

Film Policy

Date adopted by Council: May 23, 2023



1. POLICY STATEMENT

The Town of Lunenburg recognizes the cultural, tourism and economic benefits of filming activity. The Town strives to provide a film-friendly environment and encourages the growth of the industry.

2. PURPOSE

This policy and procedures identify the application and approval process for filming projects in the Town of Lunenburg and the requirements which must be met, including the payment of applicable fees.

3. APPLICABILITY

This policy and procedures apply to all filming projects within the Town of Lunenburg unless listed under the exemptions section, Section 7, of this policy.

4. SCOPE

The Town of Lunenburg requires that anyone planning a film production within the Town, including streets, sidewalks, parks, and on other public and private properties, have an approved Film Agreement.

5. RESPONSIBILITIES

Council will:

- Set or amend any fees associated with the Film Agreement Application process.

The Chief Administrative Officer (CAO) will:

- Approve or deny Film Agreement Applications or assign a delegate to approve or deny Film Agreement Applications.
- Designate roles for staff to help administer this policy and procedures.
- Notify Council when an application has been approved.
- Review and negotiate any requests not captured or included in the Film Agreement Application process.
- Revoke a Film Agreement when deemed necessary.

6. FEES

The Town will collect Film Agreement fees and daily shooting fees as set by Council in the attached fee structure (Appendix A). The fee structure will be reviewed annually by Council. Amendments to the fee structure require a motion of Council but do not require an amendment to this policy.

Council will set a daily parking fee for production vehicles, which are defined as equipment trucks or passenger vans and not personal vehicles used by crew for daily transportation. This fee is included in Appendix A and will be reviewed annually.

The production company and/or Film Agreement applicant is responsible for all expenses related to the use of Town roads, properties, parks, equipment, or personnel; and will be given an estimate of these costs before approving a Film Agreement.

Invoices for Town services will be issued no later than 30 days after the final day of film activities.

For productions filming within Town for six weeks or longer, the CAO may negotiate a discounted daily shooting rate and daily parking rate.

7. EXEMPTIONS

This policy and procedures do not apply to current affairs, newscasts, and videography for weddings, sports teams or personal videos not for commercial use.

8. REFUSAL OR CANCELLATION OF A FILM AGREEMENT

The Town may refuse or cancel a Film Agreement if:

- The application does not comply with all regulations outlined in this policy and procedures or contravenes any local, provincial, or federal regulations.
- The Town cannot provide the requested site(s).
- There is not adequate traffic and parking control to ensure that streets are clear for the passage of emergency vehicles.
- It is expected that Town resources will be over-extended by the production and/or the parking and traffic associated with the project.

TOWN OF LUNENBURG
Clerk's Annotation for Official Policy Book

Policy: Film Policy

Date of Notice to Council: May 9, 2023

Date of Adoption: May 23, 2023

I certify that this Policy was adopted by Council as indicated above.

Municipal Clerk
Date: May 24, 2023

ADMINISTRATIVE PROCEDURES

Film Policy

Date approved by the CAO: May 23, 2023



9. STAFF ROLES

The Economic Development Manager (EDM) will:

- Review all Film Agreement Applications and make recommendations to the CAO for final approval.
- Review Street Closure Agreement Applications relating to film activities and forward them to the Director of Public Works/Town Engineer for final approval.
- Work with production companies and/or Film Agreement applicants to determine site locations and other appropriate requests and permits.
- Coordinate the booking of municipal facilities when required.
- Liaise with the production company and/or Film Agreement applicant concerning their Film Agreement Application and other required business related to the filming project, including cost estimates for any requested Town services and use of facilities.
- Assist in finding suitable parking for film vehicles within the Town.
- Review notifications from production companies to residents and businesses about film activities occurring in their area.

The Director of Public Works / Town Engineer or designate will:

- Coordinate an inspection of Town-owned and maintained film locations following filming.

10. FILM AGREEMENT APPLICATION PROCESS

Filming requests must be submitted in writing to the Economic Development Manager and must include the following:

- A completed Film Agreement Application (Appendix B).
- If applicable, a completed Street Closure Application 14 days before filming starts.
- Proof of valid commercial general liability insurance seven days before filming starts.
- If applicable, a written notice to residents in the filming area outlining dates and times of filming, road and/or sidewalk closures, and any special effects seven days before

filming starts (for review by the Economic Development Manager).

Once the Town has received a filming request, the appropriate staff will be informed. A site meeting with the production company and/or Film Agreement Applicant may be required to review the request and complete a walk-through to determine any concerns or special requirements.

