

ORDINANCE # 2019-01

**AN ORDINANCE OF THE CITY COUNCIL OF WHITE, GEORGIA\ TO ESTABLISH A PERMITTING SYSTEM AND STANDARDS GOVERNING MEDIA PRODUCTION OF ALL TYPES; TO REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO PROVIDE A FEE STRUCTURE; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of White receives numerous requests for authorization of media production to occur inside the City of White; and

**WHEREAS**, the City is authorized by Charter to adopt regulations to protect the health, welfare and safety of the citizens; and

**WHEREAS**, the City Council finds it in the best interest to adopt the Media Production ordinance to govern commercial media productions of all types;

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WHITE**, that the City of White Media Production Ordinance is hereby adopted as follows:

**Sec. 1 Title**

This chapter shall be known and may be cited as the City of White Media Productions Ordinance.

**Sec. 2 Purpose**

The motion picture, television and internet industries can be environmentally clean industries, desirable to the City so long as there is adequate regulation to protect the health, safety and wellbeing of the local community, atmosphere and environment. As well the City Council desires to minimize the inconvenience placed upon citizens during such events.

**Sec. 3 Permit Required**

No person shall engage in, conduct or canyon the business of film production, motion picture

production, television production or web based production on private or public property within the limits of the city without first applying for or 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 applicable code or law.

Filming permits are a privilege and as such may be denied, revoked or suspended for any cause as deemed appropriate by the City.

#### **Sec. 4 Exemptions**

- A. Broadcast studios. The provisions of this article shall not apply to any commercial motion picture, television or videotaping studio or photography studio operating at its established or fixed place of business in the city.
- B. Current news. The provisions of this article shall not apply to or affect reporters, photographers, soundpersons' crew, vehicles or cameramen in the employ of a newspaper, news service, television station or similar entity engaged in on-the-spot broadcasting or recording of news events concerning those persons, scenes or occurrences in the news and of general public interest
- C. Training, educational and public service use. The provisions of this article shall not apply to any industrial, corporate, charitable, public service' public service announcements or not- for-profit film production intended for in-house training or educational purposes.
- D. Political uses the provisions of this article shall not apply to any film production intended for political purposes.
- E. City direction. The provisions of this article shall not apply to any film productions which are conducted by the city's public, education and government access organizations, or by or at the direction of the city;
- F. Non-commercial private events. The provisions of this article shall not apply to any private events filmed or photographed for non-commercial purposes, such as private parties or weddings.
- G. Low impact film production. The provisions of this article shall not apply to any film production which involves an on-location production crew often (10) or fewer persons and three(3) or fewer on-location production vehicles and is conducted entirely on private property and has no impact on public right-of-ways and is in compliance with all local ordinances including, but not limited to noise and light (Examples of impacts on the public right-of-way include, but not limited to on-street parking; street closures; interruption of vehicular or pedestrian traffic flow; placement production equipment on public property

## **Sec.5 Administration**

The Mayor or their designee shall be responsible for administering the provisions of this Ordinance. The Mayor is authorized to act as the agent for the city in the receipt, processing and approval of applications for film production permits, as well as the issuance of any and all filming permits.

## **Sec.6 Application**

- A. Any person seeking the issuance of a film production permit shall complete the written application form provided by the city and shall provide all information therein and file that written application with the city not less than seven (7) working days and not more than 180 days before the commencement of film production.
- B. The application for a film production permit shall constitute an agreement by the applicant to pay for city personnel expenses and extraordinary services provided by the city, including all repairs, renovations and landscaping and turf restoration or replacement which is necessitated by virtue of the production, unless another agreement to fix all damages to public property caused by the production is agreed upon by the applicant and the city.
- C. The application for a film production permit shall constitute a covenant between the applicant and the city, specifying that the applicant will halt or interrupt filming upon instruction from an officer of the White Police Department or Bartow County Fire Department, upon violation of any state or local police or fire codes. The city covenants not to instruct that film production be halted or interrupted unless in its discretion it perceives that the filming shall cause or coincide with interference with traffic movement, disturbance of the peace, destruction of property, violation of the law or a threat to the public peace, health, safety, or welfare.
- D. The application for a film production permit shall indemnify and hold harmless the City of White from all damages suits, actions or liabilities including all attorney's fees, resulting from 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.

