

TOWN OF LADYSMITH

BYLAW NO. 2045

A bylaw to regulate film production activities in the Town of Ladysmith

The Council of the Town of Ladysmith, in open meeting assembled enacts as follows:

Interpretation

1. In this Bylaw, unless the context otherwise requires:

- a) "emergency" means a present or imminent event or circumstance, inside or outside the boundaries of the Town, that requires prompt action or resources of the Town to prevent death, injury, damage to public infrastructure, environmental damage, disruption of essential services or social or economic losses;
- b) "essential service" means services vital to the health, well-being and essential needs of residents and includes health care providers, pharmacies and government offices;
- c) "Film Coordinator" means the Director of Development Services, the Director of Infrastructure Services, the Corporate Officer, the Director of Financial Services the Director of Parks, Recreation and Culture or the Chief Administrative Officer
- d) "Filming Guidelines" means the guidelines for filming attached to and forming part of this Bylaw as Schedule "A";
- e) "film crew" means any person, other than a Town employee or Royal Canadian Mounted Police (RCMP) officer, employed by or otherwise providing services to the film company including contractors, actors, directors and production assistants;
- f) "filming" means the production of a television show, movie, commercial or similar media and any activities incidental to such production, but excludes filming for the purposes of journalism or personal use;
- g) "firearm" means a firearm as defined in the *Criminal Code* [R.S.C., 1985, c. C-46] as amended;
- h) "highway" means a highway as defined under the *Transportation Act* [SBC 2004] Chapter 44 as amended;
- i) "local liaison" means a representative of the film company who has been given the authority by the film company to coordinate film activities, work with the Town on behalf of the film company, and pause, alter or stop filming activities if requested to do so by the Town;
- j) "municipal property" means any land owned or otherwise controlled by the Town, and includes highways, sidewalks, parks, statutory rights of ways, easements and property leased by the Town;

- k) "professional engineer" means a professional engineer as defined by the *Engineers and Geoscientists Act* of BC [RSBC 1996] Chapter 116, as amended;
- l) "set" means, in the context of locations where filming occurs, any area where filming and related activities are taking place and includes vehicle parking, "circuses", storage and staging areas;
- m) "student film" means a film production undertaken by one or more students enrolled in an accredited educational institution that is produced primarily for academic use as a requirement of the educational institution's curriculum;
- n) "traffic control device" has the same meaning as in "Town of Ladysmith Streets & Traffic Bylaw 1998, No. 1309", as amended or replaced from time to time; and
- o) "travel-tourism film" means a film production intended to promote Ladysmith as a tourism destination.

Film Permits

- 2. Any person proposing to carry out filming on:
 - a) municipal property; or
 - b) subject to section 124(13) of the *Motor Vehicle Act* [RSBC 1996] Chapter 318 as amended, any portion of the Trans-Canada Highway that is within the boundaries of the Town; must apply for and be granted a valid film permit.
- 3. Filming occurring entirely on private property does not require a film permit, however, any person proposing to carry out such filming shall notify the Town's Bylaw Department, the Town's Fire Department and RCMP if filming will involve special effects, firearms or pyrotechnics.
- 4. Film permit applications must be submitted to the Film Coordinator.
- 5. A film permit application shall be in the form prescribed by the Film Coordinator and must include the supporting documentation and attachments specified from time to time by the Film Coordinator necessary to determine whether the application complies with the requirements of this Bylaw.
- 6. Where an application for a film permit is for filming on fee simple municipal property, a Licence of Use is required in the form prescribed by the Film Coordinator from time to time.
- 7. Where the film permit application has met the requirements of this bylaw, including the Filming Guidelines, the Film Coordinator is delegated the authority to:
 - a) approve the application for a film permit;
 - b) approve the application for a film permit conditions to at the sole cost of the applicant :
 - i) lessen the impacts of filming on the community, such as off-site highway closures, traffic control and parking restrictions; and
 - ii) lessen the impacts of filming on the provision or alteration of municipal services;
 - c) enter into a Licence of Use for filming on fee simple municipal property;