10. FILMING ON PRIVATE PROPERTY

Due to the impact on the community, a Film Agreement issued by the Town is required for filming on private property. Applicants must pay the Film Agreement Application fee. However, they will not be charged any daily shooting fees unless film activities impact or utilize Town properties, including but not limited to obstructing Town streets for any film-related activities.

The private property owner is responsible for negotiating with the production company and/or Film Agreement Applicant regarding terms, conditions and fees for using their private property.

As per requirements outlined in the notification section of these procedures, Section 15, the production company and/or Film Agreement Applicant must advise area residents of their intent to film.

11. TIMELINES

The Film Agreement Application must be submitted at least 20 days before any film-related activities begin. Filming that includes road closures and special effects with elements of potential danger or any potential inconveniences to residents and businesses, or if the Town deems any other factors to require careful evaluation, the application must be submitted at least 30 days before any film-related activities.

12. INSURANCE

The minimum insurance requirements that must be met to qualify for a Film Agreement include the following:

\$2 Million Commercial General Liability insurance per occurrence (or a higher limit as the Town of Lunenburg reasonably requires depending on the nature of filming), that includes coverage for third-party claims for bodily injury, death, and property damage.

The minimum coverage amount per occurrence for Commercial General Liability insurance will depend on the project's size, scope and risks as outlined in Film Agreement Application (Appendix B).

All required insurance policies must include the following:

- An additional insured endorsement naming the Town of Lunenburg (including its respective employees, officers, agents and volunteers) as an "Additional Insured" under the policy;
- a requirement that the insurer give 60 days prior written notice to the Town of Lunenburg before any policy is cancelled;
- a waiver of subrogation rights which the insurers may have against the Town of Lunenburg, its elected and appointed officers, agents, servants, and employees, whether the damage is caused by the act, omission or negligence of any of such persons.

All required insurance policies must include cross liability, severability of interests, blanket contractual liability, primary and non-contributing, and non-owned auto liability.

These requirements are the minimum insurance necessary to use Town property and facilities. The applicant is responsible for obtaining, at their own cost, any additional insurance required by law or otherwise necessary or advisable.

The Film Agreement Applicant and/or Production Company must provide the Town of Lunenburg with an up-to-date Certificate of Insurance seven business days before the commencement of any filming activities. Upon notice, the Film Agreement Applicant shall make arrangements to allow the Town of Lunenburg to review the original insurance policies or provide a copy of the original insurance policies.

13. FILMING ON STREETS AND SIDEWALKS

Any filming on Town streets and sidewalks must be discussed with the Economic Development Manager to determine whether a Film Agreement is required. The closure of any street or sidewalk requires an approved Street Closure Application.

14. CONSIDERATIONS TO RESIDENTS, OCCUPANTS, BUSINESSES

Production vehicles arriving on location in or near a residential neighbourhood will not enter the area before the time set out on the film agreement.

Production vehicles will not block or park in driveways without the permission of the driveway owner.

Cast and crew of the production company will not trespass on the properties of residents or businesses. They must remain within the boundaries of the property that has been permitted for filming.

Lighting must be oriented away from neighbouring residences and businesses.

All generators used on streets or in public areas must be equipped with silencing attachments or other silencing measures.

Every attempt must be made to limit excessive vehicle idling.

In situations where filming activity impedes access to a business or businesses, it is the responsibility of the production company/Film Agreement Applicant to approach affected owners to identify means of limiting disruption and/or to determine appropriate compensation levels for lost business. If a mutually acceptable agreement cannot be made, The Town will attempt to determine a solution directly or through an alternative dispute resolution process.

15. NOTIFICATION

In cases where residents and businesses may be affected by film-related activities, including but not limited to road or sidewalk closures, traffic congestion, filming at night, special effects and the use of gunfire, the Town requires the production company and/or Film Agreement Applicant to provide a written letter of notification to residents and businesses of the events occurring in their area. A copy of the notification must be sent to the Economic Development Manager for review before being sent to affected properties. The Economic Development Manager must submit notifications for review seven days before any film-related activities start.

Notification to property owners/occupants must occur no less than 48 hours before any film-related activities start.

The notification must include:

- Title of production and name of production company.
- Name of Location Manager or Production Manager and contact phone number.
- Date and times the film company will be working in the area with a brief description of what activities will happen and details regarding parking, noise and any special effects.
- Name of the Town's Economic Development Manager and telephone number (as a secondary contact).

When filming activities in busy public areas, such as but not limited to the Front Harbour area and the commercial zone of Old Town, the production company must place signs notifying passers-by, including pedestrians and vehicles, that the property is being used for filming and delays may occur.

