

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2023-12

Being a By-Law to Regulate Filming Activity on Municipality of Powassan Property

Whereas section 10(2) of the Municipal Act, 2001, S.O, 2001, c.25 authorizes 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 Council of the Municipality of Powassan wishes to promote film production in the Municipality of Powassan;

And Whereas Council of the Municipality of Powassan deems it necessary to require permits for location filming in the Municipality of Powassan and to regulate the use of properties under its jurisdiction for purposes of location filming;

Now therefore Council of the Municipality of Powassan hereby enacts as follows:

Short Title

1.(1) This By-law may be cited as the "Film By-law".

Interpretation

2.(1) In this By-law:

(a) "Municipal Property" means land owned, leased, or occupied by the Municipality, including buildings or other structures or facilities and includes highways and parks.

(b) "Clerk" means the Municipal Clerk or their designate.

(c) "Film Permit" means any permit issued in accordance with this By-law.

(d) "Filming" means recording, except in a film studio, for a feature film, television program or series, 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.

(e) "Filming Guidelines" means the guidelines for Filming in the Municipality, as established by the Clerk from time to time, and includes the "Code of Conduct for Cast and Crew".

Permit

3.(1) No person shall occupy any Municipal Property for Filming purposes except in accordance with a Film Permit.

(2) A Film Permit shall not be required where the Filming is undertaken by the Municipality or by a contractor carrying out work on behalf of the Municipality.

(3) Despite any other Municipality by-law, where a Film Permit has been issued by the Clerk, the permit holder may use the Municipal Property identified in the Film Permit for the purposes and during the period specified in the Film Permit, on the terms and conditions set out in the Film Permit and as contained in the agreement made under Section 3.2 herein.

Procedure

4.(1) An application for a Film Permit shall be made through the office of the Clerk on the form prescribed by the Clerk. The Clerk may prescribe any information to be given therein and other necessary documents to be completed or submitted by the applicant in conjunction with the application.

(2) The Clerk shall issue a Film Permit to the applicant subject to the applicant entering into an agreement with the Municipality to:

(a) comply with this By-law, the Filming Guidelines, and any other applicable By-laws;

(b) indemnify and save harmless the Municipality from any action, claim, damage, or loss whatsoever and pay legal fees reasonably incurred by the Municipality arising from the issuance of the Film Permit or the use of the Municipal Property;

(c) provide a certificate of insurance in accordance with the Filming Guidelines and in a form satisfactory to the Clerk; and

(d) provide a security deposit, where deemed necessary in the sole determination of the Clerk, in an amount satisfactory to the Clerk to ensure that the Municipal Property is restored to the condition it was in prior to its occupation or use.

(3) Where an applicant fails to comply with this By-law, the Filming Guidelines, any agreement entered into pursuant to Section 3.2 herein or any Film Permit, the Clerk may revoke or suspend the Film Permit forthwith without notice.

Prohibition

5.(1) Without limiting Section 3.3 herein, no person shall:

(a) cause, allow or permit Filming to occur on Municipal Property, except in accordance with a valid Film Permit; or

(b) participate in Filming on Municipal Property, except in accordance with a valid Film Permit; or

(c) fail to observe the Filming Guidelines.

(2) Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

(3) Person(s) listed as “applicants” on a Municipality of Powassan Filming Permit Application may be held liable and prosecuted for any offence committed under this by-law by any worker or volunteer employed by the associated production.

(4) Prosecution under this By-law shall not preclude any other legal actions required to recover damages required to repair, replace, or restore damaged real or personal property, as the case may be.

Conflict

6.(1) This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Municipality or by any governmental authority having jurisdiction to make such restrictions or regulations.

(2) If there is a conflict between a provision of this By-law and a provision of any other Municipality by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain a clean and tidy condition on land shall apply.

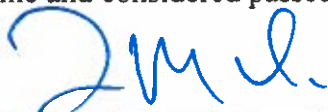
Severability

7.(1) If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

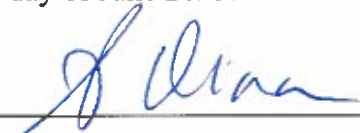
Effective Date

8.(1) This By-law comes into effect upon passage

READ a FIRST and SECOND time on May 16, 2023, and to be **READ a THIRD and FINAL** time and considered passed as such in open Council the 6th day of June 2023.



Mayor



Clerk