

BY-LAW NUMBER 05-075

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Regulate Filming Events on Regional Premises and on Regional Roads

WHEREAS section 2(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that The Regional Municipality of Waterloo is given powers to foster the municipality's current and future economic, social and environmental well-being;

AND WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, gives The Regional Municipality of Waterloo the power to pass by-laws respecting culture and its highways, including parking and traffic on highways;

AND WHEREAS section 42 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes The Regional Municipality of Waterloo to delegate to an employee of the municipality, subject to any conditions The Regional Municipality of Waterloo may impose, the power to close its highways temporarily for any purpose specified in the by-law;

NOW THEREFORE, the Council of The Regional Municipality of Waterloo enacts as follows:

Definitions

1. In this By-law:

- (1) "Commissioner" means the Commissioner of Corporate Resources or the Commissioner of Planning, Housing and Community Services or the Commissioner of Transportation and Environmental Services for the Region or any successor positions or his or her designate;
- (2) "competent person" means the Filming Event supervisor or his or her designate;
- (3) "filming" means filming, videotaping, photography or any other form of visual recording for a feature film, television film, television program, documentary, commercial, music video, educational film or other purpose but does not include interviews, newscasts or press conferences on Regional premises;
- (4) "Filming Event" means filming upon Regional premises or filming that requires a Regional lane closure or a Regional road closure or may interfere with the normal flow of traffic on a Regional road;
- (5) "Filming Event Permit" means a Filming Event Permit as issued under this By-law;
- (6) "Filming Event supervisor" means the person designated in accordance with section 5(2) of this By-law;
- (7) "lane" means that part of a roadway that accommodates a single line of moving or parked vehicles;
- (8) "local municipality" means The Corporation of the City of Cambridge, The Corporation of the City of Kitchener, The Corporation of the City of Waterloo, The Corporation of the Township of North Dumfries, The

Corporation of the Township of Wellesley, The Corporation of the Township of Wilmot, or The Corporation of the Township of Woolwich;

- (9) “municipal fees and charges” means fees and charges prescribed by the Region or a local municipality;
- (10) “municipal law enforcement officer” means a by-law enforcement officer appointed by the Region or a local municipality;
- (11) “person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (12) “Region” means The Regional Municipality of Waterloo;
- (13) “Regional lane closure” means a closure of one or more lanes on a Regional road such that the traffic flow in all directions existing before the closure is maintained and no diversion of traffic to another road is required;
- (14) “Regional premises” means land owned by the Region and the buildings on it, but does not include a Regional road;
- (15) “Regional road” means a road under the jurisdiction of the Region;
- (16) “Regional road closure” means a closure of one or more lanes on a Regional road such that a diversion of traffic to another road is required; and
- (17) “road” includes, but is not limited to, a common and public highway, street, avenue, parkway, driveway, 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 the lateral property lines thereof.

Prohibitions

2. No person shall undertake a Filming Event without first having obtained a Filming Event Permit in accordance with this By-law.
3. No person shall participate in a Filming Event unless a Filming Event Permit has been granted in accordance with this By-law.

Filming Event Permit Application

4. Every person who intends to undertake a Filming Event shall apply to the Commissioner for a Filming Event Permit.
5. Every person who applies for a Filming Event Permit shall provide the Commissioner with:
 - (1) the person’s name, signature, position, organization, street address, telephone number, fax number and e-mail address;
 - (2) the name, position, organization, street address, telephone number before and during the Filming Event, fax number and e-mail address of the Filming Event supervisor who will carry out the responsibilities listed in sections 14 and 15 of this By-law;
 - (3) the contact name, position, legal name, street address, telephone number, fax number and e-mail address of the organization undertaking the Filming Event;
 - (4) the type and purpose of the Filming Event;

- (5) the date(s) and day(s) of the week when the Filming Event is to be held and, if the Filming Event is postponed, an alternative date(s), day(s) of the week and times;
 - (6) for each date of the Filming Event, the time that set-up will commence, the time that the Filming Event will commence, and the time that the Filming Event will finish including clean-up time;
 - (7) the Regional premises, if any, to be used for the Filming Event;
 - (8) the Regional roads, if any, to be used for the Filming Event;
 - (9) any potentially hazardous activities associated with the Filming Event;
 - (10) a Certificate of Insurance, satisfactory to the Commissioner, showing a comprehensive policy of public liability and property damage insurance for the Filming Event in respect to any one accident, against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property in a minimum amount of \$2,000,000;
 - (11) a signed indemnity, satisfactory to the Commissioner, indemnifying and saving harmless the Region and any affected local municipality from any and all claims, demands, suits, actions and judgments made, brought or recovered against the Region or any affected local municipality and from all loss, costs, damages, charges or expenses that may be incurred, sustained or paid by the Region or any affected local municipality by reason of the granting of the Filming Event Permit;
 - (12) an advance payment in the form of cash, a money order or a certified cheque in an amount equal to the anticipated municipal fees and charges for the Filming Event;
 - (13) a security deposit in the form of cash, a money order, a letter of credit or a certified cheque in an amount satisfactory to the Commissioner; and
 - (14) any additional information or documentation for the purposes of administering this By-law as requested by the Commissioner.
6. No person applying for a Filming Event Permit shall knowingly provide false information to the Commissioner.
 7. Every person who applies for a Filming Event Permit shall make their application at least 14 days in advance of the Filming Event.

