



Commercial Motion Picture, Television, Radio and Production Film Activities Policy

PURPOSE

The purpose of this Policy is to:

- Provide for the protection and reasonable management of City property.
- Allow for reasonable regulation of City property and City rights-of-way in order to more effectively preserve the health, safety and welfare of the public.
- Promote continued and diverse economic growth in the City.
- Enable the City to compete fairly and effectively in the world marketplace for economic development opportunities that will provide for and protect the health, safety, and welfare of the citizens of the City.
- Enable the City to recover the cost of providing services to production films.

DEFINITIONS

As used in this Policy:

- (a) *Expenses* shall mean all direct costs of wages, including a pro rata percentage of the employees benefits, vehicles and equipment and expendable items incurred by the City, or private person or corporation operating at the request or direction of the City, when providing services to a production company, and which expenses are attributable to a production film. Included in such costs are administrative expenses, attorney fees, testing, preparation of reports and other costs directly attributable, or as a result of, the Production Film.
- (b) *Low Impact Production Film* shall mean Production Film activities that:
 - Do not impede the public's use of or travel in the right-of-way;
 - Do not require the use of any City resources, including personnel;
 - will occur for less than a four-hour period in one calendar day;
 - Do not involve more than five persons on the Set; and
 - Do not place more than five pieces of film equipment upon city right-of-way; provided, however, that no equipment may be placed on a City street.

(c) *Production Film* shall mean single media or multimedia entertainment content created in whole or in part in the City for distribution or exhibition to the general public by any means and media in any digital media format, film, or video tape, including but not limited to, a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games or commercials. Production film also includes any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in a production film.





(d) *Production Company* shall mean an entity in the business of producing Production Film.

(e) *Set* shall mean a place where a Production Film is created in whole or in part in any format and includes scenery and props.

PERMIT REQUIRED

(a) No person shall use any public right-of-way, or any public property, or facility for the purpose of producing, broadcasting, taking or making any Production Film unless such person shall have first made application to the Marketing Coordinator for and obtained, as prescribed in this Policy, a permit for each instance.

(b) The provisions of this Policy shall not apply to the following:

-  Current news productions, which includes reporters, photographers, or camera persons for a newspaper, news service, broadcasting station, or similar entity, including a documentary production, engaged in the broadcasting of news events in substantially the same manner with substantially the same impact;
-  2. Production Films which are conducted at or by the direction of the City;
-  3. Video or multimedia broadcast or transmission of a live performance within a live entertainment; or
-  4. Private events filmed or photographed for non-commercial purposes, such as private parties or weddings.

(c) Once a permit is issued, signs as defined in these ordinances located on a permitted Set shall be considered scenery and props rather than signs and shall be permitted while the film permit is in effect.

(d) Once a film permit expires, the owner of any set on which a prohibited sign is located shall remove the sign or signs.

PERMIT NOT REQUIRED

A permit is not required for Low Impact Production Films.

APPLICATION

A film permit application shall contain the following:

≡ Production Company identification and contact information.

≡ Name and synopsis of the production.

≡ Location identification and description of production film activities to take place at each location, including any requested alterations to normal traffic flow, such as intermittent street closure, intermittent lane closure or complete street closure.

≡ Dates and times of production.

* A processing fee in the amount established by City to reimburse the City expenses associated with valuating the application and establishing conditions for approval.

(f) A statement of experience in the business; and if any experience in producing films in other communities, at least three references; and if no previous experience or experience in less than three communities, the balance of references shall be provided by professionals in the field that can attest to the competency of the applicant.

INVESTIGATION

(a) Investigation of Application. The City Manager or designee shall be charged with investigating and processing any application submitted under this Policy. Upon receipt of the application for a permit required by this article, the City Manager or designee shall forward the application to the appropriate public officials as deemed necessary. Such officers, departments and officials shall review and investigate matters relevant to the application and within a time frame established by the City Manager shall report their findings and recommendations to the City Manager or designee.

(b) Imposition of Conditions. The City Manager or designee shall, at a minimum, require the following, as conditions of a production film permit:

- ❖ Security personnel. The permittee shall employ at its own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the location of the filming activity and for the preservation of order and protection of property in and around the site of the filming activity. No permit shall be issued unless the Police Chief or designee is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the production filming.

