

Work Session

Agenda Item #	6
Meeting Date	October 27, 2014
Prepared By	Emily Cohen Management Assistant
Approved By	Brian Kenner City Manager

Discussion Item	Discussion of Proposed Film Permit Ordinance
Background	<p>The intent of this proposed ordinance is to facilitate filming activities in the City of Takoma Park while protecting the health, safety, and welfare of residents, businesses, and visitors. Codifying the rules for film permits will enable a fair and clear process for City staff and filmmakers alike.</p> <p>The City receives between five and ten inquiries each year for filming in Takoma Park. Currently, persons wishing to film in the City contact the Clerk’s office on an ad hoc basis in order to coordinate any street or sidewalk closures and other requests. Some of the challenges this ordinance seeks to address include: 1) last minute nature of some filming requests; 2) compensation for the City in return for staff time considering filming requests and working to minimize negative impacts of filming activities; and 3) uniformity of how each filming request is processed, including what factors are reviewed for each request.</p> <p>As is standard in many municipalities, this ordinance would require permits for commercial filming in the public right of way or on private property when film activity would have an impact on businesses or residents due to light, noise or street closures. Additionally the ordinance establishes an application process, the conditions on which a permit will be approved, and reasons a permit may be revoked. City staff consulted with other jurisdictions as well as with the City’s insurance carrier and the City Attorney in drafting the proposed ordinance.</p> <p>Most personal photography, video and film activities are exempt from these provisions. Information to be posted on the website will provide clear information on the types of activities that are exempt.</p>
Policy	<p>“Ensure a Takoma Park that is fiscally, environmentally and economically sustainable. Create and maintain a livable community that is vibrant, healthy and safe. Ensure the delivery of high quality City services.”</p> <p><i>City of Takoma Park Strategic Plan (FY2010-FY2015)</i></p>
Fiscal Impact	Potential economic activity as a result of filming; revenue from permitting fees to offset staff costs.
Attachments	Draft ordinance, website language and application form
Recommendation	Review and discuss proposed ordinance.
Special Consideration	

1
2 City of Takoma Park
3 DRAFT CODE
4 Chapter 8.44
5 Filming and Photography
6
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8 **8.44.010 Purpose**
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10 It is the policy of the City of Takoma Park to encourage the production of motion pictures, television
11 and commercial photography within its boundaries. This chapter provides the basis for the rules and
12 regulations governing the issuance of permits for filming, videography, photography, or related activity
13 on City property and rights-of-way. This chapter is intended to ensure that filming and related activity is
14 consistent with public health and safety and the protection of property.
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16 **8.44.020 Definitions**
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18 As used in this Chapter:
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20 “Applicant” means the person, organization, corporation, association or other entity applying for a
21 permit to film in the City of Takoma Park.
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23 “City” means the City of Takoma Park as a municipal corporation and existing pursuant to the laws of
24 the State of Maryland.
25

26 “Filming activity” means the staging, shooting, filming, video recording, photographing, or other similar
27 process conducted for the making of still photographs, motion pictures, television programs, video
28 games, or commercial film productions.
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30 “Film permit” means written authorization from the City Manager to conduct the filming activity.
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32 “News purposes” means a filming activity conducted for the purpose of reporting on persons, events, or
33 scenes which are in the news for newspapers, television news, and other news media.
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35 “Permittee” means the person, organization, corporation, association or other entity issued a film permit
36 under this policy.
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38 “Public street” means any public right-of-way located within the City limits.
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40 “Still photography” means and includes all activity attendant to staging or shooting commercial still
41 photographs.
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43 “Student filming activity” means filming activity conducted to fulfill a course requirement or in
44 connection with a school sanctioned extracurricular activity by a student enrolled at a public or private
45 school.
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47 “Studio” means a fixed place of business where filming activities are regularly conducted upon the
48 premises.

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8.44.030 Permit Required

Commercial filming activity may be conducted in the City upon the issuance of a City of Takoma Park film permit.

Permits are required for filming activity resulting in closure of a public street, sidewalk, park or when activity substantially impedes vehicular traffic thereon; requiring the parking of more than two motor vehicles on any public street within the City; involving loud noise, bright lights, hazardous activities, or hazardous substances.

The permittee must maintain the permit in his or her possession at all times while on location. A film permit applicant must obtain the property owner’s permission for use of property not owned or controlled by the City.

