



City of Richmond

Report to Committee

TO PROC JAN 30, 2018

To: Parks, Recreation and Cultural Services Committee

From: Jane Fernyhough
Director, Arts, Culture and Heritage Services

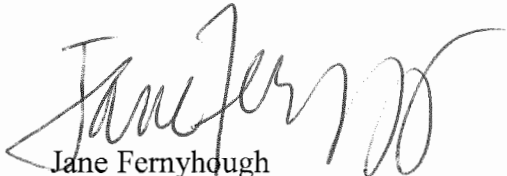
Re: Filming Regulation Bylaw & Policy 1000

Date: January 8, 2018

File: 08-4150-09-01/2017-Vol 01

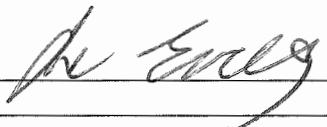

Staff Recommendation

1. That Filming Regulation Bylaw No. 8708 be introduced and given first, second and third readings.
2. That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9826 be introduced and given first, second and third readings.
3. That Policy No. 1000, Filming on Location in Richmond, be amended as shown in attachment Four.



Jane Fernyhough
Director, Arts, Culture and Heritage Services
604-276-4288

Att. 5

REPORT CONCURRENCE		
ROUTED TO: Law	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER 
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: CJ	APPROVED BY CAO 

Staff Report

Origin

On March 19, 2012 a report containing proposed amendments to the Filming Application and Fees Bylaw No. 8172 and the Consolidated Fees Bylaw No. 8636 were brought to the General Purposes Committee.

After receiving feedback from the public and the BC Civil Liberties Association expressing concerns that the bylaw could be interpreted as applying to filming for personal use, it was determined that further review of the bylaw was necessary in order to provide clarity on its original intention: which is to regulate large scale, commercial filming productions in Richmond.

The purpose of this report is to repeal the Filming Application Fees Bylaw No. 8172 (Attachment 1) and replace it with the Filming Regulation Bylaw No. 8708 (Attachment 2), as well as to amend the Consolidated Fees Bylaw No. 8636 to reflect the new Filming Regulation Bylaw number (Attachment 3). This report also proposes updates to Policy No. 1000, Filming on Location in Richmond. (Attachment 4)

This report supports Council's 2014-2018 Term Goal #2 A Vibrant, Active and Connected City:

2.4. Vibrant arts, culture and heritage opportunities.

This report supports Council's 2014-2018 Term Goal #8 Supportive Economic Development Environment:

Review, develop and implement plans, policies, programs and practices to increase business and visitor appeal and promote local economic growth and resiliency.

8.1. Richmond's policies, programs, and processes are business-friendly.

Analysis

Filming is a major economic contributor to the Province and the City of Richmond. British Columbia is the third-largest overall film and television production centre in North America behind Los Angeles and New York. The filming industry is predicted to have spent \$2.7 billion in BC in 2017. In 2016 (the latest data available), Richmond residents employed in the film sector earned a collective \$275 million in wages.

Since the creation of the Richmond Film Office (RFO) in 2007, there has been a steady volume of filming requests in the City. In 2016, the RFO generated approximately \$500,000 in fees and cost recovery from film productions within the City.

Staff have conducted a review of the Filming Application and Fees Bylaw No. 8172 and propose a new bylaw, Film Regulation Bylaw No. 8708. Updates to Council Policy 1000, Filming on Location in Richmond are also proposed.

Any film production working within Richmond is required to adhere to all bylaws, as well as any applicable provincial and federal regulations. The new Film Regulation Bylaw No. 8708 is deliberately compact, addressing matters specific to the film industry in Richmond. Productions filming in the Province are required to adhere to high standards, with compliance to regulations being just one of their requirements. Industry groups, unions, and studios each have requirements best described as “good neighbour” policies. The Creative BC (formerly BC Film Commission) code of conduct (Attachment 4) is a minimum expectation for productions in BC. There are also a variety of avenues that unions and studios can use internally if performance issues with production companies arise. Generally productions in Richmond have operated professionally with a minimal number of negative incidents.

Notable changes in the new bylaw include:

1. Removal of all fees from the body of the bylaw. Fees related to this bylaw will be included in the Consolidated Fees Bylaw No. 8636, similar to other City bylaws. The Consolidated Fees Bylaw is updated on an annual basis; inserting the filming fees into the Consolidated Fees Bylaw means that the Film Regulation Bylaw will not require annual amendments for cost of living updates. This change also prevents the potential of conflicting fees information in different bylaws.
2. Updates to current job titles with authority under this bylaw, including a change from “General Manager, Business & Financial Services” to “General Manager, Community Services; and
3. A clause, which addresses concerns from the BC Civil Liberties Association that specifically excludes any filming for personal use, including personal social media use, from being affected by the new bylaw.

