



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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<b>Type</b>	<b>Council Policy</b>	<b>Policy No</b>	<b>POL-1902</b>
<b>Title</b>	<b>Commercial Filming Policy</b>		
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### **BACKGROUND**

Located on the east shore of Howe Sound, the community of Lions Bay is endowed with a spectacular natural landscape. It is a landscape that both attracts residents to the community, and significantly shapes its character. Lions Bay residents value the community as a peaceful, close-knit Village, deeply connected to the natural West Coast environment. While the community is supportive of the arts, including the film industry in British Columbia, it also values peace and tranquility.

### **PURPOSE**

With the foregoing in mind, this Policy attempts to find a harmonious balance between commercial filming and the residential character of the Village in order to minimize disruptions to residents. Any person or company who wishes to engage in commercial photography, video, film or television within the Village of Lions Bay must obtain a Filming Permit from the Village of Lions Bay. News media are exempt from this requirement.

### **POLICY**

#### **1. Policy Objectives:**

- 1.1 To facilitate the motion picture film industry in its production endeavors by providing a centralized and efficient procedure for obtaining Municipal authorization for Commercial Filming in the Village of Lions Bay;
- 1.2 To minimize any inconvenience to the general public and residents of the Village of Lions Bay as a result of filming activities;
- 1.3 To ensure the Village of Lions Bay residents shall not be unduly inconvenienced by prolonged loss of access to public areas or roadways, or by restricted parking fronting residents' homes;
- 1.4 To ensure that the Municipality recovers all of its direct and indirect costs associated with Filming Activities and Municipal services and assets;



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- 1.5 To ensure that Filming Activities fully observe the bylaws of the Municipality and protect the safety, well-being and interests of residents.

### 2. Definitions

- 2.1 The following words and phrases have the meanings ascribed below:

Affected Households means those primary residences and secondary suites within an area to be determined by the Municipality, depending upon the nature of the Filming Permit Application, as being affected or potentially affected by proposed filming – non-resident owners are not to be included in determining Affected Households.

Applicant/Permittee means the person or persons or corporation applying for and/or receiving a Filming Permit.

Commercial Filming means photography, video, film and television recording undertaken for a commercial purpose.

Daytime Filming Hours means 7 am to 7 pm, other than the period from the start of daylight savings time in the spring to the end of daylight savings time in the fall, during which period it shall mean 7 am to 10 pm, and in either event, during which Filming Activity is regularly permitted, notwithstanding Noise Control Bylaw No. 283, 1998;

Extraordinary Services means the provision of Municipal services outside of regular hours (dependent on position) or the need for the Municipality to hire a contractor to address issues related to Filming Activities which were not applied for by the Permittee or expected by the Municipality.

Filming Activity means all outdoor human and mechanical activity related to Commercial Filming and includes all light, sound and the operation or parking of all vehicles, trucks and generators.

Filming Day means any day or portion thereof in which Filming Activity is taking place within the Municipality, except where filming preparation or post-production takedown is solely confined to private property.

Filming Liaison means the Municipal staff person designated by the Village Manager to act as a liaison to Filming Permit Applicants and Permittees.



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Filming Permit means the document issued by the Municipality to the Applicant/Permittee granting the conditional right for commercial filming in the Village of Lions Bay.

Municipality means the Village of Lions Bay and includes the adjective Municipal.

Security Deposit means the sum of \$10,000 provided to the Municipality once a Filming Permit has been approved.

Village Manager means the Chief Administrative Officer (CAO), or the person acting in that capacity in the absence of the CAO.

### **3. Application and Approval Process**

- 3.1 All Commercial Filming proponents shall complete a Municipal Filming Permit Application Form.
- 3.2 Applications shall be submitted to the Filming Liaison no later than three (3) weeks prior to the proposed commencement of filming.
- 3.3 Applications will not be processed unless accompanied by written permission from the owner(s) of any private lands where the filming will take place.
- 3.4 If granted, permission to film within the Municipality will be conveyed through the issuance of a Filming Permit issued by the Village Manager once all prerequisites of this policy are met.
- 3.5 If all requirements of this Policy have been met, along with any applicable administrative policies or procedures, Filming Permits may be granted directly by the Village Manager unless:
  - (a) A variance to allow for filming outside of the Daytime Filming Hours is required, or
  - (b) Filming Activity is required repeatedly on non-consecutive days (for example a TV series or mini-series),
  - (c) Filming Activity is for more than five (5) consecutive daysin which case approval by way of Council resolution is required.



