applications and Exceptions

This policy applies to all Film Projects which take place on or make use of City Property, except as set out in this paragraph. This policy does not apply to the Rogers K-Rock Centre or the Grand Theatre, current affairs and newscasts, videography related to weddings, sports teams, tourism, family photos, academic projects, events pursuant to the Special Events Policy for City Facilities or other filming that is not filming for commercial profit and therefore not subject to this policy.

For other City Property subject to lease or management agreements, the tenant may negotiate directly with the Production Company. However, in certain instances a Film Permit may also be required from the City. The tenant should check with the Film Liaison at the City to determine if a Film Permit is required.

In those situations where a Film Project will be located on private property but City Property is being used to facilitate the Film Project, for example – a Production Company vehicle parking on City Property, the Production Company will need to request a Film Permit from the City.

Code of Conduct

It is the responsibility of the Production Company to ensure that its personnel operate in a safe, respectful and professional manner in the course of their duties.

Compliance

The Production Company shall ensure that it and its personnel and agents comply with all applicable legislation and by-law requirements, as well as any City policy specifically

referenced on the Film Permit as well as 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.

Related Policies, Procedures and Forms

- Civic Collection and Municipal Museum Policies
- First Capital Place Programming and Operations Policy
- Flag Display and Flying Policy
- Notice of Temporary Service Disruption Policy
- Sustainable Kingston Plan
- Accessible Customer Service Policy
- City of Kingston Accessibility Plan
- Special Events Policy for City Parks and Recreational Facilities
- Location Film Permit Application
- Temporary Road Closure Application Form
- Parking Space Rental Application Form
- Notice of Temporary Service Disruption Form
- “SPFX” Pyrotechnics Special Effects Permit/Letter of Intent Form

Related Legislation and By-Laws

Film Permits will be issued only in accordance with applicable City by-laws, including but not limited to by-laws governing noise control, road closures, facility bookings, parking, fireworks, fees and charges.

- By-Law 2006-118 By-Law Respecting the Kingston Public Market
- By-Law 2004-190 By-Law to Regulate the Use of City Streets
- By-Law 2006-213 Municipal Alcohol Policy
- By-Law 2009-140 By-Law to Provide for the Prohibition and Regulations of Signs and Other Advertising Devices in the City of Kingston
- By-Law 2004-107 By-Law to Protect the City’s Highways from Unauthorized Encroachments
- By-Law 2004-144 By-Law to Regulate Animals
- By-Law 97-54 By-Law to Regulate Outdoor Barbecues Above the First Story Level and to Regulate the Detonation of Fireworks in Public Places
- By-Law 2004-52 By-Law to Regulate Noise
- By-Law 2008-95 By-Law to Control The Idling Of Vehicles And Boats
- By-Law 2009-76 A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities For The Corporation Of The City Of Kingston
- By-Law 2010-128 By-Law to Regulate Parking

- By-Law 2002-231 A By-Law To Regulate Smoking In Public Places And Workplaces In The City Of Kingston
- By-Law 2005-10 By-Law to Establish Fees and Charges to be Collected by the City of Kingston
- By-Law 2005-255 A By-Law To Delegate The Authority For The Processing And Approval Of Temporary Highway Closures Pursuant To Section 42 Of The Ontario Municipal Act, 2001
- Open Air Burning Policy and Guidelines
- Occupational Health and Safety Act R.S.O. 1990

5. Approval Authority

Film Liaison as per the Film Policy.

6. Appendix

Not Applicable.

7. Related Definitions (Corporate Glossary)

“Alterations” means any permanent or temporary changes, removals or additions to a space, building, structure or object (including the painting, draping of or affixing material to).

“City Property” includes, and is not limited to, municipally owned heritage buildings, museums, sports venues, waterfront settings, natural pathways, streets, roads and unique locations.

“Civic Collection” means the artifacts, archives and works of art belonging to the Corporation of the City of Kingston. Included in this definition is the “Outdoor Collection” which includes monuments, plaques, public art, commemorative materials, and historical vehicles displayed and exhibited in outdoor parks and public spaces owned and maintained by the City of Kingston.

“Film Liaison” means the Film Liaison in the City’s Special Events Division within the Recreation & Leisure Services Department, or his or her designate.

“Film making for commercial profit” means a film or advertising project intended to generate revenue or promote a “for profit” product or service.

“Film Permit Application” is a City document that is completed by a production company to understand the scope of the Film Project. A Film Permit Application is considered on a case-by-case basis following internal review by other affected City personnel and any applicable outside organizations as necessary.

“Film Permit” means a permit authorizing location filming within the City of Kingston on City Property. A Film Permit is obtained via an approved Film Permit Application.

“Film Project” means location film or advertising project.

“Production Company” means a company or individual producing the Film Project.

8. Related Information

List information that is related and is referenced in your policy i.e. law (provincial acts, by-laws), policies, procedures or a How Do I article.