



Guidelines for Film, Photography, Recording and Drones at Niagara Parks

Niagara Parks has the authority to grant the right to use its property in a specific way in accordance with specific terms and conditions. Requests for filming, photography, recording and drones require a permit unless meeting the terms of exemption. All requests must be processed in accordance with the provisions outlined herein. All requests are considered equally and permitted based on the information provided by the applicant. A permit is approved, denied or revoked based on compliance to policy requirements.

Filming, Photography and Recording

A Permit is required for all filming, videotaping, digital audio or video recording, sound recording or still photography whether for profit, non-profit or education (unless otherwise noted as an exemption) when it includes any of the following:

- the use of paid or unpaid talent (models/actors), professional crews, set dressings, or props
- use of a drone (UAV or RPAS)
- product or service advertising
- may cause potential disruption or access to visitor use
- may cause potential damage to the park
- requires access to an area normally closed or restricted to public use
- requires access before or after normal operating hours; and/or
- the activity raises safety concerns that can be mitigated through issuance of a Permit with "restrictions"

Drones (Unmanned Aerial Vehicles (UAVs) or Remotely Piloted Aircraft Systems (RPAS))

Niagara Parks does not permit the use of drones within the property for any recreational purposes. Use of drones for commercial projects (commercial film, photography, survey or engineering work, etc.) may be considered and approved under a Permit.

The airspace surrounding Niagara Falls is classified as CYR-518 Class F Restricted Airspace which further requires a Letter of Authorization from Transport Canada prior to Niagara Parks issuing a permit. Transport Canada's authorization is required no matter the size or weight of the drone or how low or high the flight path. Please refer to Transport Canada's website for more information <https://tc.canada.ca/en/aviation/drone-safety> and note the User/Controlling Agency for Niagara is the Transport Canada, Hamilton TC Centre (905) 679-3477 or aviation.ont@tc.gc.ca



Exemptions

1. Weddings and Family Photography

Capturing Niagara Parks and its attractions in photos or in film does not require a Permit if it involves personal family in family portraits, capturing vacation-oriented activities and/or weddings at any outdoor location. In these scenarios, it is understood that there is no use of use of UAV/drones, product or service advertising or any use of props, or sets.

2. Breaking News

Breaking News is an event that cannot be covered at any other time or at any other location. Filming of Breaking News does not involve advertising, sets, props, or models and usually include only one reporter and one camera person together in one vehicle. Coverage of planned one-time events or the use of UAV/drones is not covered under this exemption. Coverage of Breaking News does not require a Permit, but media crews may not disrupt the enjoyment of Niagara Parks' visitors, damage Park resources or compromise any Federal, Provincial or Regional health and safety or airspace regulations.

3. Other Media

Frequently there are opportunities for news organizations to focus on Park programs or increase public awareness of Park-specific or Niagara region issues and events. Filming related to these stories should be coordinated and planned in advance. A Permit will be issued if it is determined that the Park would benefit from the increased public awareness or if there is an impact to Niagara Parks. Niagara Parks may assist with research and/or offer interviews with the Chair or designated staff, as they are available.

4. Student Projects

Students producing film or photography projects as a requirement for an accredited course can be issued a permit. Student projects are bound to all requirements outlined within this policy except for paying permit and venue fees. Should service fees be required, these fees will be charged back to the applicant. The student will additionally include on their application the:

- name of educational organization
- course name and number and instructor's name
- outline or story board for assignment; and
- liability insurance as provided for the students by the educational institution



Limitations, Prohibitions and Revocation of a Permit

Niagara Parks has the authority to deny applications a permit or revoke permits issued to applicants. The reasons for a permit to be restricted or denied and a list of prohibited activities within Niagara Parks is outlined in Appendix A.

Permits may be revoked where the permit holder has failed to meet any or all the conditions issued within the permit or have been found in breach of the conditions of the permit or rules of the park and failed to adhere to warnings to make corrections which includes disrespecting staff and/or visitors with offensive behaviour deemed inappropriate.

