

Village of Lytton Council Policy

TITLE: FILMING POLICY AUTHORITY: Council ISSUE DATE: 2022-06-22 APPROVAL DATE: 2022-06-22	NO. 2022-09 FUNCTION: Administration Resolution#: #22-393
--	--

PURPOSE:

This policy attempts to find a balance between production filming and the Village in order to minimize disruptions to residents and businesses. Any person or company who wishes to engage in production photography, video, film or television recording within the Village of Lytton must obtain a Filming Permit from the Village. News media are exempt from this requirement.

BACKGROUND:

The community of Lytton is endowed with a spectacular natural landscape. It is a landscape that attracts people to the community, and significantly shapes its character. Lytton residents value the community as a peaceful, close-knit Village, deeply connected to the history of the area. While the community is supportive of the arts, including the film industry in British Columbia, it also values peace and tranquility.

On June 30, 2021, the Village of Lytton was destroyed by a wildfire. While the community focuses on clean-up and rebuilding, it is recognized that the community provides a unique landscape for educational, documentary and fundraising purposes. It is important therefore that any filming in the Village does not interfere with the recovery efforts until they are complete. During the Recovery/Rebuild period, those seeking to film for commercial purposes will require the approval of Council.

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 filming in the Village of Lytton.
- 1.2 To minimize any inconvenience to the general public, businesses and residents of the Village of Lytton as a result of filming activities.
- 1.3 To ensure the Village 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 the impacts to businesses are managed, losses are minimized, and

- compensation is provided where appropriate.
- 1.5 To ensure that the Municipality recovers all of its direct and indirect costs associated with Filming Activities and Municipal services and assets.
 - 1.6 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 and/or Businesses means those primary residences, secondary suites and businesses 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 and/or Businesses.

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 9 pm, and in either event, during which Filming Activity is regularly permitted.

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 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 Administrator (CAO) to act as a liaison to Filming Permit Applicants and Permittees.

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

Municipality means the Village of Lytton and includes the adjective Municipal.

Village Administrator (CAO) 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 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 Administrator (CAO) once all prerequisites of this policy are met. The cost of a Filming Permit is laid out in the Village's Fees and Charges Bylaw.
- 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 Administrator (CAO) unless:
 - (a) The film is for commercial purposes during the wildfire recovery and rebuild period, in which case approval by way of Council resolution is required.
 - (b) A variance to allow for filming outside of the Daytime Filming Hours is required, or
 - (c) Filming Activity is required repeatedly on non-consecutive days, or
 - (d) Filming Activity is for more than five (5) consecutive days in which case approval by way of Council resolution is required.
- 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 Administrator (CAO). 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 Administrator (CAO) shall be hand delivered by the Applicant to all Affected Households and/or Businesses. 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 and/or Businesses 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's Administrator (CAO) shall be hand delivered by the Applicant to all Affected Households and/or Businesses.
 - ii the Applicant shall document its polling efforts and shall make every reasonable attempt 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 and /or Businesses is hereby set in this Policy at no more than 15%.
- 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 Administrator (CAO) 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 Administrator (CAO) 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, shall be determined by the municipality as permit applications are received.
- 4.6 Owners of properties throughout the Village of Lytton are encouraged to register their properties with Creative BC's Location Library and the TNRD Film Commission.

5. Use of Municipal Land, Buildings, Structures, and Requests for Interviews

- 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. Blocking of fire hydrants and residents' driveways will not be tolerated.
- 5.2 Municipal land, buildings, or structures may be used for filming purposes subject to availability and the issuance of a Filming Permit in accordance with this Policy and the Schedule of Filming Fees.

- 5.3 Approved Filming Permits are conditional upon the receipt of:
- (a) the applicable filming fees and the Security.
 - (b) the Certificate of Insurance.
 - (c) the Indemnification Agreement; and
 - (d) any other conditions imposed by the Village Administrator (CAO) 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 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. Closing or partial closing of a public roadway must be approved in writing by the Village Administrator (CAO). 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 Administrator (CAO), 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 the Fees and Charges Bylaw will apply.
- 5.7 Any requests for interviews with Municipal staff or Council must be included in a Filming Permit Application. Other special requests, such as interactions/interviews with community members must be identified if the Permittee is seeking assistance from Village staff with identifying and contacting individuals.

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.
- 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* and the Village's Respectful Workplace Policy.

- 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 the Fees and Charges Bylaw.
- 8.2 Filming service requests for the Lytton Fire Department should be made at the earliest possible date but staff 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 on account of Filming Activity, shall be charged at the rates applicable in Fees and Charges Bylaw.
- 8.3 Any Extraordinary Services shall be charged in accordance with Fees and Charges Bylaw.
- 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.

During the Recovery/Rebuild of the Municipality, donations to the Village of Lytton in support of rebuilding of Municipal infrastructure, which benefits the entire community, is encouraged.

- 9.2 Donations of Stock Footage are also encouraged to assist the Municipality to create a database of film material that can be used in the future for Municipal education and training purposes, or for other non-commercial purposes as determined by the Council.

Adopted by Council:	2022-06-22
Updated:	