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- 3.6 A Permittee cannot change dates, locations, filming times or the type of scene to be filmed as set-out in an approved application without first consulting the Filming Liaison and obtaining the consent in writing of the Village Manager. Such consent may be conditional upon notification to all persons impacted and other terms that are appropriate in the circumstances.

### **4. Notification and Polling Requirements**

- 4.1 Where Filming Activity is for three (3) or fewer consecutive days and does not require a variance to allow filming outside of Daytime Filming Hours, a notification letter approved by the Village Manager shall be hand delivered by the Applicant to all Affected Households. A Filming Permit will not be issued until at least seven (7) days have passed from the date of notification letter delivery to allow an opportunity for residents of Affected Households to provide feedback to the Municipality's Filming Liaison.

- 4.2 Where Filming Activity

(a) is for more than three (3) consecutive days,

(b) requires a variance to allow filming outside of Daytime Filming Hours, or

(c) requires repeated filming on non-consecutive days:

(i) a polling notification letter approved by the Village Manager shall be hand delivered by the Applicant to all Affected Households;

(ii) the Applicant shall document its polling efforts and shall make no less than four (4) attempts to contact the occupants of a Household to determine support or opposition for the proposed filming;

(iii) offers by the Applicant of compensation and/or alternate accommodations shall be documented and included with the polling information and submitted to the Municipality in confidence;

- 4.3 The polling threshold for objections from Affected Households is hereby set in this Policy at no more than 15%.



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### 4.4. Applications under:

- (a) subsection 4.2(a) for up to and including five (5) consecutive days of Filming Activity may be processed by the Village Manager who may issue a Filming Permit if the polling threshold in section 4.3 has been met, along with all other requirements of this Policy, but nothing herein precludes the Village Manager from referring such an application to Council;
- (b) subsection 4.2(a) for more than 5 consecutive days of Filming Activity, or under subsections 4.2(b) and 4.2(c), shall be submitted in a report from Municipal staff to Council for consideration at the next Council meeting.

### 4.5 The number of Filming Permits which may be approved for any one residential neighbourhood location, as determined by the Municipality, shall be restricted as follows:

- (a) where no polling is required, up to two (2) per calendar year; and
- (b) where polling is required, no more than one (1) per calendar year.

Owners of properties throughout the Village of Lions Bay are encouraged to register their properties with Creative BC's Location Library.

## 5. Use of Municipal Land, Buildings, and Structures

- 5.1 Municipal lands, including roads and boulevards, may be used for the parking of a Permittee's vehicles and the storage of a Permittee's equipment, subject to submission of a proposed parking plan and issuance of parking permits in accordance with Municipal staff direction and Traffic and Parking Bylaw No. 413, 2009, as amended, and Fees Bylaw No. 497, 2016, as amended. Blocking of fire hydrants and residents' driveways will not be tolerated.
- 5.2 Municipal land, buildings, or structures may be used for commercial filming purposes subject to availability and the issuance of a Filming Permit in accordance with this Policy and Fees Bylaw No. 497, 2016, as amended.
- 5.3 Approved Filming Permits are conditional upon the receipt of:
  - (a) the applicable filming fees and the Security Deposit;