- d) enter into agreements with the film company pertaining to copyrights and the use of recordings;
 - e) in order to facilitate filming, place traffic control devices to give notice that parking is prohibited;
 - f) tow or otherwise remove vehicles and other items from municipal property to facilitate filming; and
 - g) authorize the provision of works and services provided by the Town.
8. Film companies must comply with the requirements of this bylaw, and any other applicable bylaw of the Town and all applicable statutes, regulations, rules, codes, and all orders of a federal, provincial or local government authorities having jurisdiction. The Town reserves the right to revoke a film permit in the event of a contravention of this bylaw including the attached guidelines, or any other applicable bylaw, statute or regulation.
9. The Town reserves the right to revoke a film permit or otherwise shut down filming, without notice, in the event of an emergency. The Town is not responsible for any loss or damages incurred by the film company resulting from an emergency shut down.
10. A film production that is applying for, or issued a film permit must comply with the requirements in the Filming Guidelines attached to this bylaw as "Schedule A".

FEES AND BONDS

11. Fees for services and facilities provided by the Town are payable pursuant to "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".
12. The Film Company is required to pay for all direct costs incurred by the Town for the use of its land, facilities and services, including labour costs calculated in accordance with "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".
13. Labour costs associated with services provided by the Town shall be calculated in accordance with "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".
14. Where in the opinion of the Film Coordinator filming may result in damages to public infrastructure, the environment or municipal assets or create an unsafe condition, the Film Coordinator may require a deposit, equal to 125% of estimated costs of repairing any damage or correcting the unsafe condition.
15. Film permit application fees are payable at the time of application for a film permit and are non-refundable. For all other fees, the estimated fee must be paid in advance, and the film company will be will be refunded for any unused services.
16. Any quotes provided by the Town for services provided by the Town are non-binding. The Town reserves the right to charge for its actual costs, as calculated in accordance with this bylaw and the "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".

Enforcement

17. The Film Coordinator may suspend or cancel a film permit where the permit holder has failed to comply with the terms and conditions of the film permit or provisions of this bylaw.

18. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable upon conviction to a fine of not more than ten thousand dollars (\$10,000.00) and not less than two hundred dollars (\$200.00) the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* [SBC 2003] Chapter 26 as amended or the *Offence Act* [RSBC 1996] Chapter 338, as amended. Each day that an offence against the bylaw continues or exists shall be deemed to be a separate and distinct offence.

Severability


19. If any part, section, subsection, clause or subclause of this bylaw is, for any reason held to be invalid by the court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

Citation

20. This bylaw may be cited as "Film Bylaw 2021, No. 2045".

READ A FIRST TIME	on the	4 th	day of	May,	2021
READ A SECOND TIME	on the	4 th	day of	May,	2021
READ A THIRD TIME	on the	4 th	day of	May,	2021
ADOPTED	on the	20 th	day of	July,	2021





Mayor (A. Stone)



Corporate Officer (D. Smith)

SCHEDULE "A" Town of Ladysmith Filming Guidelines

Purpose

The purpose of these guidelines is to ensure filming in Ladysmith supports the film industry without unduly burdening the community, or creating unnecessary safety or environmental risks. Compliance with these guidelines is necessary to obtain and maintain a film permit.

Background

Ladysmith's unique character and amenities make the community an excellent location for filming. When properly managed, film productions bring economic benefits to the Town and surrounding region. Ladysmith prides itself on its ability to provide a world-class venue for filming through small-town resourcefulness and hospitality. Film companies are expected to plan and carry out filming activities accordingly.

These guidelines were developed with the intention of balancing the needs of the film companies with those of residents. They were developed considering processes and rules from other local governments in BC, the experiences of the Town during past film productions and the unique needs of the community. Subsequently, many requirements in these guidelines are unique to Ladysmith and are necessary to ensure film productions are accepted and welcomed into the community. By understanding and following these guidelines, film companies can expect efficient, high-quality service from the Town and the support and excitement of the community.

