Bylaw 8708

Filming Regulation Bylaw No. 8708

The Council of the City of Richmond enacts as follows:

PART ONE: GENERAL PROVISIONS

1.1 Prohibitions

1.1.1 No person may use, or affect the use of City property for the purpose of film production, except in accordance with this bylaw and a permit issued pursuant to this bylaw.

1.1.2 The provisions of this bylaw do not apply to the professional or personal production of photography, or to audiovisual works produced exclusively for personal and private consumption, including photography or audiovisual works published on personal social media accounts.

1.2 Authorizations

1.2.1 The General Manager, Community Services or the Film and Major Event Liaison is authorized to issue permits and establish a fee structure to use, or affect the use of, City property for film production.

1.2.2 The General Manager, Community Services is authorized to negotiate and enter into film agreements with applicants to permit the use of, or to permit impact to the use of, City property for film production.

PART TWO: PERMITS

2.1 Permit Application & Issuance

2.1.1 Every applicant for a permit to use, or affect the use of, City property for film production must:

   a) complete an application form in the form provided by, and containing such information as required by, the Film and Major Event Liaison;

   b) deliver such application to the Film and Major Event Liaison, signed by the applicant or by an individual who has the legal authority to bind the applicant;
c) deliver to the Film and Major Event Liaison written confirmation of insurance coverage in the form specified by the City and to the satisfaction of the Film and Major Event Liaison;

d) deliver to the Film and Major Event Liaison the application fee specified in the Consolidated Fees Bylaw No. 8636, as amended from time to time; and

e) deliver to the Film and Major Event Liaison the applicable administrative, and location fees specified in the Consolidated Fees Bylaw No. 8636, as amended from time to time.

2.1.2 If an applicant or permit holder intends to use and/or uses the services of City employees, RCMP employees, contractors provided by the City, and/or equipment, vehicles, materials and supplies provided by the City for the purpose of film production, the applicant or permit holder must deliver to the Film and Major Event Liaison the applicable fees specified in the Consolidated Fees Bylaw No. 8636, as amended from time to time.

2.1.3 If, upon reviewing an application, the Film and Major Event Liaison determines, in their sole discretion, that a film agreement is required for the proposed film production, the applicant must negotiate and enter into a film agreement with the City on terms and conditions satisfactory to the General Manager, Community Services.

PART THREE: OFFENCES, PENALTIES AND ENFORCEMENT

3.1 Any person who:

a) violates or who causes or allows any of the provisions of this bylaw, or any permit issued under this bylaw, to be violated;

b) fails to comply with any of the provisions of this bylaw, or any permit issued under this bylaw;

c) neglects or refrains from doing anything required under the provisions of this bylaw, or any permit issued under this bylaw; or

d) makes any false or misleading statement in connection with this bylaw, or any permit issued under this bylaw,

commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars ($10,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

3.2 Every permit holder must comply with the requirements of this, or any other bylaw of the City, which governs or regulates film production, must carry out the film
production for which the permit was issued in compliance with all applicable statutes, regulations, rules, codes and orders of all federal, provincial or municipal authorities having jurisdiction, and any person failing to comply with the requirements of this Section commits an offence and, upon conviction, is liable for the penalties specified.

3.3 In addition to Section 3.2 above, where the City has determined that a permit holder and/or a film production is in contravention of the permit conditions and/or any applicable municipal, provincial or federal legislation, the General Manager, Community Services or the Film and Major Event Liaison may suspend, revoke or cancel the applicable permit.

PART FOUR: INTERPRETATION

4.1 Definitions

4.1.1 In this bylaw, unless the context otherwise requires:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>AFFECT THE USE OF CITY PROPERTY</td>
<td>refers to film production occurring on or near City property that will impact the use of the City property by members of the public not affiliated with the film production.</td>
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<td>APPLICANT</td>
<td>means a person applying for a permit to use, or affect the use of, City property for film production.</td>
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<tr>
<td>CITY</td>
<td>means the City of Richmond as a corporate entity.</td>
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<td>CITY OF RICHMOND</td>
<td>means the City of Richmond as a geographic area.</td>
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<td>CITY PROPERTY</td>
<td>means real or personal property, facilities or equipment owned, held by, leased, or in the possession of the City, including, without limitation, lands, roads, sidewalks, boulevards, buildings and vehicles.</td>
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<td>COMMERCIAL</td>
<td>means an advertisement that is intended for widespread distribution, screening or showing.</td>
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<td>COUNCIL</td>
<td>means the Council of the City.</td>
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<td>FILM AGREEMENT</td>
<td>means an agreement between the City and an applicant to permit the use of City property for film production setting out the parties’ respective rights and obligations, in the form and content as determined by the General Manager, Community Services.</td>
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<td>FILM AND MAJOR EVENT LIASON</td>
<td>means the person employed by the City in the position of Film and Major Event Liaison, and includes their designate.</td>
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FILM PRODUCTION means the photographing, filming, creation and production of a Commercial or Motion Picture and includes all preparation activities, set-up, dismantling, removal or restoration activities in connection therewith.

GENERAL MANAGER, COMMUNITY SERVICES means the person appointed by Council to the position of General Manager of Community Services or those positions or persons designated by Council to act under this bylaw in the place of the general manager.

MOTION PICTURE means a photoplay, film, movie or other audiovisual work produced by recording photographic images with cameras, or by creating images using animation techniques or visual effects, preserved on a recording medium and capable of being viewed with or without sound, but excludes a photoplay, film, movie or other audiovisual works produced exclusively for personal and private consumption.

PERMIT means a permit issued pursuant to this bylaw, including:

a) a film application accepted and signed by the Film and Major Event Liaison or designate,
b) a student film application accepted and signed by the Film and Major Event Liaison or designate, or
c) a fully signed film agreement.

PART FIVE: PREVIOUS BYLAW REPEAL

5.1 Filming Application and Fees Bylaw No. 8172 is repealed.

PART SIX: SEVERABILITY AND CITATION

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

6.2 This bylaw is cited as “Filming Regulation Bylaw No. 8708”.

PART SEVEN: CONSOLIDATED FEES BYLAW

7.1 The Consolidated Fees Bylaw No. 8636, as may be amended from time to time, applies to this bylaw.