8.44.040 Permit Exemptions

Unless the filming activity involves closure of a public street, sidewalk or park; impeding vehicular or pedestrian traffic; use of City property other than the incidental use of public streets; parking of two or more motor vehicles on any public street within the City; loud noise; bright lights; hazardous activities; or hazardous substances, a film permit shall not be required for the following activities:

- A. Filming Activities conducted for news purposes;
- B. Filming Activities conducted at a studio;
- C. Filming Activities conducted for use in a criminal investigation or civil or criminal court proceeding;
- D. Noncommercial filming activities solely for private or family use;

8.44.050 Deadline for Filing Applications

Applications for a film permit must be filed with the City Clerk a minimum of 14 calendar days in advance of the date the filming activity is to begin. No late applications will be processed unless the City determines that special circumstances exist relative to the application that precluded the timely filing of an application. Applicants are encouraged to submit applications at the earliest advance date possible to facilitate coordination between City departments.

8.44.060 Application Form

Applicants for a permit must complete a form provided by the City Clerk and attach evidence of adequate insurance or eligibility for a waiver of insurance requirements.

8.44.070 Permit Decisions

A. The application shall be approved or denied within five business days of receipt of the application unless the proposed filming activity requires extensive review because of safety, traffic, or

97 logistical concerns. The film permit shall be approved unless determined from consideration of the
98 application or other pertinent information that any of the following conditions exist:
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100 1. The filming activity will substantially disrupt the use of a street at a time when it is
101 usually subject to traffic congestion, or interfere with the operation of emergency vehicles in the
102 proposed permit area.
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104 2. The location of the filming activity will substantially interfere with street maintenance
105 work.
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107 3. The proposed permit location will substantially interfere with other previously authorized
108 activities on City property.
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110 4. The proposed permit location is on City property and the filming activity will
111 substantially interfere with municipal functions or the scheduled maintenance of City buildings or
112 grounds.
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114 5. The filming activity creates a substantial risk of injury to persons or damage to property.
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116 6. The applicant failed to complete the application after being requested to do so, or the
117 information contained in the application is found to be false in any material detail.
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119 7. The particular filming activity would violate federal, state, or local law including
120 licensing or permit requirements.
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122 8. The nature or duration of the proposed filming activity will unreasonably interfere with
123 the use and enjoyment of adjoining properties or unreasonably disturb the peace and tranquility of
124 neighboring businesses and residents.
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126 B. When the grounds for permit denial can be corrected by imposing reasonable permit conditions,
127 the City Manager may impose such conditions rather than denying the permit.
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129 **8.44.080 Permit Conditions**
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131 The City Manager may condition the issuance of a film permit by imposing reasonable requirements
132 concerning the time, place, manner and duration of filming activities.
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134 **8.44.090 Fees**
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136 The City Manager shall establish a schedule of fees for City services and the use of City property, in
137 connection with permitted filming activity, including, but not limited to, administrative time reviewing
138 permit applications and developing safety conditions, and road closure plans, the provision of public
139 notice regarding scheduled activity, and personnel and equipment costs relating to on-site monitoring
140 and traffic control.
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142 **8.44.100 Change of filming activity date**
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144 Upon reasonable notice by the permittee in advance of the filming activity, the City may change the

145 date(s) for which the film permit has been issued without requiring a new application or permit.

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147 **8.44.110 Insurance Required**

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149 A. Unless the City Manager waives the requirements of this subsection, the applicant for a film
150 permit shall procure and maintain a liability insurance policy with coverage of at least \$1 million per
151 incident naming the City as an additional insured for the duration of the filming activity.

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153 B. Upon request, the City Manager may waive the liability insurance requirement of 8.44.110(A)
154 when the applicant demonstrates the following:

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156 1. The applicant does not have the financial resources necessary to obtain liability
157 insurance; and

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159 2. The proposed filming activity is not likely to cause harm to persons or property.

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161 **8.44.120 Street Closures**

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163 The applicant for a film permit may request on its application that the City authorize a street closure for
164 the proposed filming activity.

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166 **8.44.130 Pyrotechnics**

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168 During the filming of any special effect or stunt requiring the use of pyrotechnics or any material
169 deemed hazardous, including but not limited to, fireworks, open flames, or explosives, the applicant
170 must obtain a fire permit from the Fire Marshal.

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172 **8.44.140 Permit Revocation or Suspension**

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174 A. Permit Revocation. The City Manager may revoke the film permit if the permittee, or any agents,
175 employees, or contractors of the permittee fail to comply with the conditions and requirements of the
176 permit or this Chapter, or if the City Manager determines after the permit is issued that the permit
177 application was false in any material detail.

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179 1. Notice of the grounds for revocation of the film permit shall be provided in writing to the
180 permit applicant or person in charge at the location of the filming activity.

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182 2. Appeals of the permit revocation shall be conducted in the matter specified in Section
183 8.44.150 and City regulations.

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185 B. Permit Suspension. The City Manager or his or her designee may suspend the film permit when
186 the filming activity poses an immediate hazard to persons or property and the location manager will not,
187 or cannot, prevent the hazard after being instructed to do so.

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189 1. The grounds for the permit suspension shall be provided in writing to the permittee
190 within one business day of the suspension.