Council Policy 1000, Filming on Location in Richmond, was adopted by Richmond City Council in 1989. Since that time the Richmond Film Office has adapted to meet the needs of the filming community as they have inevitably changed over the past two decades. While none of the information in the policy is incorrect, staff have updated the policy to reflect more current times.

Notable changes in this policy include:

1. Formal statement by Richmond City Council that acknowledges the economic and social benefits filming brings to the City.
2. Reordering the policy statements so that the promotion of Richmond as a centre for filming is given higher priority.
3. Inclusion of a statement that filming requests on public property will be permitted where reasonably possible.
4. Increased clarity on the type of insurance that productions must provide when filming in Richmond.

Financial Impact


None.

January 8, 2018

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Conclusion

Film Regulation Bylaw No. 8708 is a concise bylaw, specific to filming productions within Richmond. In addition to this bylaw, film productions must ensure compliance with other municipal, provincial and federal legislation. Film productions in the City have been overwhelmingly compliant with all requirements, and have left neighborhoods in as good, or better condition, at completion of filming.



Jodie Shebib
Film and Major Events Liaison
(604-247-4689)

- Att. 1: Filming Application and Fees Bylaw No. 8172
- 2: Filming Film Regulation Bylaw No. 8708
- 3: Consolidate Fees Bylaw No. 8636, Amendment Bylaw No. 9826
- 4: Council Policy 1000, Filming on Location in Richmond
- 5: Creative BC Code of Conduct



CITY OF RICHMOND

FILMING APPLICATION AND FEE

BYLAW NO. 8172

EFFECTIVE DATE – FEBRUARY 12, 2007



Filming Application and Fees Bylaw No 8172

The Council of the City of Richmond enacts as follows:

- 1. No person may use or affect the use of real or personal property, facilities or equipment owned, held by or in the possession of the City, including, without limitation, lands, roads, sidewalks, boulevards, buildings and vehicles for the purpose of film production without first applying to the City for permission.
2. If, on reviewing an application by a person under section 1, the City considers that a film agreement is necessary or advisable, a person intending to carry out activities related to film production shall enter into a filming agreement with the City in relation to the proposed film production use, activity and purpose.
3. In addition to obligations established in and agreed to in a filming agreement with the City, a person using property or services of the City for the purpose of film production shall pay the fees established in Schedule A attached to and forming part of this bylaw.
4. Applicable fees must be submitted to the City at least one business day prior to a person undertaking film production.
5. A person holding the position of General Manager, Business & Financial Services, or the Designate, is authorized to negotiate and enter filming agreements on behalf of the City.
6. This Bylaw is cited as "Filming Application and Fees Bylaw 8172"

FIRST READING

SECOND READING

THIRD READING

ADOPTED

Handwritten signature of the Mayor and the word MAYOR printed below it.

JAN 22 2007

JAN 22 2007

JAN 22 2007

FEB 12 2007

Handwritten signature of the Corporate Officer and the words CORPORATE OFFICER printed below it.

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

SCHEDULE A**RICHMOND FILMING FEES****Administration Fees**

Application for Filming Agreement		\$200.00
Production Office Business Licence		\$150.00
Street Use Fee 100 feet / per day		\$100.00

City Parks & Heritage Sites

Major Park		
Per Day	\$	750.00
Per 1/2 Day	\$	500.00

Neighbourhood Park		
Per Day	\$	500.00
Per 1/2 Day	\$	300.00

Britannia Shipyard		
Filming / per day	\$	2,000.00
Preparation & Wrap / per day	\$	1,000.00
Per Holding Day	\$	500.00
City Employee / per regular working hour	\$	35.00
City Employee / per hour after 8 hrs	\$	52.50

Minoru Chapel		
Filming / per day October through June	\$	2,500.00
Filming / per day July through September	\$	3,000.00
Preparation & Wrap Day	\$	1,000.00
Holding Day	\$	500.00
City Employee / per regular working hour	\$	35.00

City Employee / per hour after 8 hrs	\$	52.50
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Nature Park

Filming Per Day	\$	1,000.00
Preparation & Wrap Day	\$	500.00
City Employee / per regular working hour	\$	20.00
City Employee / per hour after 8 hours	\$	30.00

Gateway Theatre

Filming Per Day	\$	2,500.00
Preparation & Wrap Day	\$	1,000.00
City Employee / per regular working hour	\$	33.00
City Employee / per hour after 8 hrs	\$	50.00

City Hall

Filming / per day	\$	2,000.00
Preparation & Wrap Day	\$	1,000.00
City Employee / per regular working hour	\$	20.00
City Employee / per hour after 8 hrs	\$	30.00

Other Fees

RCMP: 4-hour minimum Per person / per hour	\$	101.75
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**Fire and Rescue Services:
4- hour minimum**

Fire Engine	\$	125.00
Fire Captain	\$	75.48
Firefighter: Minimum 3 firefighters	\$	61.86
Use of Special Effects per day	\$	100.00
Use of Fire Hydrant first day	\$	195.00
each additional day	\$	65.00



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:

**AFFECT THE USE
OF CITY PROPERTY**

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**.

