

PARKS AND RECREATION DEPARTMENT

REC: 013

<u>ADMINISTRATIVE</u> <u>POLICIES</u>	<u>Policy:</u> FILMING
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POLICY: The City of Burlington supports the use of facilities by commercial and non-commercial film companies and photographers for moving and still photography having regard for the rights, safety and privacy of the citizens of Burlington, and for the security and preservation of the properties.

All permits and approvals for location filming and photography will be coordinated by the Director of Parks and Recreation or designate.

Purpose of Filming Policy:

The Corporation of the City of Burlington owns and maintains a number of unique properties which have potential use as film shoot locations, or as a backdrop for still photographs. These properties may include:

1. Lowville Park Schoolhouse
2. McNichol Heritage Home, Lakefront Park(limited use)
3. LaSalle Park Pavilion (Historic Site on Lakefront-availability restricted)
4. Waterfront - Sand beach, cobble beach, breakwall, promenade, trails
5. Outdoor Pools
6. Splash Pads
7. Arenas
8. Indoor Competitive and Leisure Pools
9. Golf Course - 18 hole
10. Community Centres
11. Other park properties

The use of these properties for film shoots gives us the opportunity to profile Burlington as a community supportive of the film, video and photographic industries, and provides revenue generating opportunities.

This policy has been developed to provide guidelines for such use at these aforementioned properties.

1.0 FILM PRODUCTION:

1.1 Projects Which May Be Considered:

The City of Burlington will consider the following projects for filming at the above mentioned locations:

- a) Feature Films
- b) Television Commercials (commercial)
- c) Television Commercials (government, non-profit)
- d) Documentaries
- e) Educational Films
- f) Films for Television
- g) Television Network Programs
- h) Commercial Photography (for general publication and advertising) and
- i) Still photography - i.e. weddings
- j) Music videos
- k) Other projects as may be approved by Director of Parks & Recreation or designate

1.2 The Following Projects May Not Be Considered:

- a) Projects that seemingly condone the breaking of municipal by-laws, provincial or federal laws.

1.3 Film/Video Production:

In order to be considered, each film company when filming a municipal property, including inside and outside of buildings, must provide the City of Burlington with, and ensure compliance of the following:

- a) Each film company must apply for a permit and will be subject to the approval of the Director or Parks & Recreation or designate for the use of the facility in question for filming. This permit will only be approved if all other necessary approvals have been received ie: Fire Dept., Building Dept., Traffic & Transit. This permit can be revoked at the sole discretion of the City if the applicant does not comply with the terms of the facility permit and this filming policy. The City will not be subject to any claim for damages that the film company may advance as a result of the cancellation of this permit.
- b) An original copy of a Certificate of Insurance completed only by the insurer or its authorised representative to include information about: Name, address and telephone number of Insured; Location and activity of the Named Insured for which this certificate is issued; Description of coverage detailing Type of Insurance, Policy Number, Effective Date, Expiry Date and Limits (Type of insurance to include Commercial General Liability, (indicate whether claims made or occurrence) extended to include, Personal injury, Tenants Legal Liability, Automobile Liability and Non-Owned Automobile); City of Burlington named as an Additional Insured;

Name, address and telephone number of insurance company writing each policy; Notice of Cancellation or Reduction in Coverage as outlined on certificate, thirty (30) days, ten (10) days if cancellation is due to non-payment of premium; Authorised Signature and Date. The limit of Commercial General Liability required may range from \$2 million to \$10 million depending on the nature of the project (including special effects) subject to review as deemed necessary by the City.