Interpretation

For the purposes of these Guidelines, any reference to "film company" includes a reference to any person who has obtained or has applied to obtain a film permit.

Guidelines

Permit applications

1. A film permit application must be submitted to the Development Services Department a minimum of five business days prior to filming.
2. All film companies should notify the Film Coordinator of filming proposals as soon as possible. As a small community, it can be difficult for Ladysmith to accommodate film productions on short notice. Large productions, or productions requiring extensive use of Town facilities and resources, should notify the Film Coordinator at least 20 days in advance of filming.

General Requirements

3. Filming must not:
 - a. compromise the safety of participants or the public;
 - b. pose a risk to the environment;
 - c. unreasonably disrupt essential services; or
 - d. unreasonably disrupt municipal services, or special events.

4. Filming must not generate undue negative impacts on residents and businesses, such as service disruptions, extended highway or public parking closures or noise and other nuisances.
5. As a condition of any permit issued under this bylaw, the film company is responsible for:
 - a. maintaining filming areas in a clean condition;
 - b. any required cleanup and restoration following filming;
 - c. the cost of correcting any damage or unsafe condition directly resulting from filming;
 - d. the cost of repairing or replacing any damaged or missing Town equipment resulting from filming; and
 - e. ensuring the professional and appropriate conduct of the film crew.
6. Filming must generate a zero net increase in costs to the Town. All services provided to the film company by the Town before, during and after filming will be provided on a cost recovery basis. All costs incurred by the Town as a result of filming will be charged to the film company.

Firearms and pyrotechnics

7. Filming involving pyrotechnics or similar fire risks may require the approval of the Ladysmith Fire Department.
8. The use of firearms or replica firearms, may require the written approval of the RCMP.
9. Where in the opinion of the Film Coordinator potential emergencies arising from filming activities may exceed the capabilities of the Town's emergency services, the film company will be required to provide an emergency response plan and additional emergency response resources, at their cost, and to the satisfaction of the Film Coordinator.

Highway, parking and sidewalk closures and traffic control

10. A traffic management plan approved by the Film Coordinator is required for any filming that will include:
 - a. full or partial closure to vehicle traffic on any highway within the Town; or
 - b. vehicle traffic control on any highway within the Town.
11. Traffic control services are not provided by the Town. Where filming will include highway closures or traffic control, the film company must provide certified traffic control technicians in accordance with an approved traffic management plan at the film company's cost.
12. Filming affecting traffic along the Trans-Canada Highway requires approval of the Ministry of Transportation and Infrastructure (MOTI). The film company must obtain MOTI approval and submit MOTI authorization prior to issuance of a film permit.
13. Filming affecting public transit requires the approval of appropriate transit authorities including the Province, Regional District of Nanaimo and the Cowichan Valley Regional District. The film company must obtain transit authority approval and submit transit authority authorization prior to issuance of a film permit.

14. Filming must not obstruct access by emergency vehicles. Sets and equipment on a highway must facilitate emergency access or alternative access must be arranged and provided in advance. The Town reserves the right to damage, destroy or move any set or filming equipment, reopen a highway closed for filming or otherwise halt or disrupt filming in the provision of emergency services and bears no responsibility for any resulting cost incurred by the film company.
15. Highway closures must not disrupt essential services. A film company may be required to provide, at their cost, alternative service arrangements or written endorsement from the essential service provider.
16. A film permit may require traffic control or highway closures in excess of those requested by the film company to be provided at the film company's cost.

