

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12 OF THE WARREN CODE OF ORDINANCES PRESENTLY RESERVED, TO BE TITLED FILMING AND TO INCLUDE THE PROVISIONS ADOPTED HEREIN.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 12 of the Code of Ordinances which is presently reserved is to be titled Filming.

SECTION 2. That Chapter 12, entitled Filming is hereby amended to include Sections 12-1 to 12-40 which shall read as follows:

DIVISION 1. PURPOSE AND DEFINITIONS

Sec. 12-1. Purpose.

It is the purpose of this Chapter to require registration for all filming activities on location within the City. The intent is to ensure that still photographers and motion picture, television, commercial and non-theatrical filming companies will be encouraged to use locations for filming activities within the City so long as those activities are consistent with public safety and protection of property.

Sec. 12-2. Definitions.

As used in this chapter the following words and terms shall have the meanings ascribed to them:

Applicant means the person, organization, corporation, association or other entity registering to film in the City of Warren.

Film Coordinator means the person or office designated to maintain the filming registration and coordinate filming activities in the City of Warren.

Filming activity means the staging, shooting, filming, videotaping, photographing, or other similar process conducted for the making of still photographs, motion pictures, television programs, commercial and non-theatrical film productions.

Film registration means the procedure required to engage in filming activities in the City of Warren which is designed to ensure public safety and the protection of property.

News purposes means a filming activity conducted for the purpose of reporting on persons, events, or scenes which are in the news for newspapers, television news, and other news media.

Public street means any street, highway or road located within the City, publicly maintained and open for use by the public for vehicular travel.

Still photography means and includes all activity attendant to staging or shooting commercial still photographs.

Student filming activity means filming activity conducted to fulfill a course requirement by a student enrolled at a public or private school.

Studio means a fixed place of business where filming activities are regularly conducted upon the premises.

Sec. 12-2 through 12-3. Reserved.

DIVISION 2. REGISTRATION

Sec. 12-4 Registration Required.

No person, organization, corporation, association or other entity, shall engage in any filming activity without first registering with the Film Coordinator using the Registration Form required by the City. The registration of filming activity does not constitute or grant permission to use or occupy private property or property owned, leased or controlled by the City. An applicant shall obtain the private property owner's permission, consent, and/or lease for use of the private property. Use of City owned property shall comply with Division 3. The approved registration form shall be kept at the filming location and upon request must be shown to any representative of the City.

Sec. 12-5. Registration Exemptions.

1. The following activities may be conducted without registration and are exempt from compliance with the regulations contained in this Chapter provided that the activity will not require the closure of a public street, or substantially impede vehicular traffic thereon:
 - a. Filming activities conducted for news purposes.
 - b. Filming activities conducted at studios.
 - c. Filming activities conducted for use in a criminal investigation or civil or criminal court proceedings.
 - d. Non-commercial filming activities conducted on private property solely for private or family use.
 - e. Commercial still photography or staging thereof, when conducted to the exclusion of any other filming activity when the following conditions apply:
 1. The still photography or staging, will not be conducted on a public street or other City property.
 2. The still photography or staging, will not require the parking of more than two motor vehicles on any public street within the City.
 - f. Filming activities conducted by or for the City.

2. If any of the above listed activities requires the closure of a street or will substantially impede traffic, registration is required and compliance with all applicable provisions of this Chapter.

Sec. 12-6. Registration Deadline.

Filming activities shall be registered with the Film Coordinator in advance of the date the film activity is to begin. Registrants are encouraged to register at the earliest advance date possible in order to facilitate coordination between City departments. In the event there are other services requested such as, public safety services, road closure, parking lot use, use of City owned property, a fire permit or fire safety services, other permits or applications may be required.

Sec. 12-7. Registration Form.

All filming activity registrations shall be on a form furnished by the Film Coordinator signed by the applicant or agent thereof. The form shall include, but not be limited to, the following information:

- a. Name and address of Production Company, and title of project.
- b. Name, address, and telephone number of applicant.
- c. Name, address, and telephone number of contact person in charge of filming on location.
- d. Filming location(s), dates and approximate daily schedule of proposed filming activity.
- e. Description of scenes to be filmed including details of any hazardous filming activity employing firearms, explosives, the use of open flame, other pyrotechnical effects, animals, stunts, filming of moving motor vehicles, watercraft or aircraft.
- f. Description of the types and number of motor vehicles which will be parked on public streets, and description of any equipment to be placed on public property.
- g. Special assistance that is requested such as, street closure, traffic control, emergency services and fire services.
- h. A parking plan and base camp location.
- i. Submission of Insurance certificates certifying compliance with insurance requirements.
- j. A location release form signed by the private property owner.
- k. An Application to Use City Owned property, if applicable.
- l. Temporary Road Closure permit, if applicable.
- m. Such other information as the Film Coordinator may require.