While Niagara Parks will make every attempt to host an approved permit which may include moving dates, other reasons a permit may be revoked include:

- weather or seasonal limitations
- park visitation levels have changed
- items that fall under force majeure

Application & Processing

Niagara Parks endeavors to process applications:

- 48 – 72 hours if the application is fully completed and does not require revision.
- Ten (10) business days before the start of the proposed project for requests involving multiple locations, complex logistics, or coordination with other Park visitor activities.
- Additional time for processing may be required dependent upon project's complexity, approvals required from other agencies or requests for items that are traditionally prohibited in the park.
- Same day permit requests are not accepted.

All film and photography projects (unless exempt) must complete the Niagara Parks Application Process. This includes:

- Completing the initial application
- Providing insurance
- Processing payment for applicable fees; and
- If approved, signing the issued Permit.

Applicants are required to submit with the application all relevant scripts, maps, diagrams, story boards, vehicle and equipment lists, call sheets or itineraries, shot lists, etc., to assist NPC staff in evaluating the request.



The application process provides Niagara Parks and the applicant the opportunity to discuss the proposed project and to establish reasonable conditions to protect interests.

Location/Technical Scouts are recommended for complex and/or international projects. After the approval of an application, and before the activity begins, location or technical scouts can be arranged with Niagara Parks staff. Niagara Parks is happy to assist with the planning and can advise on approved staging areas, scenic vistas, sensitive areas closed to filming, etc. Same day request for location scouts will not be considered.

The purpose of a scout or consultation meeting should be to:

- Complete an on-site recognizance visit, if necessary.
- Review health and safety matters in more detail with key staff, agencies, etc.
- Review the final terms/conditions, scheduling, and any special instructions pertaining to the respective project; and
- Complete the insurance and payment terms.

By the end of the meeting(s), Niagara Parks staff should have enough information to prepare the Permit and submit a request for approval.

Only those activities specified in the Permit will be allowed. No activities on Niagara Parks property may begin until the Permit has been approved by Niagara Parks and agreed to by way of signature by the Permit applicant. All Permits include the requirement that the site be cleaned and restored at the end of use. Normal visitor use patterns should not be interrupted for longer than five minutes and/or as specified in the approved Permit. Park visitors will be allowed to watch filming in public areas.

Use of large reflectors, silks, camera track, jibs, cranes, generators, large props, crowd scenes, foggers, and oversized vehicles must be approved by Niagara Parks, and are reviewed on a case-by-case basis, with approval dependent on location, time of year, time of day, and other mitigating factors.

In some cases, it may be required that Permit applicants sign in/out at the Police Services building prior to and after their visit on Park premises. The Niagara Parks Police Building is located at 6075 Niagara Parkway. Failure to comply with the process noted above is subject to a permit being revoked and removal from Niagara Parks property.

When filming activities are perceived to interfere with Park visitor use or safety, to congest highly visited areas, or have the potential to impact park resources without proper supervision and care, at



least one Paid Duty Officer (PDO) of the Niagara Parks Police Service (NPPS) or another member of the Niagara Parks staff will be assigned to the film crew:

- The degree of monitoring is based on crew size, equipment, props, scope of project, location(s), time of day and time of year. NPPS determines level of supervision.
- When a project involves substantial numbers of people and equipment, or a location that is environmentally sensitive or heavily visited, supervision will be on-site and continual.
- When the activities involve only a few people or minimal amounts of equipment, or take place in areas where there is little if any possibility of resource impact, inconvenience to visitors, or violation of Permit conditions, a Niagara Parks representative as well as a Health and Safety representative may spot-check during the filming to ensure compliance and due diligence is being observed.
- Niagara Parks may bring in others to assist in those instances when the scope of the project exceeds the ability to properly manage the activity. The resulting staff costs will be recovered from the Permit applicant.
- If representation has been assigned to the project under the permit, the representative must be on-site before initiating any location set-ups or dispersal of equipment unless otherwise noted in writing. Failure to comply with this requirement could result in the revocation of the Permit.