Grant, Refusal or Revocation of Filming Event Permit

8. The Commissioner may grant a Filming Event Permit, refuse to grant a Filming Event Permit or may grant a Filming Event Permit imposing conditions as a requirement of obtaining and continuing to hold it, including, but not limited to, the condition that a notice setting out the location, date, time and other information as required be delivered not less than 7 days or as required by the Commissioner in advance of the Filming Event to all affected homes, businesses and institutions, as determined by the Commissioner.
9. In considering the grant, refusal or grant with conditions of a Filming Event Permit, the Commissioner may have regard to:
 - (1) whether or not, considering past Filming Events, the Filming Event is likely to be carried out in compliance with the Filming Event Permit and this By-law;

- (2) a conflict with a previously scheduled activity for which the Region or a local municipality has granted a permit;
 - (3) the disruption to municipal work of any type;
 - (4) the disruption of traffic or public transit;
 - (5) the response of Waterloo Regional Police Services to the application; and
 - (6) whether or not the Filming Event may result in a threat to public safety or conflict with municipal by-laws, resolutions or policies.
10. At any time after a Filming Event Permit has been granted by the Commissioner, the Commissioner may revoke the Filming Event Permit or impose a condition on the Filming Event Permit upon giving verbal notice, in person or over the telephone, or written notice, by regular mail, fax or e-mail to the person who applied for the Filming Event Permit or the Filming Event supervisor.

General

11. The Commissioner may modify the time period prescribed for submitting an application for a Filming Event Permit set out in section 7 of this By-law.
- 12.
- (1) The Commissioner may use the advance payment and the security deposit to pay for municipal fees and charges for the Filming Event. The Commissioner may also use the security deposit to pay for any municipal damages, costs or expenses in connection with the Filming Event;
 - (2) If the municipal fees and charges together with municipal damages, costs and expenses in connection with the Filming Event are more than the amount of the advance payment provided, the Commissioner will invoice for the difference; and
 - (3) If the municipal fees and charges together with municipal damages, costs and expenses in connection with the Filming Event are less than the amount of the advance payment provided, the Commissioner will return the difference along with the security deposit.
13. The person applying for a Filming Event Permit shall comply with any conditions imposed under section 8 of this By-law and ensure that the Filming Event supervisor complies with sections 14 and 15 of this By-law.
14. While a Filming Event is underway, the Filming Event supervisor shall:
- (1) be present at the Filming Event;
 - (2) produce the Filming Event Permit to the Commissioner, a municipal law enforcement officer or any police officer on his or her demand;
 - (3) ensure that there is a minimum of disruption to businesses, residents and institutions during the Filming Event;
 - (4) ensure proper site security and safety;
 - (5) pay any invoices from the Commissioner for the Filming Event;
 - (6) ensure compliance with any conditions imposed under section 8 of this By-law that are required to be carried out while the Filming Event is underway; and

- (7) advise the Commissioner of the name, position, organization, street address, telephone number before and during the Filming Event, fax number and e-mail address of the Filming Event supervisor, should there be any change in this information as identified on the Filming Event Permit.
15. The Filming Event supervisor shall clean up and restore the Regional premises or the Regional road immediately following the finish of the Filming Event.
16. When a Regional lane or a Regional road is closed by the Commissioner for a Filming Event, the Region, the local municipality where the Regional lane or the Regional road is located and any utility may enter at any time to carry out their services.
17. The person applying for a Filming Event Permit under this By-law, the Filming Event supervisor and the participants in the Filming Event shall not do or permit to be done on Regional premises or on a Regional road anything that may:
- (1) constitute a nuisance;
 - (2) make structural alterations;
 - (3) cause damage;
 - (4) cause injury or annoyance to the occupants of neighbouring premises;
 - (5) make void or voidable any applicable insurance; or
 - (6) constitute a breach of any by-law, statute, order or regulation of any municipal, provincial, federal or other competent authority, including those pertaining to filming, special events, fees, charges, work within a road, signs, traffic, parking, noise, pyrotechnics, alcohol, firearms, building, smoking, and use of municipal property and equipment.
18. No person shall install, maintain, move or remove signing and barricades on Regional roads without the permission of the Commissioner except a competent person who may, at an appropriate location, move and then immediately restore a barricade to its original position to allow ingress/egress to the Filming Event site without changing the intent of the barricade set-up.
19. The person who applied for the Filming Event Permit, the Filming Event supervisor and the organization undertaking the Filming Event as identified in the Filming Event Permit shall not permit:
- (1) anything that has excessively violent or sexual content to take place during the Filming Event; or
 - (2) a product resulting from the Filming Event to be included in any project that has excessively violent or sexual content, including a film that would be refused approval or classified as an adult sex film by the Ontario Film Review Board.
20. A permit granted under this By-law:
- (1) shall not be transferable from one person to another, from one Filming Event to another, from one date and time to another nor from one location to another without the permission of the Commissioner; and
 - (2) shall expire when the Filming Event finishes as indicated on the Filming Event Permit.

Penalty

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

Administration and Enforcement

22. Any administrative forms required under this By-law may be prescribed from time to time by the Commissioner.
23. This By-law may be enforced by the Commissioner, a municipal law enforcement officer or a police officer.
24. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such section or sections or parts shall be deemed to severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.
25. This By-law comes into force and effect on January 1, 2006.
26. This By-law may be cited as the "Filming Event Permit By-law".

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 14th day of December, A.D., 2005.


REGIONAL CLERK


REGIONAL CHAIR