- ❖ **Notification.** The permittee shall notify affected residents, occupants and businesses, in advance of the filming, and as instructed by the City Manager or designee, of the duration and location of filming activities, including information about planned special effects, road and lane closures, “no parking” requests, sidewalk usage and the time that any barricades will be placed on the street and/or sidewalk.
- ❖ **Access.** Production vehicles may not block parking lot access drives, fire hydrants, or be parked in fire lanes, and must allow a minimum of 20 feet of clearance between vehicles parked on either side of the road for emergency response vehicles to pass.
- ❖ **Base Camps.** Base camps may not be located on a public street. Only the necessary production vehicles, such as grip vehicles used for lighting and/or electricity, may be parked on a public street, if necessary, at the filming location. Crew parking, honey wagon, catering, and other non-essential production vehicles shall be at a predetermined location.
- ❖ **Insurance.** As a condition of issuing a permit under this Policy, the permittee shall furnish insurance to be determined by the Marketing Coordinator but in no event in an amount less than one million dollars (\$1,000,000), on an occurrence form basis, naming the City as additional insured, to protect the City against claims for personal injury, wrongful death and property damage and shall indemnify the City claims for personal injury and for any damage to City property arising out of the permittee’s activities. An additional minimum of five million dollars (\$5,000,000) of general liability insurance shall be required in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the production activity. Such insurance shall be evidenced by the standard General Special Endorsement Form or the Certificate of Insurance in form acceptable to the City. The applicant shall also submit verification that adequate worker’s compensation insurance coverage is maintained.
- ❖ **Bonding.** Before the issuance of a permit, a bond may be required at the discretion of the City Manager.
- ❖ **Fire Protection.** The permittee shall at its expense take adequate steps as determined by the Fire Chief to ensure protection.
- ❖ **Hold Harmless.** The permittee shall agree to hold harmless the City in a form acceptable to the City prior to the issuance of a permit.
- ❖ **Other Conditions.** Prior to the issuance of a permit, the City Manager or designee may impose any other conditions reasonably calculated to ensure compliance with the requirements of this Policy and to protect the health, safety, welfare and property of attendants or of citizens of the City, including a limitation on the duration of the permit and the location of the production film activities.

(c) **Issuance of Permits.** Approval shall be valid for six months. In processing an application for a permit required by this Policy, the City Manager or designee may issue a permit as provided for in this Policy, after review of the application and such other information as may be otherwise obtained, if he/she finds that:

- ↳ The conduct of such activity will not unduly interfere with the use and enjoyment of neighboring property or unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Adequate advance notice of any street closure shall be given.
- ↳ The conduct of such activity will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.

- ↪ The activity does not propose to include obscene matter or an obscene performance and will not involve conduct in violation of law, rules or regulations.
- ↪ At the determination of the City Manager or designee as well as the Police, Fire and other departments whose approval is deemed necessary by the City Manager or designee, that the condition of such activity will not constitute a fire hazard or other type of hazard and all property safety precautions are being taken as determined by the heads of the aforementioned departments or their designees.
- ↪ The permit shall not authorize the production of a film that in any manner requires the use of property owned by or under control of the City in violation, which prohibits such use when it includes obscene matter or an obscene performance or that requires that individually identifiable records be created and maintained for every performer.
- ↪ The applicant fails to comply with any or all requirements of this Policy or with any other applicable provision of law or state, local or federal rule or regulation.

(d) Extension of Permits. Time extensions may be authorized by the City Manager or designee provided that the conditions in (c) are met.

(e) Revocation of Permits.

- ✎ The City Manager or designee may revoke a permit issued pursuant to this Policy whenever the permittee, its employee or agent fails, neglects or refuses to fully comply with any or all provisions and requirements set forth in this Policy, including the conditions imposed upon issuance of the permit, or with any or all provisions, regulations, ordinances, statutes or other law incorporated by reference in this Policy.
- ✎ 2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.
- ✎ 3. A permit shall automatically be revoked if riotous, disorderly, obscene, or otherwise unlawful conduct occurs at a filming location or if an assembly exceeds one hundred and twenty-five (125) percent of the estimated attendance, as indicated on the application for a permit. In such instances, the premises may be closed by the Police Department and the assembly disbursed.

(f) Appeal of City Manager Decision. Any decision of the City Manager or designee may be appealed to the City Council and may be modified, reversed or affirmed. Such appeal shall be filed within ten (10) business days of the decision and the City Council shall hear such appeal at its next regularly scheduled meeting.

SAVINGS CLAUSE

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Policy takes effect are saved and may be consummated according to the law enforced when they are commenced.

SEVERABILITY

The various parts, sections and clauses of this Policy are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Policy shall not be affected.