Structures and building alterations

17. Temporary structures or buildings will not require a building permit, development permit or rezoning. Temporary alterations to existing buildings or structures may require a building permit pursuant to the Town's building bylaw, but will not require a development permit or rezoning.
18. Where Guideline 17 exempts a temporary building or structure from the requirement to obtain a building permit that would otherwise be required under the "Ladysmith Building and Plumbing Bylaw 1994, No. 1119" as amended, the Film Coordinator may require written assurances from a professional engineer that the works will be designed and constructed in accordance with good engineering practice, are safe for the use intended and do not pose a risk to users, occupants or the public
19. To promote environmental sustainability and good will from local residents and businesses, film companies are encouraged to incorporate set features that create a lasting benefit to the Town such as new awnings, building paint, signage, street furniture and parks and playground equipment. Set features of this type will be subject to the following requirements:
 - a. Where additional permits are required (e.g. building permit or development permit) the film company may submit these applications, together with the required fees and property owner authorization, in conjunction with a film permit application.
 - b. To expedite filming, the Town may issue a film permit authorizing these works as temporary works under Guideline 17 while additional permits are under review. The Town may issue additional permits to the property owner after filming has ceased. If no additional permits are issued, the film company must remove the works.
 - c. The Town may require a deposit when a film permit is issued to cover fees payable when additional permits are issued (e.g. development cost charges, landscape bonds etc.) or for demolition costs if additional permits cannot be issued.

Public Notification

20. Where in the opinion of the Film Coordinator, filming is expected to result in extensive or lengthy disruptions to residents and businesses, the Film Coordinator may require a film

company to prepare a joint communications plan with the Town.

21. The film company must make reasonable efforts to obtain written consent of affected property owners and tenants if filming will:

- a. block any pedestrian or vehicle access or egress serving private property such as a driveway or door;
- b. block, interfere with or render unusable any feature intended to provide access or egress to private property for persons with disabilities;
- c. create a nuisance on private property as defined in "Ladysmith Nuisance Abatement Bylaw 2015, No. 1893" As amended.; or
- d. disconnect or disrupt electrical, water, gas, telephone, internet, solid waste collection, transit, sewer or similar services to private property.

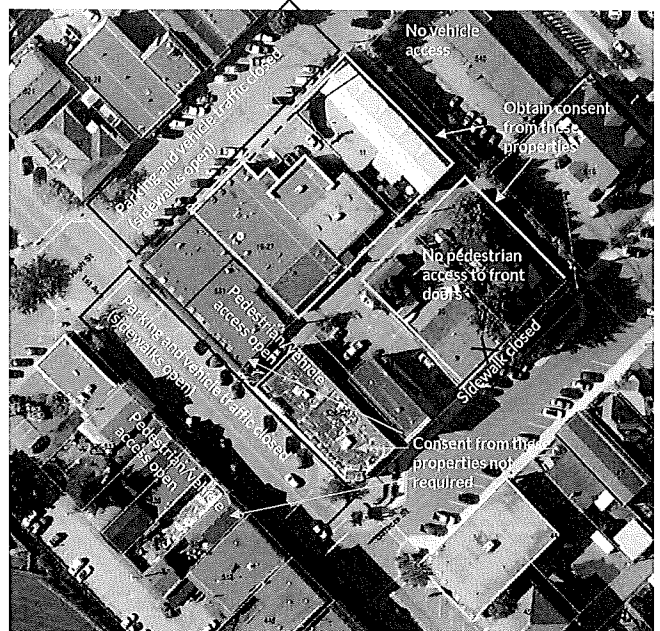


Figure 1: Example of when owner consent is required

22. The Film Coordinator may issue a film permit if the film company is unable to obtain consent under Guideline 21 if, in the opinion of the Film Coordinator, all reasonable attempts to obtain consent were made and impacts to property owners and tenants have been adequately addressed or are negligible.

23. It is recommended that, prior to filming, film companies notify the Ladysmith Downtown Business Association (if filming in the downtown) and the Ladysmith Chamber of Commerce and make a presentation to Council.

