

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 168-2020**

**A By-law to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting filming events within the City of Vaughan, and to repeal Filming Event By-law 371-2004, as amended.**

**WHEREAS** subsection 8(1) of the *Municipal Act, 2001* S.O. 2001, c.25, provides for the powers of a municipality under the Act or any other Act to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** subsection 11(2) of the *Municipal Act, 2001* S.O. 2001, c.25, provides for a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change, and the health, safety and well-being of persons;

**AND WHEREAS** subsection 11(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipality may pass by-laws business licensing;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan has enacted this by-law, 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;

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

## **1.0 Short Title**

- (1) This By-law shall be known as the “Filming By-law.”

## **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.

## **3.0 Definitions and Interpretation**

- (1) In this By-law:
  - (a) “Chief Licensing Officer” means the Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan, or his or her designate;
  - (b) “City” means The Corporation of the City of Vaughan, its employees or agents when acting on its behalf, or the area within the jurisdictional boundaries of the Corporation of the City of Vaughan, as the context demands;
  - (c) “Filming Event” means the creating, producing, recording or capturing of events on motion film with the intention of being presented;
  - (d) “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;
  - (e) “Governmental Entity” means the government of a jurisdiction, any political

subdivision of a jurisdiction, such as a federal, provincial, or municipal body, performing a function of the government;

- (f) “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;
- (g) “Officer” means a Provincial Offences Officer or Municipal Law Enforcement Officer of the *City*, or any other person appointed by or under the authority of a *City* by-law to enforce this By-law, and such Officer is deemed to be a Peace Officer under the *Police Services Act, R.S.O. 1990, c. P. 15*;
- (h) “Person” includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;
- (i) “Police Chief” means the Chief of the York Regional Police Department or a *Person* designated to act on his or her behalf;
- (j) “Sidewalk” includes all such parts of a *Highway* as set aside by the *City* for the use of pedestrians or used by the general public for the passage of pedestrians;
- (k) “Street” means that part of a *Highway* that is improved, designed or ordinarily used for vehicular traffic;
- (l) “Treasurer” means the Deputy City Manager, Corporate Services, City

Treasurer and Chief Financial Officer for the City of Vaughan, or a *Person* designated to act on his or her behalf.

#### **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 to the *Chief Licensing Officer* and shall be accompanied by the following:
  - (a) an application fee for a *Filming Event* permit, as per the Fees and Charges By-law 171-2013, as amended, or its successor by-law;
  - (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 *Police Chief* 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 *Fire Chief* 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 *Chief Licensing Officer* 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 *Chief Licensing Officer* 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 *Chief Licensing Officer*, 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 *Chief Licensing Officer*, 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 to the *Chief Licensing Officer* 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*.

## **6.0 Enforcement**

- (1) The provisions of this By-law may be enforced by:
- (a) a municipal law enforcement *Officer*;
  - (b) *Fire Chief*, or his or her designates;
  - (c) *Police Chief*, or his or her designates.

## **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* has paid 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* becomes a debt to the *City* under the Administrative Monetary Penalties By-law, as amended or its successor by-law, and 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.

## **9.0 Severability**

- (1) 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.

## **10.0 Repeal and Amendment of Other By-laws**

- (1) The following by-laws are hereby repealed: [Filming Event By-law 371-2004](#), and all of their related amendments, including By-laws [175-2013](#), [020-2015](#), [206-2015](#), [193-2016](#), [021-2018](#), [193-2019](#), [102-2020](#).
- (2) Schedule 1 of the [Administrative Monetary Penalties By-law](#) is hereby amended by including this By-law as a Designated By-law.

## **11.0 Force and Effect**

- (1) This By-law shall come into force and effect on the date enacted by Council.

Enacted by City of Vaughan Council on this 17<sup>th</sup> day of November, 2020.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

Authorized by Item No. 6 of Report No. 44  
of the Committee of the Whole  
Adopted by Vaughan City Council on  
October 21, 2020.