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192 2. Appeals of the permit suspension shall be conducted in the manner specified in Section

193 8.44.150 and City regulations.

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195 **8.44.150 Appeals**

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197 The permit applicant or permittee may appeal a permit denial, revocation, suspension, condition,
198 insurance or fee requirement or a decision not to waive a deadline set forth in this Chapter. Such appeal
199 shall be filed with the City Clerk not later than five business days after the date written notice of the
200 decision is made. The City Manager shall promulgate regulations establishing appeal procedures.

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202 **8.44.170 Violation—Penalty**

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204 The violation of any provision of this Chapter shall constitute a Class A municipal infraction.

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206 **8.44.180 Regulations**

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208 The City Manager shall have the authority to promulgate regulations for the administration of this
209 Chapter.

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Film Permit Website Language and Application
10.24.14
DRAFT

WEBSITE TEXT

The City of Takoma Park encourages filming and photography within our community. The permit process is intended to ensure that such activity is consistent with public health and safety and the protection of property.

Permits are required for filming or photographic activity that results in a hazardous situation or hardship to the public by one or more of the following:

- closure of a public street, sidewalk, park
- impeding vehicular traffic
- waiver of a parking permit or meter fees
- loud noise
- bright lights
- hazardous activities
- hazardous substances

Permits are not required for filming or photography conducted for personal use (unless a hazardous situation or hardship to the public would occur, as described above).

Permits are not required for filming or photography conducted for news purposes, criminal investigations or civil or criminal court proceedings (unless a hazardous situation or hardship to the public would occur, as described above).

Permits are required for commercial or large-scale filming or photography.

SEE PAGE 2 FOR APPLICATION



Application for Film Permit

To obtain a Takoma Park Film Permit, an application should be submitted at least 14 calendar days prior to the start of filming.

A film permit application may be submitted using the online form, via email (film@takomaparkmd.gov), or in person at the Office of the City Clerk.

If you do not receive a confirmation of receipt within 24 hours after submitting an application, please call (301) 891-7267 to verify receipt. The City of Takoma Park reserves the right to deny or place conditions on any application. Please see Chapter 8.44, Filming and Photography, of the City Code for grounds for permit denial or conditions.

Road Closures, Traffic Control and other Special Requests

Parking close to the filming location is subject to availability and not guaranteed unless a waiver of parking restrictions is granted.

When filming a scene that requires street or sidewalk closures or intermittent traffic control, permit holder must make arrangements to ensure public safety and assist with the effective flow of traffic. Such arrangements must be approved by the City of Takoma Park Police Department.

For any projects requiring power generators or excessive noise or lights, permit holders will be required to notify nearby businesses and residences 48 hours in advance of filming.

Clean up

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

Fees

The application review fee is \$20 (non-refundable). Permit fees are \$250 per day, exclusive of additional costs associated with police, public works or rental of parks or recreation facilities.

Application fee must be received prior to issuing a film permit.

In the event that Takoma Park Police Officers are needed, the cost of such assistance will be paid by the production company at a rate of \$50 per hour per officer. The Office of the City Manager will make arrangements with the Police Department and coordinate invoicing and payment of expenses.

The permit holder shall hold the City of Takoma Park harmless for any damage, injury or loss to the permit holder or any other group or individual arising out of the use of City of Takoma Park property, and will indemnify the City of Takoma Park for any loss or damage it may suffer.



Cancellation/Change Policy

We require a minimum of 48 hours of notice for any changes or cancellation of your permit in order to be eligible for a partial refund of your permit fee (50%). Application fees are nonrefundable.

Possession of Permit

The permittee must maintain the permit in his or her possession at all times while on location. A film permit applicant must obtain the property owner's permission for use of property not owned or controlled by the City.

Insurance Requirements

Permittees are required to present proof of liability insurance in an amount of \$1,000,000 minimum per instance of claim for general liability, listing the "City of Takoma Park" as additional insured. The following name and address should appear on the certificate of insurance:

City of Takoma Park
c/o City Manager
7500 Maple Ave.
Takoma Park, MD 20912

Payment

Checks should be made out to the City of Takoma Park. The City also accepts payment via Visa and Mastercard.

[AND ONLINE PAYMENT HERE]



City of Takoma Park
Application Form For Film Permit

Name of Production Company _____

Title of Production _____

Type of Production Commercial Film Public Service Announcement Other _____

Name of Producer or Primary Contact _____

Phone _____ Email _____

Date _____ Time _____ Location _____

Date _____ Time _____ Location _____

Date _____ Time _____ Location _____

The activity requires (check all that apply)

street or sidewalk closure traffic control generators lights pyrotechnics

Number of police officers requested _____

Additional comments or explanation of request

Proof of insurance attached

Signature of Production Manager

Date

Printed Name