

Category: Economic Development

Subject: FILM PROCEDURES

This document is a companion to the Film Policy, the permitting and administrative requirements for film activities within the City of Penticton.

FILM PERMIT - TERMS AND CONDITIONS

Code of Conduct

- a) The producers, cast and crew must abide by the Creative BC's Code of Conduct (www.creativebc.com).
- b) All Filming Activity in the City of Penticton must be in accordance with the City of Penticton Film Policy and with industry standards and best practices, including Creative BC's Reel Green Best Practices (www.creativebc.com).

Loss of Business

- a) The Applicant must work with affected businesses or property owners on negotiating any loss of business. Creative BC is available for businesses or property owners to discuss and/or pursue loss of business.

Authorization

- a) The Applicant shall not permit any other person, group or organization not named in this License to use or occupy the permitted locations without written authorization from the City.
- b) The Applicant shall ensure that all attendees adhere strictly to all rules and regulations posted and/or included in this License and to advise all attendees accordingly.
- c) The Applicant, its employees, agents, servants, or workers and/or volunteers shall not be deemed to be either employees, agents, servants or workers and/or volunteers of the City.

Alterations

- a) The Applicant shall not deviate from the production specifications listed in the Application unless the Applicant submits an amendment to the application and receives written consent of the City.

Cancellation

- a) The Applicant must provide written notice of cancellation at least 48 hours prior to the start of film activity.
- b) Film activity cancelled with less than 48 hours to the start of film activity will not receive a refund of their damage deposit or fees paid.
- c) Film activity cancelled due to poor weather conditions may be rescheduled with an agreed upon weather day(s).

- d) The Applicant understands and agrees that the License may be revoked or cancelled, at any time, with or without cause, by the City. The City will make every reasonable attempt to provide a minimum 48 hours' notice of cancellation to the Applicant. Cancellation by the City will result in fully refunded fees or rescheduling in another suitable facility.

Restoration

- a) The Applicant shall exercise the greatest care in the use and occupation of the said premises and adjacent facilities.
- b) The Applicant shall, at its own expense, restore all municipal property to their original state and condition prior to the Applicant's use and occupation.
- c) The Applicant shall conduct operations so not to cause damage or leave waste. The Applicant shall report all damages to the City. The Applicant is responsible for all costs associated with all film activity related repairs and cleaning at, on and around municipal property.
- d) The Applicant may be charged with all additional expenses incurred by the City as a result of film activity including Public Works and Fire Department call outs.

Revocation

- a) The City of Penticton may revoke any Film License to Use without notice and without refund and/or payment of damages if the Applicant fails to comply with any of the terms and conditions set forth in this policy, City of Penticton bylaws and rules or regulations, or any associated legislation. The City may invoice for penalties and/or additional costs as appropriate.
- b) The City of Penticton may, under events of natural disaster (e.g.: fire, flood, wind (119km/hr) or earthquake) or an emergency cancel, postpone or delay the Production and will not be held to any legal obligation.
- c) In the event that either party is prevented or delayed by circumstances of a natural disaster (e.g.: fire, flood, wind (119km/h) or earthquake) or an emergency such party will be excused from any legal obligations.

Accreditation

- a) The City of Penticton retains the right to request films to display the following credit line: "Filmed in the City of Penticton, British Columbia."

Bylaw Compliance

- a) All Filming Activity must comply with the City of Penticton Bylaws and Policies as amended or revised from time to time, including but not limited to:
 - [Fees and Charges Bylaw No. 2014-07](#)
 - [Parks Regulation Bylaw No. 3133](#)
 - [Good Neighbour Bylaw No. 2012-5030](#)
 - [Business Licence Bylaw No. 2012-5020](#)

FILM PERMIT – ADMINISTRATIVE REQUIREMENTS

Proposed Road, Sidewalk, or Parking Closures (include locations, dates and hours)

- a) Construction (Film) Road Closure Application - <https://www.penticton.ca/business-building/development-engineering/engineering-application-forms>
- b) A Construction Road Closure Application is to be submitted to address all full and partial closures of either the street, sidewalk or boulevard. Requests for dedicated parking can also be made through this process.
- c) When necessary, organizer is required to provide and/or work with a licensed traffic management company to produce signage, provide barricades and cones, etc. associated with any road closures, detours, and/or parking lot/stall rentals.
- d) Film activity must not interfere with normal traffic flows along City streets, driveway access, or municipal property unless granted prior approval, in writing or permit, by the City.
- e) The City may refuse street, or municipal property area closures during retail business hours or other designated peak times where alternate access is not available.
- f) Intermittent street closures may require, at the expense of the Applicant, the use of a licensed traffic controller or RCMP officer.

