

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, BY ADOPTING CHAPTER 23, "FILM PRODUCTIONS" AND FOR ALL OTHER LAWFUL PURPOSES**

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that Chapter 23, "Film Productions", shall be adopted as follows:

**PART I**

Section 23-1 shall be adopted and shall read as follows:

**Sec. 23-1. - Purpose.**

It is the public policy of the State of Georgia to market the state as a location for film productions, recognizing the economic impact this industry provides, as well as the tourism it generates for local jurisdictions, such as the City of Chamblee. The city is further fortunate to have a diverse number of unique locations to attract movies, television, and other productions to the city.

Despite the many positive benefits a film production may offer, certain inconveniences may result if the production company and city cannot work in concert to assure minimum standards are met and to assure a thoroughly-planned production schedule is followed. These concerns are best addressed through a regulatory permit.

**PART II**

Section 23-2 shall be adopted and shall read as follows:

**Sec. 23-2. - Scope of coverage.**

The permit required by this chapter shall be required for all movies, television or video series, pilots, feature films and documentaries, commercials, music videos, photo shoots, infomercials and public service announcements, whether the final product is intended for commercial use or not, unless the activity shall wholly occur on private property within an otherwise licensed facility (such as a film or television studio). Regulation by this chapter shall not apply to amateur photographers, reporters or cameramen in the employ of a newspaper, news service, radio or television broadcasting station engaged in on-the-spot broadcasting, reporting or photographing of news of general public interest (this exception is not to include magazine or documentary programs), or productions which are conducted by the City or any City board or commission. Any film production on public property, intended to be closed to participation by the public, or restricting access to public property or facilities normally accessible by the public, shall require a permit. For purposes of this chapter, film production

activity shall include areas designated for parking of trucks and equipment on public or private property, base camps used during the production activity, and food service areas. No public highway, street or road shall have its public access restricted or limited except by a permit issued pursuant to this chapter.

### **PART III**

Section 23-3 shall be adopted and shall read as follows:

#### **Sec. 23-3. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means the individual applying for a permit who is legally authorized to bind the Producer.

*Application* means the documents created by the department that must be completed and submitted to the department to request a Permit.

*Filming* means creating motion picture images and all activity attendant to staging, shooting, and associated basecamp operations associated with the production of commercial motion pictures, independent filmography, documentaries, music videos, television shows, and commercials. Filming also means creating still photography images for commercial use and all activity attendant to staging or shooting such images. Permit means the authorization issued by the department necessary to conduct filming.

*Producer* means an individual, organization, corporation or any other entity that is responsible for the filming.

*Public Property* means real property owned by the City, or of which the City is a tenant, including, without limitation, parks, streets, sidewalks, other rights of way, and buildings. Public Property shall not include real property which is being leased by the City to a tenant.

### **PART IV**

Section 23-4 shall be adopted and shall read as follows:

#### **Sec. 23-4. - Permit requirements.**

(a) Any producer who wishes to perform filming must obtain a permit prior to filming.

(b) Permits shall be issued by the city manager or his designee and shall be issued to a producer.

(c) This permit is allowed with conditions in all zoning districts. Whenever a permit is sought for activities in primarily residential neighborhoods, extra consideration shall be given to the conditions imposed to ameliorate as much as possible inconvenience to the residents.

(d) General standards. Prior to making application for a permit, it shall be incumbent on the applicant to meet with the city manager, or their designees, to review locations and the general scope of activities planned during the production. A copy of the script shall be made available, upon request, to allow the city staff to better understand the applicant's needs.

The following general standards shall apply to all permits:

(1) Permittees must provide all residents and businesses within a 500-foot radius of the film location notice of the dates, times, location addresses and production company contact at least 48 hours prior to the first film activity. If a permittee requires on-street parking for production vehicles, residents and merchants impacted by the parking requirements must receive notice at least 48 hours prior to the arrival of the vehicles.

(2) No tents, temporary sanitary facilities, trash collection, or food service facilities shall be located within 100 feet of the property line of any property used for residential use, unless the owner or tenant gives written consent;

(3) Tents, depending on their square footage, and other temporary structures may require a separate building permit from the city; any food preparation or food service provided at the location shall require a food service permit from the county health department, or evidence of exemption;

(4) Lighting for filming should be oriented away from adjacent or nearby properties as much as possible and shall not interfere with the safe movement of vehicular traffic;

(5) Temporary signage must be approved in writing, in advance, prior to erection, by the development director, or his designee; approval of temporary signage is conditioned restoration of permanent signage following completion of the film activity;

(6) No regulatory traffic control signage within a public right-of-way shall be removed without the prior written consent of the chief of police;

(7) No modification to any existing traffic signage, street light, traffic control device or other officially-installed facility or improvement shall be made without prior consent of the chief of police;

(8) No street, road, alley, or sidewalk shall be closed, barricaded or other obstruction erected within a public right-of-way, including the laying of mats across cables, and no access shall be denied or restricted to public or private property or facilities unless the closure or restriction is approved as a condition of the permit; reasonable alternative access shall be arranged whenever possible;

(9) No trees, vegetation (including grasses), or ornamental shrubs shall be cut or removed from public property without prior written consent of the city in the permit,

based upon an agreed landscape restoration plan. A land disturbance permit may be separately required depending upon the nature and extent of the activity.

(10) Traffic management plan. The applicant shall submit to the chief of police and public works director a traffic management plan to address traffic flow in the vicinity of the location where production activity is to occur, even if normal traffic flow is not to be obstructed or interrupted. Detours shall be determined and approved by the chief of police; temporary traffic control devices and signage as required by the Manual on Uniform Traffic Control Devices (MUTCD) shall be provided at the sole expense of the applicant; the fire marshal shall also review and approve such plan.

(11) Fireworks, explosives, etc. No film activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects may be undertaken unless specifically approved by the fire marshal.

(12) The City of Chamblee shall be listed in the production credits for all permits required.

## PART V

Section 23-5 shall be adopted and shall read as follows:

### **Sec. 23-5. Permit modification, suspension, or cancellation.**

(a) After receiving a permit, a producer may request a modification of the permit at any time by submitting a change request in writing and the requisite change fee to the city manager or his designee. The city manager or his designee shall process the change request in the same manner established for processing initial applications.

(b) A permit may be immediately suspended where the City identifies an imminent or substantial endangerment to the health and welfare of persons, or to property caused by or resulting from the filming; or an actual or imminent violation of the material terms of the permit, this ordinance or any other federal, state or local law.

(c) A permit may be cancelled where:

(1) the city manager or his designee determines that an imminent or substantial endangerment to the health and welfare of persons or to property caused by or resulting from the filming cannot be reasonably eliminated;

(2) the city manager or his designee determines that the producer has intentionally or recklessly violated material terms of the permit or this ordinance;

(3) the city manager or his designee determines that the producer does not have or has lost insurance coverage.

(d) If a permit is suspended or cancelled, the city manager or his designee shall give written notice to the applicant setting forth the reasons for permit suspension or cancellation. The applicant or producer shall have an opportunity to respond to a suspension or cancellation notice within seven (7) business days after receipt of the notice by presenting written or oral evidence to the city manager or his designee. A final written decision will be issued by the city manager or his designee within fifteen (15) business days after the applicant or producer has appealed the suspension or cancellation.

(e) If the producer is otherwise in compliance with the permit, the City shall make reasonable efforts to find alternative means to accommodate the producer's filming and to eliminate said health or safety risk.

(f) If the producer is not in compliance with the permit or suspends or cancels the permit prior to filming, no refund will be issued.

(g) If the department suspends or cancels a permit prior to filming, the City will refund the permit fee upon written request.

## **PART VI**

Section 23-6 shall be adopted and shall read as follows:

### **Sec. 23-6. Permit denial.**

(a) The City may deny a permit if any one of the following conditions exists:

(1) Filming poses an unreasonable risk of injury or damage to persons or property not associated with the filming;

(2) Filming poses an unreasonable risk of irreversible damage to public property;

(3) The date and time requested conflicts with other filming or other scheduled events or activities;

(4) Filming unreasonably interferes with City functions or operations;

(5) Producer owes an outstanding debt to the City;

(6) Producer cannot procure insurance;

(7) Producer previously violated this ordinance on two or more occasions within the last three years; or

(8) Producer made a material misrepresentation on the application.

(b) If a permit is denied, the city manager or his designee shall give written notice to the applicant setting forth the reasons for permit denial. The applicant or producer shall have an opportunity to respond to a denial within seven (7) business days after receipt of the denial

notice by presenting written or oral evidence to the city manager or his designee. A final written decision will be issued by the city manager or his designee within fifteen (15) business days after the applicant or producer has appealed the denial.

## **PART VII**

Section 23-7 shall be adopted and shall read as follows:

### **Sec. 23-7. – Film production activity standards.**

In addition to the general standards, the following minimum standards shall be met in order to be permitted. Due to the varying requirements of film productions and nature of the industry, these standards are not intended to be all inclusive and additional conditions may be reasonably imposed, as warranted, to minimize anticipated adverse effects.

(a) No permit shall be effective for more than 14 consecutive dates from its date of issuance. Permits may be extended by the city manager, for reasonable cause, provided a daily filming fee shall apply. A single application shall include all locations for the same production within the city. Application shall be made no less than ten business days prior to the first scheduled event or day of filming. The permit shall be available, on location, at all times while production activity is occurring and shown to city inspectors upon request.

(b) Normal hours of activity shall be 7:00 a.m. to 11:00 p.m. daily; all preparation and wrap-up shall occur within one hour of this time frame. Noise shall be kept to a minimum and shall not violate the provisions of Chamblee Code Sec. 34-27. - Sound level limitations.

(c) Street closure(s), obstruction or interference with normal traffic flow, including pedestrian use of sidewalks and public rights-of-way shall be detailed in the application, including any use of on-street parking spaces and/or parking in alleys or side streets.

(d) Facilities and locations to be used for base camp, food service, and parking shall be approved as a condition of the permit; any other required permit(s) shall be obtained prior to issuance of the permit under this chapter.

(e) The city will not intervene on behalf of any permittee or negotiate access rights to private property with property owners; the permittee is expected to deal directly with private property owners for required permission and consent. An applicant is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the City. Written permission of the property owner must be presented at time of permit application. An applicant is required to minimize interference with the normal activities of a neighborhood or commercial area, including access to private or public property.

(f) In the event that the applicant desires to locate their production event at a facility owned or managed by the City, or on the public right-of-way, the City shall charge a daily fee in an amount determined by city manager or his designee not to exceed \$1,000.00 per day. If an

existing facility charge has been established by the City at a facility owned or managed by the City, that fee will be charged to the applicant.

(g) Based upon the proposed scope of production activity and in consideration of any potential danger to the safety, health and welfare of the community, particularly private property and residents near the location, the chief of police and/or fire marshal may require on-site security (qualified private security or use of off-duty law enforcement officers) and/or may require personnel and equipment be placed on standby for portions of the production activity at the expense of the applicant. The application shall detail the planned time, place, and manner of any of the following production activities: pyrotechnics, demolition, discharge of firearms or other weapons, motor vehicle chases, physical stunts, and similar actions.

### **PART VIII**

Section 23-8 shall be adopted and shall read as follows:

#### **Sec. 23-8. - Application and permit procedure.**

(a) Applications. All applications shall be made in writing on forms provided by the city. Applications shall be submitted in duplicate originals. No application shall be deemed accepted unless accompanied by payment of the requisite application fee in U.S. funds.

(b) Every application shall state the name and contact information of a responsible representative of the applicant, who shall be available at all times during actual production activity within the city and for a period of not less than one year thereafter; more than one point of contact may be specified.

(c) The application shall contain a detailed narrative of the scope of production activities, and include drawings, maps or plats to illustrate locations, property boundaries, existing material improvements, planned temporary improvements, curb cuts and driveways, adjoining streets, traffic patterns, and similar information helpful to assess the impact of the proposed activity.

(d) When activity is to occur in or near residential areas, personal notice of intent to secure a permit and the place, date and time of the proposed film activity shall be provided by the applicant, within five days of filing the application; to the extent feasible, written acknowledgment of the notice shall be obtained from the resident or resident's agent. For purposes of this section, all residential properties within 500 feet of the outside boundaries of the location(s) where production activity is to occur should be notified.

(e) A signed indemnification and hold harmless agreement, in a form acceptable to the city attorney, shall accompany the application, together with a certificate of insurance naming the city as an additional insured. The minimum limits of insurance coverage shall not be less than \$1,000,000.00 per occurrence.

(f) All applications shall be filed with the city manager, or his designee, who may require such additional information as needed to assess the proposed extent and intensity of the production within the city.

(g) Permits. All applications shall be approved with specific terms and conditions, or denied, by the city manager, or his designee, in writing. If approved, the city shall issue a permit to the applicant, in writing, with all terms and conditions clearly set forth therein. Applications shall be approved within ten business days of a complete application. If the application is denied, the city manager, or his designee, shall state, in writing, the reason(s) for denial. An aggrieved applicant may appeal to the City Council at the next regular meeting occurring more than five days following receipt of a written denial.

(h) Permits may be denied, in whole or in part, due to prior scheduled events or activities sanctioned or permitted by the city under other provisions of this Code.

(i) Any material variation from the approved scope of work permitted shall be grounds for permit revocation, unless the permit is modified in advance by the permittee.

## **PART IX**

Section 23-9 shall be adopted and shall read as follows:

### **Sec. 23-9. - Fees and waivers.**

(a) Application fees for film production permits shall be set by resolution of the Mayor and City Council. Application fees are non-refundable and must be paid, in full, at time of application.

(b) Daily permit fees are required for each calendar day on which production activity physically occurs within the city shall be paid upon the last day of scheduled activity; if a production is scheduled for a duration in excess of a calendar month, the accrued daily fee shall be due and payable on the last day of each month in which production activity occurred. Daily permit fees shall be set by resolution of the Mayor and City Council.

(c) Additional fees and charges may be assessed based upon specific requirements, including fees for the monitoring of public safety or special services by a city department, based upon labor, time and equipment necessary to provide the service. When using city-owned buildings or property other than public road rights-of-way, for production activities, a separate rental fee or charge may be negotiated.

(d) Application fees and daily permit fees for use of city services or facilities may be reduced or waived for charitable or non-profit organizations holding § 501(c) status from the I.R.S., or for other governmental agencies. All waivers shall require approval of the city manager.

(e) Reduction or waiver of daily permit fees may be approved by the City Council for commercial productions providing a greater than normal economic benefit to the community, as determined on a case-by-case basis.

**PART X**

It is hereby declared to be the intention of the Mayor and City council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member \_\_\_\_\_ with a motion that the same be adopted. Said motion was seconded by Council member \_\_\_\_\_. Same was then put to a vote and \_\_\_\_\_ Council members voted in favor of the ordinance, and \_\_\_\_\_ Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Emmie Niethammer  
City Clerk, City of Chamblee, Georgia

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
The Honorable R. Eric Clarkson  
Mayor, City of Chamblee, Georgia

Approved as to form: \_\_\_\_\_  
Joe Fowler, City Attorney

First reading: \_\_\_\_\_

Second reading: \_\_\_\_\_