Approved Film may be revoked if affected residents have not been notified as per the requirements listed in this section.

16. NOISE

Film activities must adhere to the Town's Noise Bylaw. The Film Agreement Application must

include the details of filming activities so the Town can review any potential bylaw exemption request. Noise bylaw exemption requests must be submitted in writing 20 days before the date or dates when the requested exemption is proposed to take place.

17. PARKING

All vehicles associated with the production unit will be parked in a legal manner and must be able to Agreement access of emergency vehicles. The Economic Development Manager can assist with finding suitable parking for production vehicles for an additional daily fee.

18. TOWN-OWNED PROPERTIES

The Town owns some buildings and properties that could be available for film activities. These include parks, trails and various municipal facilities. Use of these properties requires prior approval by the Town. Security and rental fees may apply.

19. TREES AND PLANT MATERIALS

No tree removal or pruning of trees and plant materials on Town property or properties maintained by the Town will be permitted without the Town's approval. No tree, shrub, flower, moss, grass, footpath or natural object on Town property or properties maintained by the Town will be destroyed or removed without the Town's approval. All sites must be returned to their original condition, otherwise, the production company will be billed for clean-up services or restoration.

20. STUNTS AND SPECIAL EFFECTS

The Film Agreement Application must clearly state the use of firearms, explosives, flash powder, detonators, flammable liquids, and the filming of dangerous stunts. When required by federal, provincial or municipal regulations, certain special effects must be conducted by certified professionals and may require approval from the RCMP, the Fire Department, and/or Council. All costs associated with these requirements and related clean-up are at the expense of the production company and/or Film Agreement Applicant.

21. CLEAN-UP

Production crews are responsible for cleaning the project site at the end of every working day.

Upon completion of filming activities, the production company must ensure that the site is returned to its original condition. An inspection of any Town-owned and maintained project sites will be conducted by Town staff.

If Town-owned and maintained properties have not been returned to original conditions, the production company and/or Film Agreement Applicant will be billed by the Town for any necessary clean-up, repairs, damages, etc.

22. CREDITS

The Town may request a film credit whenever a substantial amount of filming is done in the Town of Lunenburg.

23. ENFORCEMENT

The Town reserves the right to revoke an approved Film Agreement if the production company fails to comply with this policy, procedures, or any other applicable laws or regulations.



TOWN OF LUNENBURG
FILM AGREEMENT FEE STRUCTURE
 Fees reviewed annually by April 1
 Last updated: May 2023

Film Application Fees

| Type of film | Application fee |
|---|-----------------|
| Student Film | \$50 |
| Small Production Budget under \$500 K | \$100 |
| Medium Production Budget \$500 K - \$1 Million | \$150 |
| Large Production Budget over \$1 Million | \$200 |

Daily Shooting Fees

| Type of film | Half-day fee | Full-day fee |
|---|--------------|--------------|
| Student Film | \$75 | \$150 |
| Small Production Budget under \$500 K | \$150 | \$300 |
| Medium Production Budget \$500 K - \$1 Million | \$250 | \$500 |
| Large Production Budget over \$1 Million | \$500 | \$1,000 |

Parking Fees for Production Vehicles

| | |
|--------------------|-----------------|
| Parking Fee | \$17.35 per day |
|--------------------|-----------------|

Please note that the daily parking fee covers parking for production vehicles only, not personal crew vehicles. Your crew is responsible for finding legal parking unless prior arrangements are made with the Town.

Town of Lunenburg

Film Agreement Application



This application must be submitted at least **20 days** before film activities begin or **30 days** for projects requesting road closures, special effects or complex needs.

1. Contact and Production Information

Production company: _____

Production contact: _____

Phone: _____ Email: _____

Onsite contact: _____

Phone: _____ Email: _____

Alternate onsite contact: _____

Phone: _____ Email: _____

2. Filming Details

Title of production: _____

Type of production: _____

Provide a summary description of the film production, including what will be filmed:

Total production budget: _____

Total spent in Lunenburg _____

Work in Lunenburg start date: _____

Work in Lunenburg completion date: _____

Dates and Times of filming: _____

Please attach a shooting schedule that shows dates, times, and locations. Attach a map or sketch of the requested locations if applicable.

Location(s) of film: Include a list of filming locations and attach a map or a sketch of requested film locations:

Street Greenspace Municipal property/buildings Front Harbour

Private property Other: _____

Number of staff onsite: _____

Do you require street and/or sidewalk closures? Yes No

If yes, complete a Street Closure Permit Application.

Number of vehicles onsite: _____

Types of vehicles:

Parking requirements:

Will you be using generators? Yes No

All generators used on streets or public areas must be equipped with silencing attachments or other measures.

Will there be special effects and stunts: Yes No

Anyone using special effect pyrotechnics, whether to reproduce a visual gunshot effect during a stage play, to provide a waterfall of silver sparks for a rock concert, or to destroy a car in a film scene, must be certified by Natural Resources Canada (NRCAN). Please provide proof of certification if applicable.

Describe any special effects or stunts:

Will you have amplified sound? Yes No

Will you have temporary tents or structures? Yes No

Will you be requesting an exemption to the Noise Bylaw? Yes No

Activities requiring exemption requests include fireworks, pyrotechnics, and loud music during certain hours. If unsure, consult with the Economic and Development Officer.

3. Notification

In cases where residents and businesses may be affected by film-related activities, including but not limited to road or sidewalk closures, traffic congestion, filming at night, special effects and the use of gunfire, the Town requires the applicant to provide a written letter of notification to residents and businesses of the events occurring in their area.

A copy of the draft notification must be submitted to the Town for review before any film-related activities start.

4. Insurance

Include a copy of your insurance coverage. Refer to the Film Policy and Procedures to review the insurance requirements.

Minimum insurance coverage may vary depending on the risks associated with your production: If unsure, consult with the Economic and Development Officer.

| Type of production | Insurance amount |
|--|--|
| Student filming and low-risk film productions | Valid commercial general liability insurance coverage of at least \$2-million |
| Medium-risk film productions This includes but is not limited to, car chases and pyrotechnics | Valid commercial general liability insurance coverage of at least \$5-million |
| High-risk film productions This includes but is not limited to, large pyrotechnics displays or explosions and aerial filming | Valid commercial general liability insurance coverage of at least \$10-million |

5. Agreement to Indemnify

Upon signing the application, the Applicant agrees to save harmless and indemnify and defend the Town of Lunenburg and its elected representatives, officers, employees and agents from and against any and all claims, demands, suits, actions, causes of action and/or proceedings that may be brought against or made upon the Town by any person arising out of matters in any way related to any act, failure to act, or otherwise of the Applicant and its employees, officers, servants, volunteers, and agents in respect of, or pertaining to the activities described in this application.

6. Waiver of Liability

Upon signing the application, the Applicant hereby releases, waives, and forever discharges the Town and its elected representatives, officers, employees and agents from all liability to itself and its heirs, executors, administrators and assigns for all loss or damage and any claims or demands for such loss or damage on account of injury to person or damage to property for which the Town may be responsible in respect of the conduct of the said event.

7. General Conditions

- Applicants must comply with all regulations outlined in the Film Policy and Procedures and adhere to all local, provincial, or federal regulations.

- Filming at Town properties, including streets and sidewalks, is subject to the compatibility of community booking schedules.
- The Town may require that the applicant utilize external emergency services, traffic control, etc. on-site during filming. All costs associated with these requirements are the responsibility of the applicant. Where the Town does not provide services, the Applicant is required to pay the service provider directly.
- The Production Company and/or Applicant must place signs in public access areas, informing residents that the facility or property is being used for filming and delays may occur.
- The Production Company and/or Applicant is responsible for clean up at the location at the end of the day with minimal noise and disruption. Upon completion of film activities, the Production Company and/or Applicant must ensure that any Town-owned or maintained properties are returned to original condition. Failure to do so will result in the Town billing the Production Company and/or Applicant for any necessary clean-up, repairs, damages, loss, etc.
- It is the responsibility of the Production Company and/or Applicant to ensure that their staff operate safely and professionally in their duties.

8. Fees

Film Agreements include an application fee and daily shooting fees. There is also a daily parking fee for production vehicles. Please see the attached fee schedule.

9. Signature

By signing this agreement, you agree to operate within the terms and conditions as outlined in this application; and that you have read, understood, and will adhere to all provisions of the Town of Lunenburg Film Policy and Procedures.

Name

Signature

Date

10. Completed Forms

Completed forms should be submitted using one of the following methods:

- Email at economicdev@townoflunenburg.ca
- In-person at Town Hall at 119 Cumberland St., Lunenburg
- Mailed to P.O. Box 129 Lunenburg, Nova Scotia, Canada, B0J 2C0

| |
|---|
| Office Use Only |
| Type of Film: |
| Daily Shooting Fees: |
| Production Risk Level: |
| <input type="checkbox"/> Reviewed by the Economic Development Officer |
| <input type="checkbox"/> Requested street closures approved by the Director of Public Works (if required) |
| Application decision |
| <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved |
| Approving Signature: _____ |
| Notes for Applicant: |