- c) The permit holder must at all times ensure compliance with all federal, provincial and municipal laws while filming on City property.
- d) Final arrangements must be made two weeks before the commencement of filming.
- e) Permits for filming on City property and on residential streets will not allow filming to proceed after 11:00 p.m. or before 7:00 a.m. unless an exception has been granted by the Director of Parks & Recreation or designate and the affected residents are notified.
- f) Affected residents and businesses as determined by the Director of Parks & Recreation or designate must be notified in writing and in advance of the filming as to the duration, location and subject matter of the filming. Any loss of vehicular and/or pedestrian access to fronting businesses or properties shall be minimised and prearranged with owners.
- g) A damage deposit in the form of an irrevocable letter of credit or certified cheque. Amount of deposit is dependent upon the value of the property considered for location filming and will be determined by the municipality. Any city furnishings, equipment, etc. used must be returned to their original location in the same condition. [Any furnishings/equipment that require storage may be packed and moved by City of Burlington staff.] An extra fee may be levied for this service. The restoration and replacement of any damaged finishes and fixtures may be undertaken by the film company through contractors and suppliers identified by the City. If the damage is not repaired by the film company to the satisfaction of the City, the damage deposit will be forfeited to the City to undertake to make the repairs. Any balance, if any remains, will be returned to the film company. The damage deposit must be paid in advance of any work commencing on the site. Nothing in this policy or in the permit issued shall be construed to prevent the City from taking whatever action necessary to recover the full cost of restoring or repairing the City's property to its original state, should the damage deposit be insufficient to cover such costs.
- h) A copy of the script and the proposed filming schedule must be submitted detailing the specific exterior and interior locations and a list of stunt and specific scenes or actions that may require alterations to City-owned property and/or set construction. If alterations to property or the construction of sets and/or staging is required, the film company is responsible for the restoration of all exterior and interior building finishes and fixtures to their original condition prior to the end of filming with acceptable materials and to the City's satisfaction.

- i) The City must be notified of the intent to use effects involving the following:
- guns
 - gunfire
 - explosives
 - bombs/mock-ups
 - fireworks
 - flash powder
 - detonators
 - violent and/or sexually explicit scenes
 - “excessive noise” as defined by the Municipal Noise By-law

The Chief of Police, Halton Regional Police Force, and the Fire Chief, Burlington Fire Department must be contacted by permit holders, to acquire appropriate approvals for the use of the above items.

The film company will reimburse the Halton Regional Police Force directly for police officers as required.

Where effects involving explosions and/or fires or fireworks are being performed, the Fire Chief, Burlington Fire Department, must be contacted to provide fire protection. The film company will reimburse the Fire Department directly for staff and equipment time.

Companies can not block access to fire hydrants or emergency accesses.

- j) The employment of security, crowd control and maintenance staff is required at the expense of the film company, and must be provided to the satisfaction of the municipality with municipal approval required prior to contract authorisation.
- k) Security services required to ensure the overnight security of production vehicles located outside City-owned property must also be arranged and paid for by the film company directly.
- l) Production vehicles are limited to a maximum number for each property. All vehicles must be clearly identified.
- m) Number of crew/public “on set” may be limited depending on site chosen. Note: As the existing stairwells in the McNichol House are nonfire-separated, the occupant load on any floor level having two remote exits (this excludes from use the third above-ground level of the main house) must not exceed twenty-five persons.
- n) Smoking is not permitted within any building, except where specifically required by the script.
- o) Cooking of food in any of the facilities is strictly prohibited except where specifically required by the script. Use of restrooms, water, electricity, refuse containers, telephone, and rooms for crew meals etc. will be confirmed during the site visit by the Director of Parks & Recreation or designate.

- p) Payment will be made in full, in advance of the agreed per diem fee for the use of the property. Rates vary depending on site, type of use and length of shoot. Arrangements may be made to lease Burlington Transit vehicles. (Costs to be negotiated with Burlington Transit staff)
- q) All film/video companies and commercial photographers must remove all equipment lights, food, etc. from City premises no later than one day after shooting ends unless special arrangements have been made prior to filming. A final walk through by the Director of Parks and Recreation or designate and Film Location Manager will take place to obtain City approval for return of deposit. A storage charge will be added for equipment remaining after 24 hours.
- r) Credits: Recognition in film/video credits for the City of Burlington must be given. Specific content of credit to be confirmed by Director of Parks and Recreation or designate.
- s) If the City of Burlington has deemed it necessary to provide on site municipal supervision, an additional fee may be levied.
- t) For filming which involves the public use of the municipal road allowances from the property line (to include frontage, flankage, boulevard, sidewalk, bikepath and/or multi-use facility and roadway), a completed Street and/or Sidewalk Special Event permit application form must be submitted to Traffic Services as soon as possible prior to the shoot. Total closure of a street for extended periods, (exclusive of Police Supervised short term 3 minute intermittent closures during non-peak traffic hours) requires the approval of Council and any request for such a closure must be presented to Traffic Services at least 8 weeks prior to the proposed commencement of closure. In an emergency, City Directors have the power to grant the closure of streets.