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- (b) the Certificate of Insurance;
  - (c) the Indemnification Agreement; and
  - (d) any other conditions imposed by the Village Manager or Council.
- 5.4 The Security Deposit may be drawn upon by the Municipality to:
- (a) remedy any damage to Municipal lands, buildings or structures caused by the Filming Activity, without limitation on the Municipality's right to pursue additional compensation or damages if the Security Deposit is insufficient to provide full restitution;
  - (b) enforce any of the Municipality's bylaws and recover any fine levied or judgment obtained against the Permittee;
  - (c) enforce the Indemnification Agreement;
  - (d) reimburse the Municipality for all actual legal costs and for any other expenses incurred in connection with enforcing the Municipality's bylaws, the Indemnification Agreement and the Permittee's liability insurance policy.
- 5.5 A Traffic Management Plan must be submitted for any request to close, or partially close a road and a professional traffic management contractor may be required at the Permittee's expense, in addition to any fees payable under Fees Bylaw No. 497, 2016, as amended. Closing or partial closing of a public roadway must be approved in writing by the Village Manager. Total blockages of public roadways shall not exceed 10 minutes at a time before allowing waiting vehicles to pass, subject only to exceptions granted in writing by the Village Manager, which may include terms and conditions required to be fulfilled by the Permittee including, but not limited to, advance public notice.
- 5.6 Any request for use of a Municipal fire hydrant must be included in a Filming Permit Application All hydrants will be operated by Municipal employees only and fees in accordance with Fees Bylaw No. 497, 2016, as amended, will apply.

### **6. Conduct**

- 6.1 The Permittee shall comply strictly with all federal, provincial and Municipal regulations and bylaws including, but not limited to, cannabis, alcohol and food service regulations.



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- 6.2 While working within the Municipality, all Filming Permit Applicants/Permittees, including producers, directors, cast, crew members and anyone else working for or associated with an Applicant/Permittee, shall conduct themselves in accordance with the BC Film Commission's *Best Practices – Motion Picture Locations Code of Conduct*.
- 6.3 The Municipality may fine the Permittee for bylaw infractions and may revoke the Permit without notice and without payment of any damages if the Permittee does not comply with the terms and conditions of the Permit or with applicable enactments.
- 6.4 The Permittee must designate a Production Liaison to the Municipality who is responsible for all film company activities and must be on site for the duration of production. The representative is responsible for ensuring that all cast and crew are informed of, and abide by, the terms and conditions of the Permit and for correcting any deficiencies with compliance. A 24-hour contact number for the representative must be provided to the Municipality.

### **7. Liability Insurance and Indemnification Agreement**

- 7.1 All Filming Permit Applicants shall provide a certificate of insurance evidencing liability insurance in an amount not less than \$5,000,000.00 with the Municipality named as an additional insured.
- 7.2 All Filming Permit Applicants shall cause an authorized signatory to execute the Indemnification Agreement incorporated into the Filming Permit Application as Schedule A.

### **8. Commercial Filming Fees**

- 8.1 All Filming Permit Applicants and Permittees shall provide the Municipality with fees in accordance with Fees Bylaw No. 497, 2016, as amended.
- 8.2 Filming service requests for the Lions Bay Fire Rescue (LBFR) Department or LBFR locations should be made at the earliest possible date but cannot be guaranteed to be available. If utilized per a filming service or location request, emergency calls may interrupt the filming without incurring responsibility or liability for any losses incurred by the Permittee. A filming service or location request, or an emergency response by LBFR on account of Filming Activity, shall be charged at the rates applicable in Fees Bylaw No. 497, 2016, as amended.



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- 8.3 Any Extraordinary Services shall be charged in accordance with Fees Bylaw No. 497, 2016, as amended.
- 8.4 Fees payable to the Municipality do not include fees that may be payable to the owners of private lands on which filming is taking place.
- 8.5 Fees for daily filming, location and parking fees in relation to film school projects will be waived subject to meeting the following criteria:
- (a) the school is an accredited and recognized educational institution;
  - (b) the project must be assigned by the instructor and be part of the curriculum;
  - (c) all personnel working on the project are doing so without financial compensation;  
and
  - (d) the project is for academic use only and is not to be used for commercial gain.

All other requirements of this Policy apply to film school projects.

### 9. Donations and Legacies

- 9.1 Applicant/Permittees are encouraged to contribute to the community by donating to local community groups, and/or by leaving a needed legacy behind for the community to enjoy. A non-comprehensive listing of local community groups and potential legacies is available from the Municipality for consideration by Permittees.

Adopted by Council:	November 19, 2019
Updated:	