Terms and Conditions

Fees

Niagara Parks charges fees (outlined below and in Appendix B) for the use of the park depending on the size and scope of application. All fees are subject to applicable taxes which includes HST. Money orders, major credit cards electronic transfers or certified cheques payable to “The Niagara Parks Commission” are accepted.

- **Permit Fee:** A standard non-refundable application fee is due at the time of the Permit being issued.
- **Venue, Attraction and Parking Fees:** Niagara Parks charges fees for the use of a venue or area of the park including parking. In the case of an attraction, applicable admission or buyout fee will apply.
- **Service Fees:** Fees for staff time related to oversight, moving park assets, setting up closures or paid duty officers, etc. may apply.
- **Craft Service Fee:** From time to time a Craft Service may be permitted on the property. A per day fee will be levied to permit an outside caterer on-site.



- Bond/retainer/Damage Deposit: A refundable bond, retainer or damage deposit, drawn as a separate payment, may be required for those projects deemed by Niagara Parks to have a high potential for resource damage or site restoration. The bond/retainer amount is determined by estimating the cost of monitoring and site restoration and will be specified by Niagara Parks in the Permit.

Cancellation

Permit Holders are responsible for all fees associated with services rendered by Niagara Parks up to the time of cancellation. If the cancellation is weather related, Niagara Parks will determine if any payments can be waived. If cancellation is within 24 hours of the project starting, 4-hour minimum fees may be applicable as outlined in the permit. Costs of overtime and site clean up, are additional and will be billed as they occur.

Tax Credits

For information regarding Provincial or Federal Tax Credits please contact:

Ontario Creates
Director, Tax Credits
175 Bloor St. E., North Tower, Suite 300
Toronto, Ontario, Canada M4W 3R8
Phone: 416-314-6558 Fax: 416-314-6876

Insurance

All applications must provide Commercial General Liability Policy to the satisfaction of Niagara Parks. Niagara Parks reserves the right to change the insurance requirements or increase the policy amount as deemed appropriate. A Commercial General Liability Policy must include the following:

- Include The Niagara Parks Commission as Additional Insured.
- Commercial General Liability policy written on an occurrence form with a limit of not less than five million (\$5,000,000) written with insurers licensed to do business in the Province of Ontario.
- Cover all operations and liability assumed under the permit and shall include the following coverages: Premises & Operations, Owners and Contractors Protective, Products & Completed Operations, Personal Injury, Blanket Contractual, Employer's Liability, Broad for Property Damage, Employees as Additional insured's, Contingent Employer's Liability, Non-



Owned Automobile, Cross Liability, Hostile Fire, Severability of Interest, 30 Day Written Notice of Cancellation or material change in coverage.

- Automobile Liability covering all owned and leased vehicles of the Contractor to a limit of not less than \$2,000,000.
- The insurance certificate must identify the production company by name and business address. If the applicant uses a name different than that listed on the insurance policy, the relationship between the insured company and applicant's company must be identified.
- The following are not acceptable:
 - Personal or homeowners' liability
 - Hand-written "certificate holder" information
- All third-parties who intend to use a drone must also provide drone coverage, referred to as Unmanned Aerial Vehicle (UAV) Insurance in the amount of \$2,000,000 liability
- Niagara Parks Commission is also to be noted as Additional Insured on the certificate to be provided.

Health and Safety Compliance

The Permit Holder is required to adhere to all current Federal, Provincial, and Municipal Legislation as well as any prescribed regulations in the Occupational Health and Safety Act & Regulations including the *Safety Guidelines for the Film and Television Industry in Ontario*, Fire Code, and Environmental Protection Act & Regulations thereof. Every reasonable precaution shall be taken for the health and safety of those working for the Permit Holder, Niagara Parks employees, spectators and visitors, at every project. Depending on the nature of a project and the potential hazards associated with it, Niagara Parks reserves the right to enforce the Permit applicant to have additional risk mitigation measures in place including (but not limited to) on-site medical, water safety, fire personnel and/or hazardous material remediation. The Permittee is responsible for all costs.

