

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 102-2020

A By-law of the Corporation of the City of Vaughan to amend Filming By-law 371-2004.

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 11(2)6. of the *Municipal Act, 2001* provides that a municipality may pass By-laws respecting the health, safety and well-being of persons;

AND WHEREAS the Council of The Corporation of the City of Vaughan has enacted Bylaw 371-2004, as amended, to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting filming events within the City of Vaughan;

AND WHEREAS the Council of The Corporation of the City of Vaughan has determined that it is desirable to make amendments to By-law 371-2004, as amended;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Filming By-law 371-2004, be amended as follows:

- (a) Rename Part 1.0 from “Title” to “Short Title”;
- (b) Replace the title for “**2.0 DEFINITIONS**” with “**3.0 Definitions and Interpretation**”.
- (c) Add Part 2.0 as follows:

2.0 Applicability and Scope

- (1) This By-law applies to all *Filming Events* within the *City*, except for:
 - (a) current affairs and newscast programs.
- (2) Where there is a conflict or contradiction between this By-law and any other by-law of the *City* or regulations of Regional Municipality of York, Province of Ontario or other *Governmental Entity*, the

provisions establishing the higher standard shall prevail.

- (d) Introduce the definitions in 3.0(1) with the words “In this By-law”;
- (e) Order all definitions alpha sequentially and renumber definitions alphabetically;
- (f) Delete the definitions for “City Clerk” and “Clerk’s Department”;
- (g) Add the definition of *Chief Licensing Officer*, as follows:

“Chief Licensing Officer” means the Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan, or his or her designate;
- (h) Change all references to “City Clerk” or “Clerk’s Department” to “Chief Licensing Officer” in the By-law;
- (i) Replace the definition of *City* with the following:

“City” means The Corporation of the City of Vaughan;
- (j) Replace the definition of *Highway* with the following:

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (k) Replace the definition of *Chief Fire Official* with the following:

“Fire Chief” means the Chief of the Fire Department for the City of Vaughan, or a person designated to act on his or her behalf;
- (l) Replace the definition of *Chief of Police* with the following:

“Police Chief” means the Chief of the York Regional Police Department or a person designated to act on his or her behalf;
- (m) Replace all instances of *Chief Fire Official* with *Fire Chief* and all instances of *Chief of Police* with *Police Chief*.
- (n) Replace “**3.0 PROVISIONS**” and its provisions with the following:

4.0 Permits

- (1) No *Person* shall carry on, engage in, or conduct a *Filming Event* in the *City* without first having obtained a permit to do so.
- (2) Application for a *Filming Event* permit shall be made no less than three (3) days prior to the event.

- (3) Application for a *Filming Event* permit shall be made in person, on the prescribed forms at the Clerk's Department and shall be accompanied by the following:
- (a) an application fee of five hundred dollars (\$500.00);
 - (b) a deposit of twenty-five hundred dollars (\$2,500.00);
 - (c) a traffic control plan outlining the location and description of traffic control signs for both roads and pedestrian routes and parking areas for staff, crew, and production vehicles;
 - (d) confirmation, in writing, that the Chief of Police has been notified of the *Filming Event* and, where applicable, the appropriate pay duty Police Officers will be present during the event;
 - (e) confirmation, in writing, that the Chief Fire Official has been notified of the *Filming Event* and, where applicable, pay duty Fire Fighters will be present during the event;
 - (f) a certificate of policy of insurance for general comprehensive liability in the amount of five million dollars (\$5,000,000.00) with the *City* named as additional insured;
 - (g) any other information as the City Clerk may require.
- (4) The applicant shall clearly identify their intent to use special effects involving such substance as guns, gunfire, explosives, bombs/mockups, flash powder and detonators.
- (5) Notwithstanding subsection 4.0(3)(a), the City Clerk may waive or reduce the fee where filming is being produced by students or non-profit groups.
- (6) If a fee for a particular year is not prescribed in the respective schedules and a budget has not been passed by January 1st in a given year, the Treasurer is authorized to apply a 3 per cent increase to the fee applied in the previous year to account for economic adjustment.

5.0 Requirements

- (1) *Filming Events* in residential areas shall be restricted to the local hours of 7:00 a.m. and 11:00 p.m.
- (2) Notwithstanding Section 5.0(1), an exemption may be granted by the City Clerk, provided that all the affected residents are notified in writing and subsequently give their written approval.
- (3) No *Filming Event* shall be permitted until all affected residences, as determined by the City Clerk, are notified in writing by the filming or production company as to the dates, times, duration, and nature of the *Filming Event* to take place. A copy of such notice shall be dated no less than 48 hours before the event and a copy of same shall be filed with the Clerk's Department at the time of application.
- (4) Every *Person* who receives a permit or requires a permit shall ensure that:
 - (a) no *Person* shall allow the area residents and/or businesses as prescribed in Section 5.0(3) to be affected or interfered with by any product of the *Filming Event* such as, but not limited to, lighting and exhaust fumes;
 - (b) all generators are equipped with silencing attachments;
 - (c) access for emergency response is provided and maintained at all times during the *Filming Event*;
 - (d) all fire hydrants, private driveways, *Sidewalks*, access ramps, and/or the regular flow of vehicular traffic is not impeded;
 - (e) all filming personnel wear identification cards while on the filming location.
- (5) Every *Person* who receives a permit or requires a permit under this By-law shall ensure that prior to departing the *Filming Event* location, all debris, refuse and equipment has been removed and the *Filming Event* location is restored to the condition it was prior to the *Filming Event*.

- (o) Add Part 6.0 as follows:

6.0 Enforcement

- (1) The provisions of this By-law may be enforced by:
- (a) a Municipal Law Enforcement Officer;
 - (b) *Chief Fire Official*, or his or her designates;
 - (c) *Chief of Police*, or his or her designates.
- (p) Replace “**4.0 OFFENCES AND PENALTIES**” and its provisions with the following:

7.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33, as amended, for a breach of any provisions of this By-law, an *Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under section 7.0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$500.00.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the Administrative Monetary Penalties By-law, as amended or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

8.0 Fines

- (1) Every *Person* who is convicted of an offence under this By-law or fails to comply with a *Notice* to comply under this By-law is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990*, Chap. P.33.

- (2) Every director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law or fails to comply with a notice to comply made under this By-law is guilty of an offence.
- (3) A *Person* who is convicted of an offence is liable on first conviction to a fine of not more than \$25,000.
- (4) A corporation that is convicted of an offence is liable to a fine of not more than \$50,000.
- (q) Add Part 9.0 as follows:
 - 9.0 Severability**
- (r) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council of the City of Vaughan in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.
- (s) **Delete Schedule A.**

Enacted by City of Vaughan Council this 29th day of June, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk