

ORDINANCE NO. 369

AN ORDINANCE TO AMEND CHAPTER 22 OF CODE OF ORDINANCES OF THE CITY OF HAMPTON, GEORGIA, ENTITLED "BUSINESS REGULATIONS"; TO CREATE A NEW ARTICLE X ENTITLED "MOTION PICTURE, TELEVISION, AND PHOTOGRAPHIC PRODUCTION ORDINANCE"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:

**SECTION 1. New Article Created.** Chapter 22 of the Hampton Code of Ordinances entitled "Business Regulations" is amended to create a new Article X to be entitled "Motion picture, television, and photographic production ordinance" and sections thereunder to read as follows:

**Section 22-381 - Motion picture, television and photographic production ordinance.**

(a) Permit required.

(1) No person shall use any public or private property, building, facility or residence for producing, taking or making any motion picture, television production or photographic production without first applying for and receiving a City filming permit issued pursuant to the provisions of this article.

(b) Exceptions.

(1) Regulation by this article shall not apply to:

- a. Amateur photographers.
- b. 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.
- c. Productions which are conducted by the City or any City board or commission.

(c) Permit administrator. The City Manager is hereby appointed as the permit administrator and shall issue permits as provided for in this article.

(d) Application for permit.

(1) Any person desiring a permit under the provisions of this article shall make application on the approved form provided by the City. The form must be signed and accompanied by all required fees, deposits, hold harmless agreement and insurance certificates required by this article before any permit will be considered for approval.

(2) Filming permit applications shall be submitted at least five (5) working days prior to the date on which such person desires to conduct an activity for which a permit is required.

(e) Issuance of permit; conditions; appeals.

(1) The City Manager shall issue a permit as provided for in this article, when, from a consideration of the application and from such other information as may be otherwise obtained, he finds that:

- a. The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Seventy-two (72) hours advance notice of any street closure request shall be provided.
- b. The conduct of such activity will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.
- c. At the determination of the City Manager that such activity will not constitute a fire hazard or any other type of hazard and all safety precautions will be taken as determined necessary by the City Manager.

(2) The decision of the City Manager to issue, conditionally issue, or deny a permit shall be final unless appealed in writing within five (5) working days of the decision to the City Council.

(3) The City Council shall render a decision to issue, conditionally issue or uphold the denial of a permit at the next regularly scheduled

meeting of the City Council. The decision of the City Council will be final.

(f) Bond, insurance, hold harmless and indemnification.

(1) As a condition of issuing such a permit, the applicant shall furnish a bond, insurance or both in the amount to be determined by the City Manager, but in no event an amount less than five hundred thousand dollars (\$500,000.00), to protect the City against claims of third persons for personal injury, wrongful death and property damage and to indemnify the City for damage to City property arising out of the permittee's activities.

(2) A minimum of five million dollars (\$5,000,000.00) of such bond, general liability insurance coverage or both shall be required in the event aircraft, helicopters, pyrotechnics or automobile chase scenes are used in the activity. Such insurance shall be evidenced by the standard general liability special endorsement form mandated by this article. City shall be listed as additional insured and applicant shall have primary coverage.

(3) The applicant shall execute an indemnity and hold harmless agreement as provided by the City prior to the issuance of any permit that shall hold the City harmless against any claims, liability or judgments arising out of the permittee's activities.

(g) Suspension or revocation of permit.

The City Manager shall have the authority, after notice and an opportunity for a hearing, to suspend or revoke any permit issued hereunder where the terms and conditions of said permit have been violated or ignored, including the timely payment of all required fees and deposits, or suspend or revoke any permit where the public safety or welfare is endangered by the permitted activity. Provided, however, that whenever there is an imminent danger to the public health, safety or welfare from activities conducted by the permittee to the extent that immediate action is necessary to protect the public, the City Manager shall have the authority to suspend a permit pending a hearing.

(h) Fees and costs of additional services.

(1) Each application shall be accompanied by the following non-refundable fees:

- a. A processing fee in the amount of two hundred fifty dollars (\$250.00) will be submitted to the City at the time of application.

- b. Upon approval of an application for a City filming permit, the City Manager shall provide the applicant with a statement of the estimated cost of providing police, public works and other City employees and services for public safety for the production. The cost of such services shall be borne by the applicant and shall be paid to the City prior to the conducting of a production. The amount of such fees shall be based on the City's actual cost of providing the required number of police and other City employees and services necessary to ensure the safety of both the participants of the production and the community.
- c. If the actual cost of public services for the production is less than the estimated cost pursuant to subsection (h)(1)b. of this section, the permittee shall promptly be refunded the difference by the City. If the actual cost for public services is more than the estimated cost pursuant to subsection (h)(1)b. of this section, the difference shall become due and payable to the City immediately upon the permittee's receipt of a statement of actual costs by the City.
- d. All fees may be waived by the City Manager for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly. Tax exempt and nonprofit organizations must qualify under Section 501(c)(3) of the United States Internal Revenue Code and proof of such status must be provided to the City in order for said fees to be waived by the City.

(i) Regulations and conditions.

(1) The applicant shall:

- a. Maintain a copy of the production permit on-site at all times.
- b. Comply with any and all conditions or restrictions the City may impose as a condition to issuing a permit. No changes to the conditions or restrictions shall be made without the written approval of the City Manager.
- c. Have nonexclusive use of facilities and public right-of-way unless otherwise granted in writing.
- d. Provide advanced notification of forty-eight (48) hours in a form approved by the City Manager to adjacent properties for any production.

e. Comply with the City of Hampton Noise Ordinance.

(2) The City Manager may promulgate and enforce additional regulations as necessary and appropriate in the implementation and enforcement of this article.

(j) Filming on private property.

(1) 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.

(2) An applicant is required to minimize interference with the normal activities of a neighborhood or commercial area, including access to private or public property.

(k) Filming at City facilities or on the public right-of-way.

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 the City Manager not to exceed one thousand dollars (\$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.

(l) Traffic control.

The City retains the right and the authority to regulate traffic and require vehicles to be moved or towed (at the owner's expense) to protect the health, safety and welfare of the community.

(m) Faithful performance bond; clean up and restoration.

To ensure clean-up and restoration of any site on public property or public right-of-way used by permittee within the City limits, said permittee may be required to post a refundable faithful performance bond (amount to be determined by the City Manager) at the time the application is submitted. Upon completion of the production and upon the finding by the City that the site has been satisfactorily cleaned up and restored, the bond may be returned to the permittee.

**SECTION 2.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 3.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

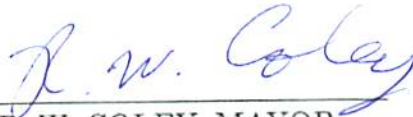
C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 4. Repeal of Conflicting Provisions.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.


**SECTION 5. Effective Date.** This ordinance shall become effective ten (10) days after its adoption by the Mayor and City Council of the City of Hampton.

SO ORDAINED this 17 day of APRIL, 2012.

CITY OF HAMPTON, GEORGIA

  
R. W. COLEY, MAYOR

Attest:

  
Kim Drinkall, City Clerk

(Seal)

FIRST READING: 4-3-12

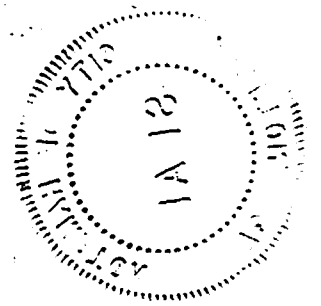
SECOND READING/ADOPTION: 4-17-12

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## City of Hampton

### Film Permit Process and Application

Welcome to the City of Hampton! Our City provides a variety of beautiful settings for your production.

Attached you will find the following:

- Permit process
- City of Hampton Motion Picture, Television and Photographic Production Ordinance
- City of Hampton Noise Ordinance

If you have any questions regarding this permit process, please contact:

City Manager

17 East Main Street South

Hampton, GA 30228

Main: 770-946-4306 Fax: 770-946-4356

# PERMIT PROCESS

## Film Permit

A film permit is required for producing, taking or making any motion picture, television production or photographic production. The film permit must be submitted to the City Manager five (5) business days prior to the shoot. There is a film permit application fee in the amount of \$250 that must be submitted with the application. The application must be signed and accompanied by all required fees, deposits, hold harmless agreement and insurance certificates required before any permit will be considered for approval.

## Fees and Costs of Additional Services

Each application shall be accompanied by the following non-refundable fees:

- A processing fee in the amount of \$250 will be submitted to the City of Hampton at the time of application.
- Upon approval of an application for a City filming permit, the City Manager shall provide the applicant with a statement of the estimated cost of providing police, public works and other city employees and services for public safety for the production (if applicable). The cost of such services shall be borne by the applicant and shall be paid to the City of Hampton prior to the conducting of a production. The amount of such fees shall be based on the city's actual cost of providing required number of police and other city employees and services necessary to ensure the safety of both the participants of the production and the community.

## Insurance Requirements

Proof of liability insurance (minimum of \$500,000 for general shoot, \$5,000,000 for some special effects)

## Hold Harmless Agreement

Applicant shall execute an indemnity and hold harmless agreement as provided by the City of Hampton prior to the issuance of any permit that shall hold the City harmless against any claims, liability or judgments arising out of the permit tee's activities.

## Tax-Exempt Status

Proof of 501(c) (3) tax-exempt status, if applicable

### **Permission**

Written permission must be obtained and submitted with permit application to shoot from private property (owners).

### **Notification of film shoot to Residents**

Residents must be notified of the film shoot at least 5 days prior to shoot. Notification should include the dates, times, and location, including general information about activities taking place (parking vehicles or actual filming on street). A copy of the notice must be submitted with permit application.

### **Traffic Plan/Traffic Control**

A sketch of your traffic plan during production must be submitted with permit application.

The City Manager will review your traffic plan and determine if an Off-Duty Hampton Police Officer will be needed to be assigned at a rate of \$30.00 per hour to control traffic.

# CITY OF HAMPTON, GEORGIA

## MOTION PICTURE, TELEVISION AND PHOTOGRAPHIC PRODUCTION PERMIT

THIS APPLICATION MUST BE APPLIED FOR 5 BUSINESS DAYS PRIOR TO SHOOT

*No person shall use any public or private property, building, facility or residence of producing; taking or making any motion picture, television production or photographic production without first applying for and receiving a city filming permit.*

### Production Company Information:

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (office) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email: \_\_\_\_\_

Personnel Contact Name: \_\_\_\_\_

Position: \_\_\_\_\_ Mobile: \_\_\_\_\_

E-Mail: \_\_\_\_\_

### Project Information:

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ Feature Film      \_\_\_\_ TV      \_\_\_\_ Documentary      \_\_\_\_ Commercial

\_\_\_\_ Still Photo      \_\_\_\_ Music Video      \_\_\_\_ Student      \_\_\_\_ Other

Location of Shoot: \_\_\_\_\_

Date(s) and Time(s) for Shoot: \_\_\_\_\_ a.m./p.m Until \_\_\_\_\_ a.m./p.m

In the event of inclement weather, film date will be: \_\_\_\_\_

Project Budget: \_\_\_\_\_

Do you plan to have amplified sound? \_\_\_\_Yes \_\_\_\_ No (Note: Applicant must comply with City of Hampton Noise Ordinance)

Number of Cast/Crew: \_\_\_\_\_ Number of Extras \_\_\_\_\_

Any Special Effects? \_\_\_\_Yes \_\_\_\_No

If yes, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Vehicles and Parking:**

Number of Vehicles: \_\_\_\_\_

Types of Vehicles: Cast Cast/Crew Cars and Vans: \_\_\_\_\_ Trucks \_\_\_\_\_ Trailers \_\_\_\_\_

Other:

\_\_\_\_\_  
\_\_\_\_\_

Crew Parking: \_\_\_\_\_

Base Camp: \_\_\_\_\_

Any street parking? \_\_\_\_Yes \_\_\_\_No (Please note that vehicles are only allowed to be parked on one side of the street)

If yes, please describe:

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Please provide the following:

- Proof of liability insurance (minimum of \$500,000 for general shoot, \$5,000,000 for some special effects)
- Proof of 501(c)(3) tax-exempt status, if applicable
- Written permission to shoot from private property owner(s)
- Copy of notification letter to residents regarding film shoot
- Detailed sketch of traffic plan during production
- Description of city staff that will be needed for production or traffic control, if applicable
- Processing fee of \$250.00

***Hold Harmless Agreement***

***The undersigned releases, acquits, and forever discharges THE CITY OF HAMPTON, GEORGIA, and its officers, employees, agents, servants, successors, heirs, executors, and administrators from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expense and compensation whatsoever, which may hereafter arise out of permittee 's activities, including events seen and unforeseen. The undersigned applicant affirms that he/she is authorized to make the above assurances on behalf of the film company.***

***Acknowledgement***

*The undersigned acknowledges receipt from the City of Hampton of the following ordinances:*

*1) Film Permit Ordinance; 2) Disturbing the Peace Ordinance.*

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name (Print): \_\_\_\_\_

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***City Hall Use only:***

Recommend: Approval / Denial By: \_\_\_\_\_ Police Chief

Recommend: Approval / Denial By: \_\_\_\_\_ Public Works

Date: \_\_\_\_\_ Issued By: \_\_\_\_\_ City Manager

**Documents Received**

- Proof of liability insurance (minimum of \$500,000 for general shoot, \$5,000,000 for some special effects)
- Written permission to shoot from private property owner(s)
- Copy of notification letter sent to residents of film shoot
- Description of city staff that will be needed for production or traffic control, if applicable
- Written permission to shoot from private property owner(s)
- Proof of 501 (c)(3) tax-exempt status, if applicable
- Detailed sketch of traffic plan during production
- Processing fee of \$250.00 Check\_\_\_\_\_ Check# \_\_\_ Cash\_\_\_\_\_ Other

Documents received by: \_\_\_\_\_ Date Received: \_\_\_\_\_

Notes: \_\_\_\_\_

**Distribution List:**

\_\_\_ City Manager

\_\_\_ Chief of Police

\_\_\_ Public Works Director

\_\_\_ City Clerk