## **Sec.7 Approval Criteria**

Issuance of permits and other decisions rendered pursuant to the terms of this ordinance shall be based upon:

- A. The health and safety of all persons.

- B. Mitigation of disruption to persons within the affected area.
- C. Traffic impacts within the area.
- D. Material misrepresentations in the application.
- E. Failure to comply with the rules and regulations governing filming set forth by the City.
- F. Previous violations or uncooperativeness in prior permitted applications.

**Sec. 8 Insurance**

- A. **Liability Insurance-** Proof of general liability insurance in the amount of at least \$1,000,000.00 per incident or occurrence will be required before issuance of a permit naming the City as and additional insured for protection against claims of personal injuries, wrongful death and property damage. The officers and employees of the City shall also be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the City. A copy of the certificate shall remain on file at the City.
- B. **Worker's Compensation -** Proof of worker's compensation insurance coverage for each and every employee in any way involved with the film production as required under State and Federal law.
- C. **Special Effects -** A comprehensive list of on-location non-computerized special effects to be utilized, the proposed date and site for performance of each special effect or use of explosive devices, accompanied by proof of \$5,000,000.00 per incident occurrence of liability insurance therefore, naming the city, its officers and employees as additional insured.
- D. **Hold Harmless Agreement-** A hold harmless agreement shall be executed by the applicant as provided by the City pursuant to issuance of a permit.
- E. **Security Deposit-** To ensure cleanup and restoration of the site the City may require a security deposit in an amount to be determined by the City. The security deposit will be refunded if after completion of filming an inspection by the City of the site shows that no damage, debris or other significant occurrences related to the filming have occurred. In the event the city inspection provides evidence of any of the aforementioned the City shall be authorized to not refund the security deposit either in part or whole. This remedy in no manner restricts the ability of the City to make claim against the applicant's insurance company.
- F. The Mayor is authorized to require higher insurance amounts and any other insurances he deems appropriate due to the nature of the proposed filming activity.

**Sec. 9 Notification of Affected Residents and Businesses**

- A. Following the submission of a film permit application' but no less than three (3) business days prior to commencement of the filming activity, the filming company shall notify in writing all businesses and residents affected by the proposed activity. The filming company shall provide a signed copy of such notification to the Mayor. Where the planned activity may have a significant and/or prolonged impact on the normal activities of the area (for example activities impacting parking or traffic) the Mayor shall have the discretion to require earlier notification.
- B. The area to be covered by the notification prescribed in (A) above shall be a minimum of a 500 foot radius of the planned activity. Based upon the nature of the planned activity, the Mayor shall have the discretion to specify a wider area of notification as a condition of issuance of the permit.
- C. Notification should include all available information concerning the location and duration of the filming, prep and wrap activities, the times of day required for each location, proposed parking restrictions and restrictions on public streets, proposed location for all support facilities, as well as specifics regarding the use of lights, noise and any special effects or extraordinary equipment The notification shall also include the film company's production office telephone number and the location manager's telephone/cell phone/pager numbers.
- D. After commencement of the filming activity the film company shall provide written notification to the affected businesses and residents of any subsequent changes to the information provided in the original notification and of any additional variances or permits granted by the city to the filming company.

**Sec. 10 Special Effects, Explosives and Similar Devices**

- A. No film production which involves the use of explosives, pyrotechnics, fire or other special effects which involve flames or incendiary devices may be undertaken unless approval from the Bartow County Fire Marshal, Bartow County Fire Department and/or State Fire Marshal offices have been obtained.
- B. Any permits necessary for the use of explosives, pyrotechnics, fire or other special effects which involve flames or incendiary devices are the responsibility of the film production company. A copy of any permits required not issued by the City must be submitted.
- C. Use of public water by way of hydrant hookup shall require coordination with the City. Payment for any such water consumed shall be the responsibility of the applicant.

**Sec.11 Fees**

Fees for various permits, applications or other requirements of this Ordinance will be contained in the City of White Fee Schedule.