Copyright, Credits and Promotion

Niagara Parks is deemed to be a joint copyright holder and extends copyright as noted below to any project completed under an approved permit. If the captured content is later used for another project, the Permit holder must again contact Niagara Parks for approval as a new application for a permit. If approval is granted for the additional project, copyright will be extended to include such project.

Niagara Parks acknowledges and agrees that the Permit Holder, its parent, its successors, licensees and assigns have the right to broadcast, exhibit and otherwise exploit the photographs, film and recordings of the Niagara Parks property and any and all furnishings, works of art and other objects located in or around the Niagara Parks property ("Footage"), in connection with the



Production (which expression includes any and all versions and seasons thereof, the sound track thereof and any clips, extracts or outtakes therefrom and any teasers, trailers, bonus materials, electronic press kits, advertising or promotional materials or any other production, sound recording or materials based on or relating thereto, including without limitation any “making-of” films, “behind the scenes” films, promotional films and “behind the scenes” or “making-of” books, or any other material connected with advertising, promoting or exploiting the Production and any goods, books, articles and commercial tie-ins (including videograms and interactive devices) associated with or derived from the Production or anything appearing in the Production) and in and in connection with any advertising, promotion, publicity or other material relating to the Production in any and all manner and media whatsoever, whether now known or hereafter devised, throughout the universe in perpetuity and that the Applicant shall own the copyright and all other rights, title and interest in and to the Footage used solely for the purposes of the project.

Credit to Niagara Parks must be given for all projects capturing content within Niagara Parks properties as follows: “© The Niagara Parks Commission” (where applicable) or “From The Niagara Parks Collection” (where applicable) or for those images relative to the Niagara Parks Botanical Gardens the following will be used “The Niagara Parks Botanical Gardens and School of Horticulture”.

Niagara Parks reserves the right to ask for an electronic copy of a cast photo, press release and completed copy of any project to be used by Niagara Parks for the purposes of promotion and/or archival.

Appendix A - Reasons for Permit Denial and Restricted & Prohibited Activities

Niagara Parks may deny an applicant a permit for the following reasons:

- damage to natural, cultural, wilderness and/or recreational resources is expected which cannot be mitigated
- other activities are already planned, and the project would be incompatible
- the project would unduly conflict with the visitors' normal use of the park
- the project involves access to areas normally closed for reasons of resource protection or safety
- activity level within the park is already so great that Niagara Parks may not be able to facilitate the project (expected between May through September)the project will place unreasonable burdens on Niagara Parks staff capacity, regardless of the Permit holder's willingness to pay for costs
- the project includes a portrayal of activities that are prohibited in the park (see below for a for list of prohibited activities.)the project involves stunting or any other activity deemed unacceptable by Niagara Parks
- the project involves abusive, religious, political or any other subject content or actions deemed unacceptable by Niagara Parks
- false information is submitted by the applicant or their agents in the application
- the applicant is unwilling or unable to obtain necessary insurance
- the applicant is unwilling or unable to reimburse Niagara Parks for costs or comply with Niagara Parks bond/retainer requirements; or
- any activity that does not comply with current Federal, Provincial, and Municipal Legislation as well as any prescribed regulations thereof respecting (but not limited to) Occupational Health and Safety Act & Regulations including the Safety Guidelines for the Film and Television Industry in Ontario, Fire Code, and Environmental Protection Act & Regulations thereof.