Sec. 12-8 through 12-11. Reserved.

DIVISION 3. USE OF CITY OWNED PROPERTY

Sec. 12-12. Application to Use City Owned Property; Form.

In addition to registering the filming activity, if the activity will be conducted on City owned property or a street closure is requested, an Application to Use City Owned Property shall also be filed using the form furnished by the Film Coordinator. Included with all Applications to Use City Owned Property shall be the following documentation using forms furnished by the Film Coordinator:

- a. Registration Form
- b. Certificate of Insurance
- c. Indemnity and Hold Harmless Agreement
- d. Any required building or fire permit
- e. Any required city, county or state (MDOT) road closure permit
- f. Agreement to reimburse the City for the cost of all services requested, including but not limited to: police, fire, public works, parks and recreation, use of City owned parking lots, parks or street closure expenses.

Sec. 12-13. Approval of Application to Use City Owned Property.

A complete application filed with all required documentation, shall be approved or denied within three (3) business days of receipt of the application unless the proposed filming activity requires extensive review by other City departments. The application shall be approved by the Film Coordinator unless it is determined that any of the following conditions exist:

- a. The filming activity will substantially disrupt the use of a street at a time when it is usually subject to traffic congestion, or interfere with the operation of emergency vehicles in the proposed area.
- b. The location of the filming activity will substantially interfere with street maintenance work, or a previously authorized excavation permit.
- c. The proposed location and the filming activity will substantially interfere with other previously authorized activities, contracts or safety of the public or employees while on City property.
- d. The proposed location and the filming activity will substantially interfere with municipal functions or the scheduled maintenance of City buildings or grounds.
- e. The filming activity creates a substantial risk of injury to persons or damage to property.
- f. The applicant refused to reimburse the City for all costs and expenses the City anticipates it will incur due to the proposed filming activity.
- g. The applicant failed to complete the application after being requested to do so, or the information contained in the application is found to be false in any material detail.
- h. The particular filming activity would violate federal, state, or local law including licensing or permit requirements.

When the grounds for denial can be corrected by imposing reasonable conditions, the Film Coordinator may impose such conditions rather than denying approval.

Sec. 12-14. Conditions to Application Approval.

The Film Coordinator may condition the approval of an application to use City owned property by imposing reasonable requirements concerning the time, place, manner and duration of filming activities as referenced on the “Terms and Conditions” section of the application, such conditions include but are not limited to the following:

- a. Requirements for the presence of City employees at the applicant’s expense, due to the particular filming activity.
- b. Requirements for the posting of no parking signs, placement of traffic control devices, and use of traffic and crowd control monitors at the applicant’s expense.
- c. Requirements concerning posting of the boundaries of the filming activity; and providing advance notice to property owners/businesses.
- d. Requirements for the cleanup and restoration of public streets and City property used for the filming activity.
- e. Restrictions concerning the use of City employees, vehicles or equipment for the filming activity.
- f. Requirements that the applicant pay all fees, and obtain all permits and licenses required for the filming activity under local, state and federal law.
- g. Restrictions on the use of firearms, explosions, and other noise creating or hazardous devices which disturb the public peace.
- h. Restrictions on the use of stunts involving pyrotechnics, open flame, vehicle crashes or other hazardous materials.
- i. Requiring official uniforms worn by actors to be covered up when the actors are not on camera.
- j. Restrictions concerning the use of City logos, insignias, badges or decals for filming purposes.
- k. Restrictions on the daily hours the filming activity may be conducted within the City.
- l. Requiring the City to receive proper acknowledgement for any assistance provided in making feature, television, or commercial productions.
- m. Requirements concerning affirmative action and nondiscriminatory practices for employment.

Sec. 12-15 through 12-19. Reserved.

DIVISION 4. GENERAL REGULATIONS.

Sec. 12-20. Notices Prior to Filming.