Parking Requests or Provisions

- a) Sidewalk and Parking Closure Application - <https://www.penticton.ca/business-building/development-engineering/engineering-application-forms>
- b) A Sidewalk and Parking Closure Application is to be submitted to address all full and partial closures of parking lots or requests for dedicated parking.
- c) The Applicant must arrange in advance for parking of all vehicles associated with the Film Activity and parking must be approved by the City prior to starting film activity.
- d) Off- and On-street parking will be paid for by the Applicant as required and a shuttle service may need to be provided to and from Film Activity and filming locations depending on scope and size of the production.
- e) No parking is permitted on grass areas, beach, fire lanes or restricted areas unless prior permission, in writing, has been obtained from the City.
- f) Advanced signage must be posted to notify public of closure at least 7 days in advance.
- g) All vehicles associated with the film activity must bear an identification tag including phone number of the Designated Representative and alternate, which must be displayed prominently.

Construction and Restoration Provisions

- a) Construction (Film) Road Closure Application - <https://www.penticton.ca/business-building/development-engineering/engineering-application-forms>
- b) Any construction must be approved prior, in writing, by the City.
- c) All construction must not cause damage or endanger the public, the surrounding environment, the City or City property.

- d) All construction and temporary structures must be built and maintained as per the BC Building Code and BC Fire Code and will be subject to inspection, at the Applicant's expense. Inspections can take up to five (5) days.
- e) Any temporary structures must be removed promptly following the conclusion of film activity.
- f) Any of the Applicant's fixtures that are not removed following the conclusion of film activity will be removed at the Applicant's expense.
- g) Any City municipal property that requires dismantling, moving, dismantling, or covering must be approved prior, in writing, by the City and are at the Applicant's expense.
- h) For dismantling and/or moving City property, additional insurance and deposits may be required. The City will determine the extra insurance, deposit and/or fees associated, on a case by case application, and are at the cost of the Applicant.

Community Notification and Noise Exemption Requests

- a) [Good Neighbour Bylaw](#)
 - a. In compliance with the Good Neighbour Bylaw, the Applicant must make every effort to keep noise to a reasonable level during filming.
 - b) Community notification letters must be submitted to the City for approval prior to distribution.
 - c) The Applicant will notify all businesses and residents within 45 meters of the parcel property lines and those affected where an exemption to the noise bylaw is granted. The Applicant will also send a copy of the community notification to the City of Penticton Development Services Department and Bylaw Services Department. The notification will be in writing and delivered at least 24 hours and no more than 7 days prior to the exempted noise.
- d) The notification shall include:
 - a. The Applicant's information:
 - i. The production company name, address, and telephone number;
 - ii. The project name and address of the film activity site; and
 - iii. The 24 hour monitored contact name and contact number (Designated Representative or Alternate).
 - b. The details of the exempted work:
 - i. Potential disruptions and other relevant activity including lights, construction, cranes, trucks, use of drones, sound effects, etc.;
 - ii. The reasons why the noise exempted work is necessary;
 - iii. Information about the exemption granted as well as any limitations or conditions imposed by the City regarding the exemption as well as a description of any steps taken or planned to minimize the noise nuisance; and
 - iv. Telephone numbers for the City of Penticton Bylaw Services (250-490-2440) and the Designated Representative or Alternate on site.
- e) All exemptions to the noise bylaw must be advertised in at least one local newspaper at least 48 hours prior to the noise exemption. Draft advertisements must be submitted to the City for approval in advance of publication.

Special Effects or Stunts

- a) All explosions, gun blasts, pyrotechnics, low fly-overs by any type of aircraft (real or model), vehicle collision, aircraft collision, use of incendiary devices or other special effects must be detailed in the Application and broad notification to the community may be required.
- b) Prior approval, in writing, may be required from the RCMP, Fire Department and other affected agencies and organizations and must be included in the Application.