24. The film company is responsible to provide public notification, to the satisfaction of the Film Coordinator, as follows:

- a. Written notice must be delivered to all adjoining tenants and owners where any highway, parking or sidewalk fronting their property will be closed for filming activities.
- b. Filming involving the closure or extensive use of municipal property open to the public, other than a highway, requires signage posted at all commonly-used public entrances or other conspicuous locations.
- c. For an intensive or lengthy disruption to a neighbourhood, the Film Coordinator will require written notification to all properties within 60 meters of areas where filming is occurring.
- d. All notifications and signage shall include:
 - i. the name of the film company;
 - ii. the name, phone number and email address of the film company; and
 - iii. the date(s) and time(s) the film company will be working in the area with a brief description of what the activity and the impacts will be on those receiving the notice.

- e. Written notification shall be delivered and signage shall be posted no less than three days prior to filming. For an intensive or lengthy disruption to a neighbourhood, the Film Coordinator may require notification to be delivered more than three days prior to filming.

Local Liaison

25. The film company must designate a local liaison.
26. The local liaison must:
 - a. provide to the Film Coordinator an email address and mobile phone number where the local liaison can be reached during filming;
 - b. be within Ladysmith and available by mobile phone during filming, setup and tear down; and
 - c. be available for site meetings or inspections that may be required by the Town to complete its review of the application or in an emergency.
27. The Town reserves the right to provide the contact number for the local liaison to members of the public with questions or concerns about filming activities.

Vehicles and Mobile Equipment

28. All vehicles and equipment used by the film company must display a clearly visible sign or tag with the name of the film company and the name and phone number of either the film company or the operator of the equipment or vehicle.
29. Vehicles parked on highways open to the public must be parked pursuant to the Town's bylaws and the *Motor Vehicle Act*. The Town reserves the right to ticket or tow vehicles that have been parked contrary to the conditions Town bylaws, including in areas that have been marked with traffic control devices pursuant to section 8(e) of the Film Bylaw.

Towing

30. The Film Coordinator may authorize the towing of vehicles left on municipal property when filming is scheduled to occur provided that:
 - a. the film company has posted notice prior to filming, indicating that vehicles may be towed; and
 - b. the costs of towing, impound and other fees will be covered by the film company.

Works and Services on Municipal Property and Assets

31. Unless otherwise approved by the Film Coordinator, works on municipal property, assets and infrastructure, such as sign and street furniture removal and snow removal must be done by Town work crews at the cost of the film company.
32. A film permit application must include a list of works under Guideline 31. The Town will determine staffing and equipment requirements or authorize the film company to complete the works.
33. If Town employees will be present on the set, the film company must account for the

presence of Town staff in its workplace health and safety plan and the Town may request a copy of the film company's workplace health and safety plan.

Community Contributions

34. Film companies are encouraged to work with and support local not-for-profits, impacted residents and businesses and business associations to create goodwill within the community. The Film Coordinator can provide lists of organizations that can support filming in the community.
35. A portion of film permit fees will be deposited into the Town of Ladysmith's Filming Reserve Bylaw. Funds from this reserve are used to attract and promote filming in Ladysmith. Film companies may also make voluntary contributions to this reserve.

Insurance and Indemnification

36. A film permit shall contain an indemnification clause indemnifying and saving harmless the Town from all claims, arising from in connection with the film production.
37. A film permit must be signed by an authorized representative of the film company.
38. The film company must provide proof of insurance with a minimum coverage limit of \$5,000,000 Commercial General Liability insurance against third party claims for bodily injury, death, property, and loss of use.
39. For higher risk filming activities the Film Coordinator may require, higher coverage.
40. All required insurance policies must include:
 - a. a cross liability clause;
 - b. an additional insured endorsement naming the Town of Ladysmith, its elected officials,, employees, officers, agents and volunteers as "Additional Insured" with respect to liability arising out of the activities conducted by or on behalf of the named insured; and
 - c. 15 days written notice for cancellation or any material change that will reduce the coverage of the policy.
41. Prior to the issuance of a film permit the film company must provide:
 - a. a completed copy of the Town's Standard Insurance Certificate as prescribed by the Film Coordinator from time to time; and
 - b. proof of current WorkSafe BC registration and coverage.