Note: The City reserves the right to reduce or waive the fee and/or any of the above listed requirements depending on the project.

1.4 Commercial Still Photography:

In order to be considered, each photography studio, when shooting inside or outside of these properties, must provide the City of Burlington with, and ensure compliance of, the following:

- a) Each commercial photography company must apply for a permit and be granted the use of the requested facility for photographs through the City of Burlington Parks and Recreation Department. This permit can be revoked at the sole discretion of the City if the applicant does not comply with the terms of the facility permit and this filming policy. The City will not be subject to any claim for damages that the company may advance as a result of the cancellation of this permit.
- b) An original copy of a Certificate of Insurance completed only by the insurer or its authorised representative to include information about: Name, address and telephone number of Insured; Location and activity of the Named Insured for which this certificate is issued; Description of coverage detailing Type of Insurance, Policy Number, Effective Date, Expiry Date and Limits (Type of insurance to include Commercial General Liability (indicate whether claims made or occurrence) indicate whether claims made or occurrence extended to include, Personal injury, Tenants Legal Liability, Automobile Liability and Non-Owned Automobile); City of Burlington named as an Additional Insured; Name, address and telephone number of insurance company writing each policy; Notice of Cancellation or Reduction in Coverage as outlined on certificate, thirty (30) days, ten (10) days if cancellation is due to non-payment or premium; Authorised Signature and Date. The limit of Commercial General Liability required may range from \$2 million to \$10 million depending on the nature of the project (including special effects) subject to review as deemed necessary by the City.
- c) The permit holder must at all times ensure compliance with all federal, provincial and municipal laws while filming on City property.
- d) Two weeks notice prior to the commencement of photography.
- e) A copy of the shooting schedule detailing the specific exterior and interior locations.
- f) Production vehicles are limited to a maximum number for each property. All vehicles must be clearly identified.
- g) Number of crew/public may be limited depending on site chosen. Note: As the existing stairwells in the McNichol House are nonfire-separated, the occupant load on any floor level having two remote exits (this excludes from use the third above-ground level of the main house) must not exceed twenty-five persons.

- h) Smoking is not permitted within any building, except where specifically required by the script.
- i) Cooking food on the premises is strictly prohibited except where specifically required by the script. Use of restrooms, water, electricity, refuse containers, telephone, etc. will be confirmed during the site visit by the Director of Parks & Recreation or designate.
- j) Payment of an agreed per diem fee for the use of the properties will be confirmed by Director of Parks and Recreation or designate.
- k) For photography which involves the public use of the municipal road allowances from the property line (to include frontage, flankage, boulevard, sidewalk, bikepath and/or multi-use facility and roadway), a completed Street and/or Sidewalk Special Event permit application form must be submitted to Traffic Services as soon as possible prior to the shoot. Total closure of a street for extended periods, (exclusive of Police Supervised short term 3 minute intermittent closures during non-peak traffic hours) requires the approval of Council and any request for such a closure must be presented to Traffic Services at least 8 weeks prior to the proposed commencement of closure. In an emergency, City Directors have the power to grant the closure of streets.

Note: The City reserves the right to waive all or part of the fees depending on the project.

1.5 Non- Commercial Still Photography in Municipal Parks:

This section of the policy is specific to wedding (or similar) photographs. Each individual requesting a permit for wedding (or similar) photography may be required to provide:

- a) A covenant to indemnify and save harmless the City of Burlington from all claims and demands of any nature whatsoever arising out of photography shoots on the property to the satisfaction of the City Solicitor.
- b) The permit holder must at all times ensure compliance with all federal, provincial and municipal laws while filming on City property.
- c) One week's (five business days) notice prior to commencement of the photography session of intent to use the park for a photography session.
- d) Complete permit request form subject to availability of location. No more than two wedding parties will be permitted on one location at one time period.
- e) Pay user fee for use of the facility.
- f) Private vehicles may be limited depending upon the site.

g) No blanket bookings allowed.

2.0 CITY OF BURLINGTON'S RESPONSIBILITIES:

The City of Burlington through staff of the Parks and Recreation Department will provide the following support:

2.1 Film/Video Production:

2.2 Commercial Still Photography:

- At our discretion, will arrange to have Department staff (one) on location to provide access to the facility, local contact, on site supervision etc.
- Will provide contact lists for other City departments and agencies to make arrangements for road closure, etc. associated with filming/photography on municipal property.