

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUHARLEE FOR THE PURPOSE OF AMENDING THE CODE OF THE CITY OF EUHARLEE, GEORGIA; ADOPTING AN ORDINANCE PROVIDING FOR FILM PERMITS; ADOPTING PROVISIONS GOVERNING FILMING OF MOVIE AND VIDEO PRODUCTIONS ON PUBLIC AND PRIVATE PROPERTY; PROVIDING FOR REGULATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Euharlee’s scenic beauty, infrastructure, and historic features make it a desirable location for film production; and

WHEREAS, film production provides economic benefits to the community; and

WHEREAS, the State of Georgia has encouraged film production in Georgia; and

WHEREAS, the City Council has determined it is in the best interests of the public health, safety and welfare to adopt the amendments set forth below;

NOW THEREFORE BE IT ORDAINED, AND IT IS HEREBY ORDAINED, by virtue of the authority vested in the Mayor and City Council by law, that the Code of the City of Euharlee is amended as follows:

SECTION ONE

The following Film Permit Ordinance shall be adopted:

Sec. 1. Title and Purpose.

This ordinance shall be known as the Film Permit Ordinance. It is designed to provide a procedure to authorize filming of motion pictures on public property while protecting the public interest and to regulate filming on private property.

Sec. 2. Definitions.

Film production means any and all motion picture production, television production, videography or web video (meaning video production for distribution on the internet).

Sec. 3. Permit Required.

No person shall engage in, conduct or carry on the business of film production on private or public property within the incorporated area of the City of Euharlee, Georgia, including but not limited to rights of way, without first receiving a film production permit from the City. This is in addition to any permit that may be required by the International Fire Code or any other provision of the Code of the City of Euharlee. Use of a City facility or building (other than a road) shall also require the applicant for the permit to enter into a “Location Agreement” contract with the City, governing the use of City property.

Sec. 4. Application.

Any person seeking the issuance of a film production permit shall complete a written application form provided by the City and shall provide all information requested thereon, not less than five nor more than 180 days prior to the commencement of film production. The application must be signed by an authorized representative of the applicant.

Sec. 5. Exemptions.

The following film production activities are exempt from permit requirements:

Film production by news media; personal or family videos (weddings, etc.); studio filming inside a movie studio; student film productions; low impact productions (utilizing 10 or fewer crew for three or fewer days and taking place entirely on private property).

However, if any of the exempt activities listed above desire to use City facilities or block or interfere with a City street, property or right-of-way, then the ordinance shall apply and a permit must be obtained. The Planning and Zoning Administrator shall have the discretion to waive permit fees where he finds that a substantial purpose of the film activity is to promote the City of Euharlee.

Sec. 6. Administration and Regulations.

a. Administrator. This ordinance shall be administered by the Planning and Zoning Administrator.

b. Conditions. A permit may be issued with special conditions unique to the particular film production based on the circumstances of the request and location or other special factors where appropriate to mitigate any negative effects or hazards of the production.

c. Safety and Notice Standards.

i. Roads and Traffic. If roads or lanes are to be blocked or traffic disrupted in any manner, off-duty City of Euharlee Police deputies must be hired to provide safety supervision. Requirements of the MUTCD for flagging and lane closures shall be observed. Filming on State highways requires permission of the Georgia Department of Transportation. Removal, cutting or trimming of vegetation on the right of way is prohibited unless specifically approved in the permit.

ii. Fire Marshal. The Fire Marshal shall have full access to any film production to ensure safety for crew members, the public and surrounding properties. No film activity involving the use of explosives, pyrotechnics, smoke machines or fire shall be permitted without approval of the Fire Marshal.

iii. Public Notice. Adjacent property owners shall be notified in advance of the filming and provided a contact number for any complaints or concerns. At least seven days' notice shall be posted in a manner approved by the Planning and Zoning Administrator of any full or partial road closure; a detour route must be posted for full road closures.

d. Fees.

Permit Fee: \$100 per day.

Road Closure Fee: \$500 per day, per 1000 yards or fraction thereof, per lane closed. [Example: close 2 lanes for 1,800 yards for three days: \$500 x 2 (length) x 2 (lanes) x 3 (days) = \$6,000]

Police Fees: Contact Police Chief (required when road lanes closed; based upon cost of providing off duty officers or other police protection)

Use of City Facilities Fee:

(facility) _____: \$1,500 per day

(facility) _____: \$1,000 per day

Other facilities *Inquire with City*

Sec. 7 Liability Provisions.

a. Liability Insurance. Before a permit is issued, a certificate of insurance will be required in an amount of \$1,000,000 minimum naming the City and its officers and employees as additional insureds for protection against claims of third parties for personal injury, wrongful death and property damage. The certificate shall not be subject to cancellation or modification until after 30 days written notice to the City. A copy shall remain on file.

b. Workers' Compensation Insurance. The applicant shall conform to all applicable Federal and State statutes and requirements for workers' compensation insurance for all persons under the permit.

c. Hold Harmless Agreement. The applicant's acceptance of the permit shall constitute a hold harmless agreement, holding the City of Euharlee and its officers and employees harmless from all damages, suits, actions or liabilities, including attorney's fees, arising out of or resulting from the filming activity, or from the acts of the filming company or its agents during the filming activity or occurring as a result of the use of filming locations by the filming company.

d. Security Deposit. To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined by Planning & Zoning Administrator based on the proposed film production). Upon completion of filming and inspection of the site by the City, if no verifiable damage has occurred, the security deposit shall be returned to the applicant.

e. Damage to Property. Any damage to City-owned property, facilities or infrastructure, including roads, arising from or relating to the film production, shall be the responsibility of the permit holder who shall repair all such damage or pay the City the costs of repair.

Sec. 8 Violations/Revocation.

If an applicant violates any provisions of this ordinance or any conditions to the permit, the City may provide the permit holder verbal or written notice of the violation. If the applicant fails to correct the violation, the Planning and Zoning Administrator may revoke the permit and all activity must cease immediately. Activity that threatens public safety will result in an immediate revocation of the permit.

SECTION TWO

- (a) All ordinances or parts of ordinances in conflict with this ordinance are repealed.
- (b) In the event that any portion of this ordinance is found to be unconstitutional, unlawful, invalid or void, it is the intent of the Mayor and City Council that the offending provision be severed, and all remaining provisions of this ordinance be of full force and effect.
- (c) The public health and welfare demanding, this ordinance shall be effective immediately.

SO ADOPTED BY THE MAYOR AND CITY COUNCIL OF EUHARLEE, GEORGIA, THIS _____ DAY OF _____, 2015.

Dennis Thayer, Mayor

Carolyn T. Banks, City Clerk