

FILMING BYLAW

VILLAGE OF PEMBERTON BYLAW NO. 818, 2017

Fourth & Final Readings
June 20, 2017



OFFICE CONSOLIDATION: October 8, 2021

This document is an office consolidation of the Village of Pemberton Filming Bylaw No. 818, 2017 (adopted June 20, 2017) and subsequent amendments adopted by Village Council.

Bylaw No	Section Amendment	Council Meeting	Date
Fees and Charges Bylaw No. 905, 2021	Inserting definition, removing references to Schedule A and referencing Fees and Charges Bylaw No. 905, 2021.	Regular Council Meeting No. 1543	July 27, 2021

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Filming Bylaw No. 818, 2017, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

VILLAGE OF PEMBERTON

BYLAW No. 818, 2017

A bylaw to regulate Filming production and operations in the Village of Pemberton.

WHEREAS Council may, pursuant to section 194 of the *Community Charter*, establish a bylaw to impose a fee payable in respect of the use of municipal property or the exercise of authority to regulate, prohibit or impose requirements;

AND WHEREAS Council wishes to establish a bylaw regulating Filming production and operations on Village property pursuant to Section 194 of the *Community Charter*;

NOW THEREFORE, the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS**:

1. **CITATION**

This Bylaw may be cited as “Filming Bylaw No. 818, 2017.”

2. **DEFINITIONS**

In this bylaw the following terms have the following meanings:

“**Applicant**” means an Applicant for a Permit and the holder of the issued Permit.

“**Application**” means a Film Permit Application in a form as established by the Village.

“**Council**” means the Council of the Village of Pemberton.

“**Fees and Charge Bylaw**” means Village of Pemberton Fees and Charges Bylaw No. 905, 2021, as amended or replaced from time to time. (*Amendment Bylaw No. 905, 2021*)

“**Filming**” means any recording or photography conducted on a film, digital or other camera, video camera or other audio or visual recording device and includes commercial still photography shoots.

“**Highway**” includes a street, road, lane, bridge, sidewalk, boulevard, road shoulder any other way open to public use, and any road shoulder, adjacent land or ditch on municipal or Crown land, but does not include a private right of way on private land.

“**Manager**” means the Chief Administrative Officer and his or her delegates.

“**Permit**” means a Film Permit issued under this Bylaw in a form as prescribed by the Village.

“**Production Activities**” means all Film and crew activity relating to Filming including scouting of locations; pre-production preparations such as crew arrival, equipment load-in and set decoration; Filming and/or still photography; and any all activities involved in wrapping the production so that all areas, lands and infrastructure are returned to their prior condition.

“**Site**” means the land described in a Permit, on which a filming is to take place.

“**Village**” means the Village of Pemberton.

“**Village Liaison**” means the Manager or any other Village staff and hired liaison contractors who provide oversight for Filming activities.

3. PAYMENT OF FEES

- i. No person shall use any Village owned property, privately owned property or highway within the Village of Pemberton for the purpose of Film Production Activities until such person has first obtained a Filming Permit and paid to the Village any and all applicable fees and charges imposed by the Village for such use. *(Amendment Bylaw No. 905, 2021)*
- ii. Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Fees and Charges Bylaw. *(Amendment Bylaw No. 905, 2021)*

4. PROCEDURES

- i. Film Permit Applications, Production Regulations and Village property use, for the purpose of Filming, is outlined in the Filming Policy.

5. BYLAW COMPLIANCE

- i. All Film Production Activities must comply with regulations set forth in Village of Pemberton Bylaws as listed in the Filming Policy. As well as compliance with Village of Pemberton bylaws as required by the Manager.

6. INDEMNITY

- i. The Applicant hereby releases, indemnifies, and saves harmless the municipality and their officers, servants, agents, employees and other from and against all costs, losses, damages, compensation, claims, demands, actions, judgements and expenses including actual legal expenses arising from death or injury to person or property loss or damage resulting from the actions or failures to act of the Applicant, its directors, officers, employees, agents, contractors, subcontractors and others in respect of the production for which the Applicant is issued. The Village of Pemberton will not be responsible for

any loss, regardless of the cause, except in the sole negligence of the municipality.

7. POWERS OF THE MANAGER

- i. The Manager or his/her designate may from time to time do the following in relation to Film Permits and Film Production Activities:
 - a. Waive or negotiate Film Permitting fees on a case by case basis;
 - b. Waive or negotiate the rental rate on Village owned lands;
 - c. Set a higher or lower amount for the refundable security deposit if they believe that the scope, scale or nature of the Film Production Activities creates an increased or decreased risk of damage to land and property;
 - d. May exempt an Applicant from the Noise Regulation Bylaw No. 699, 2012 as amended from time to time;
 - e. Make incidental rules and regulations not inconsistent with this Bylaw as amended from time to time;
 - f. May grant a Film Permit to any person or organization upon payment of the applicable fees;
 - g. Temporarily close any public space, highway, site or a portion thereof to public use for the purposes of Filming;
 - h. Temporarily close any Film Production Activities within the Village of Pemberton in the case of emergency or for health and safety reasons; and
 - i. May revoke the Film Permit without notice and without payment of any damages if the Applicant does not comply with the terms and conditions of the Permit or with applicable legislation.
- ii. The Manager or his/her designate may exempt an Applicant from providing some or all of the information as set out in the Filming Policy as amended from time to time.
- iii. The Manager or his/her designate may from time to time, make administrative amendments to the Filming Policy as required.
- iv. The Manager or his/her designate may levy fines for any contravention of this Bylaw or the Filming Policy as amended from time to time.

8. REVOCATION

- i. The Village of Pemberton may revoke any Filming Application without notice, and without any payment of damages if the Applicant fails to comply with any of the terms and conditions set forth in this policy, Village of Pemberton bylaws or any associated legislation.

9. SEVERABILITY

- i. If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

10. OFFENCE

- i. Every person who contravenes a provision of this bylaw is guilty of an offence and is liable for any reasonable costs for reparation and to the penalties imposed under the Municipal Ticket Information Bylaw, amendments and replacements thereof.

READ A FIRST TIME this 6th day of June, 2017.

READ A SECOND TIME this 6th day of June, 2017.

READ A THIRD TIME this 6th day of June, 2017.

ADOPTED this 20th day of June, 2017.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer