

**A SUBSTITUTE ORDINANCE**

A SUBSTITUTE ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO CREATE A NEW CHAPTER 63 TO REGULATE FILM PRODUCTION WITHIN THE CITY; TO PROVIDE FOR PERMITTING AND CONDITIONS; TO ESTABLISH APPLICATION PROCEDURES; TO PROVIDE FOR A PERMIT FEE; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

**SECTION 1:**

That the Code of the City of Hogansville be amended by inserting therein a new Chapter 63 to be entitled "Film Production" and to read as follows:

**"CHAPTER 63 – FILM PRODUCTIONS**

**Sec. 63-1. - 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:

*Film production* includes motion picture, television, video, educational film, and photography.

*Producer* means any person responsible for planning, producing and conducting a special event.

By way of example, film productions include, but are not limited to; commercial motion pictures, corporate videos, documentaries, feature films, music videos, photography, TV commercials, TV series, TV programs, TV movies, student projects and any other similar productions.

**Sec. 63-2. - Penalties for violation.**

Violation of any of the sections of this article or any part thereof shall be punished as provided in code section 1-7.

**Sec. 63-3. - Permit conditions.**

(a) It shall be unlawful for a film production to occur in the City without having first obtained a permit for such special event.

(b) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in a permit.

(c) The location of a film production must comply with all existing zoning requirements of the City, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the City Manager, or its designee, to determine compliance with zoning requirements.

(d) Unless specifically provided otherwise, a film production is subject to and must comply with all other applicable ordinances of the city.

**Sec. 63-4. - Application.**

(a) The producer of a film production shall make application for a permit for the film production on a form prescribed by the city.

(b) An application for a film production permit shall be filed at least five (5) days prior to the date the filming is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the filming and provided further no more than one such permit shall be issued quarterly for any one residential location and of no more than fourteen (14) consecutive days in duration, unless previously requested and approved by the City Manager.

(c) Each application for a film production permit shall be accompanied by a \$100.00 nonrefundable application fee.

(d) All producers of a film production shall be properly identified on the application; provided, however, a film production permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the film production, a designated agent of the producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.

(e) The application for a film production shall include the following information:

- (1) Purpose of the filming and the type of production;
- (2) Location manager or production manager name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (a) of this section;
- (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. nor later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. nor later than 12:00 midnight in commercial zoned locations;
- (4) Proposed schedule of filming activities;
- (5) Full disclosure of special effects, i.e., fire, explosives, gunfire;
- (6) Full disclosure of nondomestic animals and if there will be the consumption of alcohol on film site;
- (7) Site plan - showing production location and base camp;
- (8) Proof of permission of property owner for use of the production location and base camp;
- (9) Notification of neighbors and businesses affected by production location.

In addition, any film project that occurs in a residential location and involves any of the four items below will require a meeting with the film production permit review staff a minimum of one week prior to the submission of the film permit application:

- (1) Outdoor filming;

- (2) Film project that lasts three or more days;
- (3) Full and partial lane and street closures;
- (4) Requested variances to any City of Hogansville ordinance.

(f) Two copies of a to-scale survey of the proposed location for the film production shall accompany the application and shall accurately depict the proposed location of the film production, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of all buildings, structures, and parking to be associated with the proposed special event. Moreover, the entire location shall comply with the city's standards for setbacks.

(g) Each City department whose services would be impacted by the film production shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the City Manager, or its designee, shall become a condition of the permit.

(h) The following standards shall be considered in reviewing the application:

(1) A film production permit may be issued only after an adequate plan for crowd and traffic control, as well as security has been presented, and, when deemed necessary, employment of off-duty, uniformed Hogansville Police Officer(s) shall be utilized. If Hogansville Police Officer(s) are not available, then a P.O.S.T. certified police officer(s) may be utilized after they have been verified by the City and obtained by the producer.

(2) A film production permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty, uniformed fire personnel have been verified by the City and obtained by the producer.

(3) A film production permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMT or paramedics has been verified by the City and obtained by the producer.

(4) A film production permit may be issued only after adequate waste disposal facilities have been determined by the City and obtained by the producer. The producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-special event condition, within twenty-four (24) hours of the conclusion of the film production. If the producer fails to clean up such refuse, cleanup shall be arranged by the City, and the costs incurred for this service shall be charged to the applicant.

(5) A film production permit granted by the City may provide for the City to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days.

(6) The sound level of any film production must comply with the City noise ordinance (Section 54-1).

(i) After all the requested information pertaining to the film production has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The film production permit, as well

as any other permits required in conjunction with the special event, shall be posted on site during the film production.

(j) Should a permit be denied the producer shall be notified in writing of the denial.

**Sec. 63-5. - Permit fees.**

(a) Each City department and/or agency whose services would be impacted by the film production shall itemize the departmental activity required for the film production, showing the hourly rate and the actual and reasonable total cost. The "total costs to the City" shall be the sum of each department's costs. The City Manager shall determine and calculate a reasonable fee to reimburse the City for its services which shall be subject to approval by the mayor and council.

(b) A cash bond may be determined to be appropriate by the City, and in this event the City shall advise the producer of the amount, and this bond shall be remitted to the City before the film production permit is issued.

(c) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event no later than seventy-two (72) hours prior to the date of the event.

(d) The fees required in this article shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.

(e) No producer of any film production shall be exempt from the payment of the appropriate fees and charges required under this article.

(f) Should a producer desire to have use of any equipment owned by the City, such as barriers, traffic cones, and the like, an additional fee as established by the City Manager shall be paid to the City to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items by City employees.

**Sec. 63-6. - Liability.**

(a) At the discretion of the City, prior to issuance of a permit, the producer shall provide to the City proof of comprehensive liability insurance naming the City as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.

(b) The producer of any film production shall provide a written agreement in a form satisfactory to the City providing the producer shall defend, pay, and save harmless the City, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a film production and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the film production. The agreement shall be filed with, and made a part of, the application form.

(c) The City, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The City, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

**Sec. 63-7. - Other permits.**

(a) The purpose of this article is to allow the City's departments and staffs to review an application for a film production permit outside the regular ordinance standards to determine how disruptive a film production may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the City Manager, or its designee, shall be followed by the City in allowing specified signage and advertising that may not necessarily comply with existing zoning ordinances for banners and vendors. Upon approval by the City Manager, or its designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.

(b) Notwithstanding subsection (a) of this section:

(1) A permit allowing fireworks shall be approved and permitted by the Fire Marshal of Troup County, or its designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the state.

**Sec. 63-8. - Denial or revocation of a film production permit.**

(a) Reasons for denial of a film production permit include, but are not limited to:

(1) The film production will unnecessarily disrupt traffic within the City beyond practical solution;

(2) The film production will interfere with access to fire stations and fire hydrants;

(3) The location of the film production will cause undue hardship to adjacent businesses or residents;

(4) The film production will cause unnecessary disruption of public services which would unreasonably impact the remainder of the city;

(5) The application contains incomplete or false information; and

(6) The producer fails to comply with any terms required by this article.

(b) Further, a film production permit may be denied, suspended, or revoked by the City, if the Chief of Police, the Fire Marshal, or their designee, determines that the health, welfare, or safety of the public may be endangered.

**Sec. 63-9. - Appeals.**

(a) Any producer whose film production permit application has been denied or revoked may request in writing a review of this decision by the City Manager. This request must be in writing and received by the City Manager within five days of the of the permit denial or revocation.

(b) The City Manager shall review the application and reasons for the denial or revocation of the film production permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the City Manager may deem justified by the evidence.

(c) Should the producer be dissatisfied with the decision of the City Manager; an appeal may be filed with the City Council within five days of the decision of the City Manager. The council shall set a hearing date within thirty (30) days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the City Manager addressing why the permit was denied or revoked. The City Council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence."

**SECTION 2:**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

**SECTION 3:**

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING \_\_\_\_\_

SUBSTITUTE ORDINANCE INTRODUCED/APPROVED/REJECTED \_\_\_\_\_

SECOND READING AND ADOPTED/REJECTED \_\_\_\_\_

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED \_\_\_\_\_

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk