

CITY OF FERRYSBURG
ORDINANCE NO. 266

An Ordinance to add Chapter 116 to the City Code of the City of Ferrysburg to be titled "Film Permit Ordinance".

THE CITY OF FERRYSBURG ORDAINS:

Section 1. Chapter 116 is added to the City Code to regulate production filming, regulations requirements and permits within the City.

116.01. Definitions.

"Motion Picture, Television, Radio or Photographic Production" means all activity attendant to staging or shooting (video taping or filming or digital recording) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where either or both of the following occur:

Public property, easement, or right of way. Activity attendant to a Motion, Picture, Television, Radio or Photograph Production or other stationary equipment placed on publicly owned land, easement, or right-of-way in any one (1) location for longer than five (5) consecutive minutes or in the event that public use of publicly owned land, easement, or right-of-way is impaired.

Private property. Activity attendant to a Motion picture, television, radio or photographic production involves any of the following:

- (a) The outdoor presence of 5 or more passenger vehicles on private property or adjacent publicly owned land, easement, or right-of-way.
- (b) The outdoor presence of 1 or more semi trucks or commercial vehicles exceeding a gross vehicle weight of 10,000 pounds on private property or adjacent publicly owned land, easement, or right-of-way.
- (c) The outdoor use of pyrotechnics, explosives, or stunts using vehicles.
- (d) The outdoor use of one or more electric generators.
- (e) The outdoor presence of 12 or more people.
- (f) The outdoor use of floodlights at night.
- (g) The generation of excessive noise heard outdoors.

116.02. Permit Required.

No Motion Picture, Television, Radio or Photographic Production may take place in the City unless he/she shall have first made application for and obtained, as prescribed in this Article, a permit for each instance.

116.03. Exempt Activities.

Notwithstanding the foregoing definition, the following activities are exempt from the provisions of this ordinance:

- (a) Current news productions, which includes reporters, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events;
- (b) Productions which are conducted by the City's public, education and government access organizations, or by or at the direction of the City;
- (c) Companies doing weddings, senior photos, athletic events, parades or other similar events of a public nature, and non-commercial events are exempt from this ordinance and fees.
- (d) Any other activity deemed to be in the public interest by the City Manager.

116.04. Permit Applications.

- (a) Any person desiring a permit to conduct a Motion Picture, Television, Radio or Photographic Production that is not exempt under the provisions of Section 116.02 shall make application on the appropriate form provided by the City, or by furnishing the required information in person or by first class mail, facsimile, or the internet to the City Clerk's office. The form must be signed and accompanied by all required fees, deposits, hold harmless agreements and insurance certificates required by this chapter before it will be processed.
- (b) The applicant for a permit required by this article shall supply all the requested information as describe in the Production Filming Permit Application.
- (c) Each application shall be accompanied by a fee, as describe in Appendix A.
- (d) Each application for a permit required by this article shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective permittee's plans to provide for the following:
 - (1) The size or area of the property to be used, including a sketch of the filming site showing placement of work trucks, location of production

vehicles,

- (2) Sketch of the “base camp” if any, showing any off-street locations for crew parking, honey wagon, catering, and nonessential production vehicles;
- (3) Traffic control plan of the exact filming location, listing roads or lanes to be closed, if any;
- (4) Letter of notification and signatures from businesses/neighborhoods impacted by filming if required by the City Manager or his/her designee; and
- (5) Insurance arrangements and coverage.

116.05. Investigation of Application.

Upon receipt by the City Clerk’s office, copies of the application for a permit required by this article shall be forwarded to the appropriate City Departments, and to such other appropriate public officials as the City Manager or his/her designee deems necessary.

116.06. Issuance Requirements.

- (a) In processing an application for a production filming permit required by this Article the City shall, at a minimum, require the following:
 - (1) **Security personnel.** The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the location of the filming activity and for the preservation of order and protection of property in and around the site of the filming activity.
 - (2) **Notification.** The permittee or his/her designee shall notify affected residents, occupants and businesses, in advance of filming, and as instructed by the City, of the duration and location of filming activities.
 - (3) **Access.** Production vehicles may not block parking lot access drives, fire hydrants, or be parked in fire lanes, and must allow a minimum of 20 feet of clearance between vehicles parked on either side of the road for emergency response vehicles to pass.
 - (4) **Base camps.** Base camps may not be located on a public street unless approved in writing by the City or the Police Chief or his/her designee.

- (5) **Insurance.** As a condition of issuing a permit under this Article, the permittee shall furnish insurance in an amount to be determined by the City Manager but in no event in an amount less than one million dollars (\$1,000,000.00) 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 the City property arising out of the permittee's activities. An additional minimum of five million dollars (\$5,000,000.00) of such general liability insurance coverage shall be required in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity. Such insurance shall be evidenced by the standard General Special Endorsement Form or the Certificate of Insurance (Public Liability) form provided by the City. The applicant shall also submit verification that adequate worker's compensation insurance coverage is maintained.
- (6) **Fire protection.** The permittee shall at his/her own expense take adequate steps as determined by the Fire Chief to ensure fire protection.
- (7) **Other conditions.** Prior to the issuance of a permit, the City Manager may impose any other conditions reasonably calculated to ensure compliance with the requirements of this section and to protect the health, safety, welfare and property of attendants or of citizens of the City.
- (a) The permit shall not authorize the production of a film that in any manner requires the use of property owned by or under the control of the City of Ferrysburg in violation of 2008 PA 84, prohibiting the production of a film that includes obscene matter or an obscene performance or that requires that individually identifiable records be created and maintained for every performer provided in 18 USC 2557.

116.07. Contents, posting, transferability.

A production film permit required by this article shall specify the name and address of the permittee, the kind and location of the filming activity, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the filming activity, and shall not be transferred to any other person or location.

116.08. Revocation of Permit.

- (a) The City may revoke a permit issued pursuant to this Article whenever the permittee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter.

- (b) A permit shall automatically be revoked if riotous, disorderly, obscene, or otherwise unlawful conduct occurs at a filming location or if an assemblage exceeds one hundred and twenty-five (125) percent of the estimated attendance, as indicated on the application for a permit. In such instances the premises may be closed by the Police Department or Fire Department and the assembly disbursed.

116.09. Cost of Additional Services.

If deemed necessary by the City, additional police, code enforcement, fire, and other City services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The estimated cost of providing such additional services shall be paid in advance to the City by the applicant. Any additional City services will be provided/coordinated through the City.

116.10 Clean-up and Restoration.

The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area, and the cleanup of trash and debris. The applicant shall be responsible for restoring any area damaged or disrupted before leaving the site. If the site is not repaired or restored to the City's satisfaction, the City shall have the necessary restoration and/or repairs performed and the applicant shall reimburse the City for such work within ten days of completing filming.

Section 2. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Saving Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

This Ordinance was approved and adopted by the City Council on the ____ day of _____, 2010, and shall take effect upon publication in the Grand Haven Tribune, a newspaper of general circulation in the City of Ferrysburg.

CITY OF FERRYSBURG

By _____
Jeffrey D. Stille, Mayor

By _____
Debbie Wierenga, City Clerk

CERTIFICATION

The foregoing ordinance was adopted by the City Council on the ____ day of _____, 2010 and was published in the Grand Haven Tribune on the ____ day of _____, 2010.

Dated: _____

Debbie Wierenga, City Clerk