APPLICANT

means a person applying for a **permit** to use, or **affect the use of, City property** for **film production**.

CITY

means the **City** of Richmond as a corporate entity.

CITY OF RICHMOND

means the **City** of Richmond as a geographic area.

CITY PROPERTY

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.

COMMERCIAL

means an advertisement that is intended for widespread distribution, screening or showing.

COUNCIL

means the Council of the **City**.

FILM AGREEMENT

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**.

**FILM AND MAJOR
EVENT LIASON**

means the person employed by the **City** in the position of Film and Major Event Liaison, and includes their designate.

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.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER



City of Richmond

Bylaw 9826

Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9826

The Council of the City of Richmond enacts as follows:

1. The Consolidated Fees Bylaw No. 8636, as amended, is further amended by deleting all references to "**Filming Application and Fees Bylaw No. 8172**" and replacing them with reference to "**Filming Regulation Bylaw No. 8708**".
2. The Consolidated Fees Bylaw No. 8636, as amended, is further amended by deleting from the SCHEDULE – FILMING APPLICATION AND FEES the words and numbers "Section 3" and replacing them with "Section 2.1.1 and 2.1.2".
3. This Bylaw is cited as "**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9826**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>AD</i>
APPROVED for legality by Solicitor
<i>MA</i>

MAYOR

CORPORATE OFFICER



POLICY 1000:

Council acknowledges that film productions bring economic and social benefits to the City. Therefore it is Council policy that:

1. Richmond is promoted as a centre for motion picture production and an appropriate environment for filming.
2. Richmond encourages the establishment of business, industry and expertise to support and complement the motion picture industry.
3. A centralized and efficient procedure for obtaining City approvals for filming on location in Richmond is provided.
4. Requests to use public property for film activities will be permitted wherever reasonably possible.
5. Film activity on City property should occur with a minimum of inconvenience to the public and that no essential City service will be impaired by film activity.
6. Filming on location will ensure the safety and well-being of the general public.
7. The City will recover all costs for services rendered by the City in association with filming on location, while remaining regionally competitive.
8. Filming on location will not cause any damage to public or private property and that in the event of any damage, the film company will be financially responsible for any repairs.
9. Film productions working in Richmond shall, at their expense, for the duration of filming, carry commercial general liability insurance which adds the City as an additional insured, with a minimum limit of \$5,000,000 per occurrence with a cross liability clause.
10. Film productions on City property are contractually obligated to adhere to local, provincial and federal legislation.

(Major Events and Film Office)

ATTACHMENT 5

Creative BC Code of Conduct:

When filming anywhere the general public may be affected by production activities, proper notification is to be provided to those directly affected.

GENERAL COURTESIES

- Producers, cast and crew will follow the provisions of their motion picture production permit, a copy of which must be on location at all times.
- Filming only takes place during the times listed on the permit unless extensions are granted.
- Pedestrians should always be treated with courtesy and not be obstructed at any time unless stipulated in the permit.
- All cables and similar items are to be channeled neatly and safely.
- Producers must notify the public in writing whenever production activities may directly affect or disrupt their daily lives. The notice must include the name of the company, working title of the project, production type (e.g. feature, MOW, TV series) and a brief description of the activity. It also must include a clear account of the date and time of disruption.
- All catering, construction, strike and personal trash must be removed from the location.
- Locations must be left in original condition.
- Removing or cutting signs or plants from any public or private location is not allowed.

VEHICLES

- Production vehicles must not arrive before the time stipulated on the permit, should arrive one at a time, and should turn their engines off as soon as possible.
- Cast and crew vehicles are not covered by the location-filming permit and must use designated parking areas only.
- Production vehicles shall not block driveways or gated access without permission.
- Vehicles shall not display signs, posters or pictures that the public may find offensive or objectionable (i.e. material containing vulgar language or sexual content).
- Crew cannot move a private vehicle to accommodate filming or parking, without permission of the owner. If a vehicle is parked in a restricted area, the appropriate authority will remove it.

CAST AND CREW

- Cannot trespass on private property. They must remain within the boundaries of the property that has been permitted for filming.
- Cannot drink alcohol on public property.
- Must be served their meals, and eat, in the designated areas.
- Must follow smoking restrictions and always leave cigarettes butts in the appropriate containers.
- Shall keep noise as low as possible at all times and refrain from using lewd or improper language.
- Shall wear appropriate clothing – for example, T-shirts with offensive slogans are not acceptable – and comply with appropriate employee safety regulations.
- Will wear a production pass, as required.
- Will not bring guests or pets to the location, without advance permission.
- Failure to comply can result in disciplinary action by the government authority, production company, union, guild or association.

Thank you for honouring this Code of Conduct.