**Sec.12 Denial; Term; Revocation; Suspension**

- A. Denial- Where the film permit is denied, the applicant shall be notified in writing by mail within five (5) working days of denial and the reasons therefore.
- B. Term-permits issued pursuant to this Ordinance shall be effective for the stated purpose and dates specified in the permit.
- C. Revocation or Suspension - A film production permit may be revoked or suspended for any of the following reasons:
  - 1. material false statement contained in the application;
  - 2. Failure to comply with federal, state or municipal laws and regulations;
  - 3. Failure to comply with any conditions imposed by the city on the issuance of the film production permit;
  - 4. Failure to operate the film production in accordance with such ordinances, laws, orders, rules and regulations as may be applicable;
  - 5. Conducting the film production business or activity in a fraudulent or disorderly manner or in a manner which endangers the public health, safety, welfare or in any manner which disrupts the public peace;

**Sec.13 Residential Locations**

Filming in residential neighborhoods shall be limited to the hours between 7:00 a.m. and 8:00 p.m. unless specified otherwise in the permit.

**Sec.14 Clean Up**

The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the clean up of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.

**Sec.15          Filming on Private Property.**

A permittee must obtain permission, consent and/or secure a lease for any use of property not owned or controlled by the City.

**Sec.16          Traffic Control**

In the event the filming activity will require the closure of traffic lanes or will impair the flow of traffic the applicant will be required to submit a Traffic Control Plan for review to the City. No permit will be issued until the Traffic Control Plan has been approved.

- A. In the event any filming impairs traffic flow, permittees may be required to use local law enforcement personnel for traffic control purposes and comply with other traffic control requirements as deemed necessary by the City.
- B. Permittees shall furnish and install advance warning signs and any other traffic control devices in conformance with the National Manual on Uniform Traffic Control Devices ("MUTCD"). The City may at its discretion require additional signage other than that required by the MUTCD.
- C. For any lane closure or intermittent traffic control, the period of time that traffic may be restricted will be determined by the City based on traffic volumes for location and time of day.
- D. Traffic shall not be detoured across a double line without prior authorization of the City.
- E. Unless authorized by the City, any camera cars must be driven in the direction of traffic and must observe all traffic laws.
- F. Any emergency work by City crews and/or private contractors, under permit or contract to the City, shall have priority over filming activities,

**Sec.17          Operations Center; Parking**

- A. In the event an Operations Center, a.k.a. Base Camp, is utilized a site plan must be submitted. The site plan shall include the location address, layout of any trailers, storage facilities, parking, etc.
- B. If a film production company desires to park equipment, trucks and/or cars in restricted parking zones, roadways or right of ways, temporary "No Parking" signs must be posted, subject to the prior approval of the City. In addition, authorization is required to lay and safely mat cable across sidewalks or roadways from generator to service point.

**Sec.18 Severability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the Ordinance, and the remainder of the Ordinance remain in effect

**Sec.19 Conflict**

All Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect

**Sec. 20 Violations/Revocations**

If provisions or conditions of this ordinance are violated, the permit holder will be provided with verbal or written warnings to make notice of said violations. If the applicant fails to correct the violation(s), the County may be at liberty to revoke the permit, demanding the immediate cessation of all activity. Any acts that threaten the public will result in immediate revocation of the permit.

**Sec.21 Effective Date**

This ordinance shall take effect immediately upon adoption by the City Council of White, the public health, safety and welfare demanding.

**IT IS FURTHER ORDAINED** that the Mayor and City Council of the City of White, Georgia adopts the following fees for the regulation of media productions which said fees shall be added to the City of White Fee Schedule:

**Media Production Fee Schedule**

Major Roadways - \$450 per hour/4 hour minimum  
Minor Roadways - \$200 per hour/4 hour minimum

Security Deposit - Varies /\$1,000 minimum

City Property - 75 Richards Road - \$2,000.00 per 8 hour day  
- Back Lot - \$1,000 per 8 hour day

Application/Permit Fee -\$250

Police Vehicle - \$100 per day (8 hours)

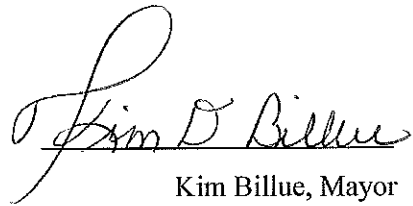


Police Officer-Off duty assignment to be discussed with Chief of Police

**SO ORDAINED AND ADOPTED** this 3 day of June, 2019.

First Reading: may 6, 2019

Second Reading: JUNE 3, 2019

  
Kim Billue, Mayor

Attest:

