

REPORT

Council

Meeting Date: October 23, 2023

FROM: Economic Development Department

DATE: October 10, 2023

SUBJECT: **Film Pilot: Reduced Period for Noise Exemption**

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

1. That the 30-day application submission requirement for a noise exemption permit contained in Noise By-law 2008-098, be reduced to 10-days from submission of a complete application prior to the film project for the duration of the Film Pilot Program.
2. That the 14-day notice required by the Town's Public Notice and Engagement Policy/Procedure be reduced to 7-days for notice to residents of a noise exemption being sought for the duration of the Film Pilot Program.
3. That resident comments submitted as a result of residential circulation be submitted through Service Oakville to the Film Liaison to consider in determining issuance of a noise exemption permit.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The 3-year Film Pilot Project was approved through the 2023 budget process.
- Many film permit applications require a noise exemption permit. Currently, noise exemption applications must be submitted in writing at least 30-days prior to the event or activity.
- A "Notice of Noise Exemption" must be given to residents within a minimum of 120 metres of the event location prior to the event. These residents are provided with a two-week notice period to submit comments or concerns to the town.
- Many Ontario municipalities have removed the Noise Exemption Permit requirement for filming.

- The film industry expects permits to be issued in 7 to 10 days.
- The current application and notice periods required for a noise exemption permit make Oakville less competitive in attracting film productions/projects.
- The current noise by-law review has been taken into consideration. After the pilot, the impacts of the changes outlined in this report will be assessed and any resulting permanent changes will be incorporated into the noise by-law.

BACKGROUND:

Through the 2023 budget process, the Town of Oakville approved a 3-year film pilot project with a dedicated staff person (Film Liaison) in Economic Development responsible for working with the film companies and promoting Oakville as a destination for filming. The Film Liaison also works with other internal departments to ensure all necessary paperwork and permits required for a film production are completed.

Commercial filming requirements in Oakville vary depending on the location and scale of the film project. The following permits could be required as part of the film project:

- Noise Exemption Permit
- Filming on Municipal Streets Permit
- Temporary Street Occupancy (Crane) Permit
- Temporary Street Occupancy (Parking) Permit
- Recreation and Culture Permit
- Parks and Open Space Permit
- Other requests related to streetlights and roads operations, etc.

The Noise By-law 2008-098 provides an opportunity for film production companies to apply for a noise exemption to the designated official, which would allow them to exceed established noise level limits. The by-law requires the application to be made at least 30 days prior to the event or activity. Along with the application to the town, the by-law requires the applicant to send a notification to all residents within 120 metres of the location where the event or activity is proposed. The Town's Public Notice and Engagement Policy/Procedure requires this be a two-week notice period to submit comments or concerns to the town.

The noise exemption circulation and notice requirement have proven to be a barrier to attracting more filming to the town, as it currently takes 30 days to approve a film permit.

A review of permit processes followed by other Municipalities in Ontario completed by Ontario Creates along with research from staff suggests that many municipalities

within Ontario have removed requirements for noise exemption permits related to filming projects. The Cities of Cambridge, Kitchener and Waterloo have joined the Cities of Toronto, Hamilton and Mississauga in removing the requirement for film companies to have a temporary Noise Exemption Permit as it was prohibitive to attracting film productions.

In addition, staff have reached out to film offices in southern Ontario, location scouts and production assistants to inquire about the typical expected timeframe for permit approvals. Staff have determined that the film industry expects permits to be issued within 7 to 10 business days. For the town to stay competitive and continue to attract film productions, a reduced application and notice period is required. This will improve film permit processing time and client service levels which was a key expectation and metric of the Film Pilot Program.

COMMENT/OPTIONS:

After a discussion on possible options and a review of best practices from other municipalities in Ontario, staff are recommending the notification period required for comments be reduced from 14-days to 7-days and that the application submission requirement be reduced from 30-days to 10-days for noise exemption applications related to film projects.

The circulation of the notice of filming and noise exemption will be arranged by the Film Liaison, in consultation with the film production. Any resident comments resulting from a residential circulation will be submitted to Service Oakville with the Film Liaison responsible for reviewing and addressing comments and providing final approval of the issuance of a noise exemption permit. Municipal Enforcement staff will not be involved in the review of noise exemption permits related to film projects. The standard terms and conditions that Municipal Enforcement Services (MES) adds to all noise exemption permits, as per Section 7 of *By-law 2008-098, A by-law to prohibit and regulate noise*, will still apply to film projects. This terms and conditions have been included below for reference.

By-Law Number 2008-098

A by-law to prohibit and regulate noise

Section 7 – Grant of Exemption by Designated Official, subsection 6:

A permit issued under subsection (4) shall be, at a minimum, subject to the following terms and conditions:

- (a) The sound emitted from any equipment shall not exceed an Leq of 85 dBA when measured 20 metres from the source over a five-minute period;*
- (b) Where the sound level exceeds 85 dBA, the applicant shall comply with any request from any person empowered under section 9 of this By-law with*

- respect to the volume of sound from the equipment to ensure compliance with clause (a);*
- (c) No sound or construction equipment other than the equipment approved under the permit shall be used by the applicant;*
 - (d) The event or activity shall be restricted to the approved location set out in the permit;*
 - (e) The permission granted is only for the date(s) and time(s) for the event or activity as set out in the permit, and*
 - (f) A permit issued to the applicant is not transferable.*

Should a film project request an exemption to the standard terms and conditions above, MES will be consulted prior to an approval and issuance of the permit.

These time reductions will remain in place until the end of the Film Pilot Program. After the pilot, the impacts of the changes outlined in this report will be assessed and any resulting changes will be incorporated into the noise by-law. This change in notification time will allow Film Permits to be issued with 7 to 10 business days, in line with industry expectations. This will help increase customer service levels and increase competitiveness for productions and flexibility for film companies, which should help attract more film productions to the town.

CONSIDERATIONS:

(A) PUBLIC

Reduced notice period from two weeks to 7-days for noise exemption permit applications related to film projects.

(B) FINANCIAL

The fee for a noise exemption permit will continue to be required.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The reduction in notification period and application period for noise exemption permit applications related to film projects will put pressure on Municipal Enforcement Services to issue permits within the 7-10 day time period. As such, for the duration of the Film Pilot, all film-related noise exemption applications and circulation comments will be reviewed and approved by the Film Liaison, unless there are exceptional circumstances which require consultation with Municipal Enforcement Services.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
Accountable Government

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

N/A

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