The applicant shall provide written notice to residents and businesses in proximity to filming locations no less than three (3) business days prior to commencing with the filming activity using the notice form provided by the City. The City shall provide a list of addresses for the geographic area required. The Film Coordinator shall determine the required geographic area where notice shall be provided considering the following:

- a. The location of the filming activity and the zoning districts of the surrounding area;
- b. The extent of traffic and crowd control measures that will be implemented;
- c. The closure of streets or other public property;
- d. The use of stunts involving pyrotechnics, open flame, vehicle crashes, or other hazardous materials;
- e. Filming activities that may disturb the public peace;
- f. The time of the scheduled filming activities.

Sec. 12-21. Insurance Required.

Due to the wide variety of the types of filming activity, standard insurance provisions may be inadequate, therefore, anyone conducting filming activities in the City of Warren shall procure and maintain for the duration of the film activity insurance in the forms, types, and amounts prescribed by the City's Insurance Manager.

Sec. 12-22. Reimbursement of Costs.

The City shall be reimbursed for all actual expenses incurred by the City due to the filming activity. Reimbursable expenses shall include costs of street closure, personnel expenses for all City employees providing services during the filming activity, such as police, fire, public works, costs for placement of traffic control signs, blockades, use of City owned parking lots or other City owned property for the filming activity. Upon registration of a film activity, the applicant shall submit an acknowledgment that the applicant is responsible for reimbursement for all actual expenses incurred by the City.

Sec. 12-23. Temporary Street Closure.

Upon registration of a filming activity, a request may be made that the City authorize a temporary street closure. Approval of a permit for temporary street closure for filming activity may be granted by the Police Commissioner or his or her designee. Application for a permit shall be submitted with a two hundred dollar (\$200.00) cash bond to insure cleanup of debris and a copy of the applicant's certificate of insurance as required by Section 12-21.

Sec. 12-24. Use of City Parks.

Upon registration of a filming activity, a request may be made to use a City park by filing an Application to Approve Filming Activity on City Property. Such approval may be granted by the Director of Parks and Recreation.

Sec. 12-25. Pyrotechnics.

During the filming of any special effect or stunt requiring the use of pyrotechnics or any material deemed hazardous, including but not limited to fireworks, open flames, or explosives, the applicant must obtain a fire permit by the Warren Fire Department. The Fire Department shall determine the need for fire suppression personnel or equipment while pyrotechnics are on location.

Sec. 12-26. Clean-up.

Upon completion of the filming activity, all materials and debris shall be entirely removed and the property shall be cleaned and restored to the same condition as

existed prior to the filming activity, unless the property owner agrees to retaining any alterations.

Sec. 12-27. Registration or Application Denial, Suspension or Revocation.

- a. The Film Coordinator may deny, suspend or revoke any registration or application if the applicant or any agents, employees or contractors of the applicant fail to comply with any requirements of this Chapter or determines that the registration or application was false in any material detail. Notice of the grounds for denial, suspension or revocation shall be provided in writing by the Film Coordinator.
- b. Hazard suspension. If an officer assigned to the filming site by the Police Department or the Fire Department, such officer is authorized to suspend the film registration, application approval or permit when the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the suspension shall be provided in writing within one (1) business day of the suspension. An appeal of the suspension shall be conducted in the manner specified in Sec. 12-28.

Sec. 12-28. Appeal.

- a. A denial, revocation, suspension, condition, or insurance requirement of the Film Coordinator may be appealed to _____ (Office). The appeal shall be filed not later than five (5) business days after the date written notice of the decision is made. Failure to file timely appeal shall result in a waiver to the right to appeal. The appeal shall be heard by the _____ or his or her designee.
- b. The _____ or his or her designee shall hold a hearing no later than five (5) business days after the filing of the appeal, and shall render his or her decision not later than two (2) business days after the appeal hearing. The decision of the _____ may be appealed to the City Council at its next available meeting. The decision of the City Council shall be final.

Sec. 12-29. Violation; Penalty.

The violation of any provision of this Chapter is a municipal civil infraction which shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) per violation, per day, plus costs and other sanctions for each infraction.

Sec. 12-30 through 12-40. Reserved.

SECTION 3. This Ordinance shall take effect on _____, 2009.

I HEREBY CERTIFY that the foregoing Ordinance No. _____ was adopted by the Council of the City of Warren at its meeting held on _____, 2009.

PAUL WOJNO
City Clerk

Published: _____

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