Use of Drones

- a) Use of Drones (i.e. RPAS/UAV/UAS devices) – The Applicant must notify the City if a drone will be used during filming, as drones will require further approvals.
 - a. The use of drones should be included in the community notification letters provided to affected businesses and residents.
 - b. Applicants must apply to Transport Canada and/or NAV Canada for drone usage and approval. The use of drones must meet current guidelines as set out by Transport Canada.
 - i. <https://tc.canada.ca/en/aviation/drone-safety/flying-your-drone-safely-legally>
 - ii. <https://nrc.canada.ca/en/drone-tool/>
 - iii. <https://www.navcanada.ca/EN/products-and-services/RPAS/Pages/default.aspx>
 - c. Drone Operators must hold a valid Transport Canada Special Flight Operations Certificate (SFOC) regardless of device weight.
 - d. If/When granted flight authorization by Transport Canada, the Applicant must provide the City with evidence that their insurance covers use of a drone and any liability arising out of its use.

Facility Rentals

- a) Outdoor (Park Rentals) Events application
 - a. For simple or one-day film shoots in City Parks, please complete Appendix 2 One-Day Event Application - <https://www.penticton.ca/our-community/events/host-event/plan-outdoor-event>
 - b. For complex or multi-day film shoots in City facilities, please complete Appendix 1 Multi-Day Event Application - <https://www.penticton.ca/our-community/events/host-event/plan-outdoor-event>
- b) Facility Bookings
 - a. Refer to <https://www.penticton.ca/our-community/events/host-event/facility-rentals>
 - b. If using a City-owned facility under a current License to Use agreement, the City requires written permission from the licensed operator for use of the facility.

Electrical Usage

- a) Any film activities using a generator larger than 5KW, a 50-amp connection and/or more than 5 extension cords require a certified electrician and Field Service Representative.
- b) All certified electrician and Field Service Representatives must have an operating permit from Technical Safety BC and provide a copy of this permit to the City:
<https://www.technicalsafetybc.ca/technologies/electrical/operating-permits>

- c) Any access to/use of City electrical sources must be approved, in writing, by the City. The Applicant is responsible for all costs incurred by the City for electrical access and usage.

Catering/Food and/or Liquor Services

- a) All mobile food vendors are required to have yearly inspections, City of Penticton Fire Department approval, and display valid permits and decals: <https://www.penticton.ca/city-services/fire-services/outdoor-burning/permits/mobile-vending-permits>
- b) Interior Health Authority (IHA) approval is required for all food services: <https://www.interiorhealth.ca/sites/default/files/PDFS/temporary-event-coordinators-planning-guide.pdf>
- c) The Applicant is responsible for ensuring that all vendors have met safety requirements and regulations.
- d) The Applicant shall not permit any alcoholic beverages on or in the said premises unless a valid permit has been obtained under the Liquor Control and Licensing Act and with the expressed authorization of the City. Authorization granted by the City does not relieve the Applicant from any legal obligations and / or requirements. The Applicant shall comply with the British Columbia Liquor Control and Licensing Act including all regulations.

Waste Management Provisions

- a) The Applicant will be responsible for providing adequate garbage bins and arranging pick up and removal of all waste at their expense.
- b) The Applicant may not utilize City waste receptacles unless approved in writing in advance by the City. Any extra costs incurred by the City as a result of using City receptacles will be at the cost of the Applicant.

Washrooms Provisions

- a) At each filming location - should public washrooms not be available, or the washrooms available are not adequate to accommodate the number of cast and crew, sufficient toilets must be provided at each location (~1/50 crew and cast) and the cost of placement, maintenance, and cleaning will be at the expense of the Applicant.

Security Provisions

- a) The Applicant shall employ security staff or other means approved by the City to ensure spectator crowds are controlled.
- b) The Applicant is responsible for providing adequate security at all filming locations and for all associated costs with providing security deemed necessary by the Applicant for the protection of the public, property of the public and property of the City. The City reserves the right to require that the Applicant provide a higher level of security than that deemed adequate by the Applicant. The Applicant shall be responsible for any additional costs of security.