The following activities are restricted and are considered on a case-by-case basis:

- discharge of blank ammunition, all black powder weapons or anything that causes smoke
- amplified music or sound
- construction and/or placing of large set dressings
- filming/photography inside interiors of administrative work areas
- removal of artwork, furniture, gardens, other assets, etc.
- film equipment or activities on roadways
- vehicles on non-marked traffic pathways

- access to closed areas or access to areas during non-visitor use hours
- use of generators; or
- foggers

Activities prohibited within Niagara Parks, unless prior written approval is obtained include:

- activities having the potential to significantly impact, alter or damage Park resources
- altering, damaging, or removing vegetation
- posting or removing of signs on Park roadways or property
- vehicle use off established roads and parking areas
- the consumption of alcohol or narcotics, violence, coarse language or nudity
- night filming with artificial lighting
- smoking in buildings, on boardwalks, or in vegetated areas
- pyrotechnics
- dogs/animals without leashes or other restraint
- use of equipment that inhibits public views of popular scenic vistas
- any portrayal of activity in the film/photograph which in Niagara Parks' sole discretion, is deemed to put its reputation in disrepute.
- parachuting
- hot air ballooning
- any activity that would put Niagara Parks employees or visitors at risk and in contravention of Federal, Provincial, and Municipal Legislation as well as any prescribed regulations thereof respecting (but not limited to) Occupational Health and Safety Act & Regulations including the Safety Guidelines for the Film and Television Industry in Ontario, Fire Code, and Environmental Protection Act & Regulations thereof.



Appendix B - Rates and Fees for 2023

All fees are subject to applicable tax (HST 13%) and are priced in Canadian Dollars.

Permit Fee

A standard one-time, non refundable permit fee of \$300 is required at the time of the permit being issued.

Venue Fees

Primary	Any Parkland near the Falls (defined as the area between Hiram Street in the north and Rapidsview Blvd in the south) or any production that sells out a complete Park	\$3,000.00/4 hrs
Secondary	Any Parkland away from the Falls or any production using a portion of the Park	\$1,500.00/4 hrs
Road	Any production that will close any or all of the Niagara Parkway	\$2,500.00/4 hrs
Roaming	Any production under a 4 hour duration that uses only a portion of the Park or Recreation Trail.	\$500.00/less than 4 hours

- In those cases where the production has impact to Niagara Parks revenue operations or is deemed larger in scope than standard productions, Niagara Parks reserves the right to determine the final rental fees for the use of the Parklands. Buyout rates are generally based on the value of the attraction ticket x the number of guests typically put through per hour on a similar date/time along with traditional sales by way of food/retail/parking, etc. associated with the site for those same hours.
- If additional time for set up and tear down is required, productions may be charged a venue fee of \$1,500.00/day.
- Venue fees are based on a minimum of four hours. Productions that exceed four hours will be charged additional time at prorated rates per hour.
- Roaming productions that exceed the four hours will be prorated at the higher level (whether primary or secondary) based on the location.
- Portions of the Niagara Parkway may be closed for projects. All costs associated with road closures including policing, traffic diversion, etc. will be charged back to the production.



Service Fees

Niagara Parks will provide an official quote for each approved application once information has been received. For budgeting purposes, the following prices, terms and conditions can be used.

Policing:

15 minutes travel time to and from a site is required and a four hour minimum applies for paid duty.

24 hour notice is required for cancellation otherwise the first 4 hour minimum is non-refundable.

- First officer is \$112/hour
- Second officer is \$105/hour
- Police Cruiser is \$65/hour/car

Trade Rates:

Rates for service work that need to be completed or scouting are based on labour used.

- Rates range from \$59 to \$87/hr and in overtime cases, 4-hour minimums apply.

Craft Service Fee

From time-to-time Craft Service may be permitted on the property. A per day fee will be levied to permit an outside caterer on-site.

- The fee is \$500 plus HST/day.

Bond/Retainer/Damage deposit

A refundable bond, retainer or damage deposit, drawn as a separate payment, may be required for those projects deemed by Niagara Parks to have a high potential for resource damage or site restoration. At minimum a damage deposit of \$2,000.00 may be applied. The amount is determined by estimating the cost of monitoring and site restoration and will be specified by Niagara Parks in the Permit.