

ORDINANCE NO.

AN ORDINANCE TO PROVIDE FOR A FILM ORDINANCE FOR THE CITY OF FOREST PARK; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Forest Park is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Forest Park, Georgia desires to adopt a film ordinance for the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Forest Park, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FOREST PARK HEREBY ORDAINS:

Section 1. That Title 9 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by creating new Chapter 16 attached hereto as Exhibit A.

Section 2. The film locations and fee schedules shown on Exhibit B, Exhibit C and Exhibit D attached hereto are hereby approved.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and 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 Mayor and 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 phrase, clause, sentence, paragraph or section 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 Mayor and 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the City of Forest Park at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of its enactment.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2021.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Chapter 16 - Forest Park Film Ordinance

Section 9-16-1. - *Purpose.*

The purpose of this ordinance is to provide guidelines for the issuance, approval, and fees associated with the granting of permits for filming by television companies, movie companies, or other media in the city.

Section 9-16-2. - *Permit required.*

(A) A film permit shall be obtained by any person working on behalf of television companies, movie companies, nonprofit or educational organization, or other media, company filming on city-owned property. For purposes of this ordinance, "city-owned property" includes, but is not limited to parks, streets, alleys, sidewalks, rights-of-way, vacant lots, or buildings owned by the City or any governmental entity operating on behalf of or for the benefit of the City. Any person or organization planning a filming shoot on private property which could impact public safety and/or disrupt city business is required to obtain a film permit. Failure to obtain a film permit shall be a violation of this section. Each day a film permit is not obtained shall be a separate violation.

(B) Any person or filming for the purpose of spontaneous, unplanned news reporting by journalists, reporters, photographers, or camera operators shall not be required to obtain a permit.

Section 9-16-3. - *Procedure for issuance of permits.*

(A) *Application.*

1. Applicant must request permission to use city-owned property for a film production prior to submission of the application.
2. An application for a film permit must be submitted 5 business days prior to production. If a permit is requested within less than 5 business days of production, the application will incur an expedition fee. However, if the timeframe for which the film permit is needed is not deemed reasonable by the city for processing, the City of Forest Park reserves the right to reject an application for a film permit immediately upon receipt. Road closure and traffic plan requests shall be included with the application and will be routed through the Police Department prior to City Manager approval. Road closure requests shall be submitted without change no less than 10 days in advance of date of closure.
3. An application for a film permit shall be accompanied by a copy of a certificate of liability insurance for the person, company, organization, or agency filming, with at least \$1,000,000 of coverage. The certificate of liability shall list the "City of Forest Park" as an additional insured. If requesting to film on property owned by the Development Authority of the City of Forest Park, Downtown Development Authority of the City of Forest Park, or Urban Redevelopment Agency of the City of Forest Park, the applicable entity must also be listed as an additional insured.
4. Upon request by the administrator, a copy of the portion of the script of the scene that will be filmed on city-owned property shall be included with the film permit application.

5. The applicant shall include in the application evidence that it has notified and, if necessary, negotiated reasonable impact fees with all potentially impacted businesses and residents.

(B) *Application review.*

1. The Economic Development Department or a designee will coordinate with all necessary department heads including the Forest Park Police and Fire and Emergency Services in a joint effort to determine if a film permit should be approved or denied.
2. The city reserves the right to deny a film permit based on the expected disruption to business/operations in the area and in cases deemed to be detrimental to the city's best interests. The city further reserves the right to deny a film permit based on the script of the scene to be filmed on city-owned property.
3. The City Manager and all affected departments shall determine whether a film permit should be approved or denied.
4. The Economic Development Department or a designee will contact the requesting party or their agent to communicate the outcome of their application.

(C) *Public Safety & Public Works*

1. On-site security is required for all filming projects. Off-Duty City of Forest Park police officers may be hired and compensated at a minimum of 4 hours per day. If planning to utilize a private security firm or off-duty officers from another jurisdiction, the applicant must provide contact information for the security personnel.

2. Removal, cutting or trimming of vegetation in the public right-of-way is prohibited unless specifically approved by the permit.
3. 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 City of Forest Park Fire Department.
4. Tents or temporary membrane structures require an inspection by the City of Forest Park Fire Marshal. Please refer to the fee schedule for tent or temporary membrane structure fees.
5. Emergency vehicle access shall be maintained at all times. Productions with stunts being performed are required to have a private medic or EMT on-site. The applicant must provide contact information for emergency medical personnel.
6. The City of Forest Park Fire Marshal shall have full access to any film production to ensure safety for crew members, the public, and surrounding properties.

(D) *Permit Issuance*

1. If permission is granted by the City, a written permit will be issued including time, date, and location of filming and acceptable activities within the scope of the permit.
2. The producer and/or applicant that receives a permit is considered the “responsible party” and is responsible for knowing and complying with this ordinance and all other laws, including other ordinances and regulations that establish prerequisites, authorizations, and other required permissions applicable to the filming.
3. Upon receipt of the permit, the production company must notify affected businesses and property owners within 500 feet of production.

4. The City shall require the production company to have the permit on site at all times.
5. Any producer that performs filming without receiving a permit, violates the material terms of a permit, or is otherwise in violation of this ordinance, shall be subject to the provisions of Section 1-1-8 the Code of Ordinances, City of Forest Park, Georgia.

(E) *Film Production Wrap Up*

Upon completion of work, all materials and debris shall be entirely removed. The property and the right-of-way shall be left in the same condition it was in immediately prior to filming. Any costs for clean-up by the City will be charged to the permit holder who will be invoiced by the City for such costs. Invoices for such costs must be paid in full within thirty (30) days from the date of issuance by the City.

(F) *Content*

1. The City of Forest Park logo, its buildings, or the name the City may not be included in the film or its marketing and advertising without written permission.
2. Where permitted filming includes advertising signs or other displays of commercial speech, the signs and/or displays must be removed upon the expiration of the permit.
3. The film project and its content, whether whole or in-part, shall not contain any obscene, profane, or otherwise objectionable content that would poorly reflect on any locations in which it is filmed – namely within the City of Forest Park – and/or deter from the locations vision to serve its residents, citizens, visitors, and businesses in a professional and ethically sound manner.

(G) *Indemnification*

1. The producer must sign an indemnification provision on the permit whereby the producer agrees to indemnify the City and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that claims, losses and/or expenses are caused by the gross negligence or intentional misconduct of the City, its officials and or employees.
 2. For use of properties owned by the Development Authority of the City of Forest Park, Downtown Development Authority of the City of Forest Park, or Urban Redevelopment Agency of the City of Forest Park, an indemnification provision must be signed by the producer whereby the producer agrees to indemnify the applicable entity and its officials from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that claims, losses and/or expenses are caused by the gross negligence or intentional misconduct of that authority, and its officials.
- (H) *Records retention.* At the conclusion of the application process and granting of a film permit. A copy of the approved permit, along with any supporting documentation, shall be kept on file in the Economic Development office for one year after the expiration of the permit. Electronic copies of these documents shall be archived.
- (I) *Permit & Location Fees.* The fee schedule for obtaining a permit and filming on city-owned property shall be maintained on file with the Department of Economic Development. This schedule may be adjusted from time-to-time by resolution of the City

Council. Fees related to special requests (e.g., making drastic changes to a facility or use of city-owned equipment as props) shall be determined by the Department of Economic Development. All revenues from permit and location fees shall be added to the general fund.

Exhibit B

The City of Forest Park supports the state of Georgia's rapidly expanding film industry by offering a number of filming locations throughout the City for film and television productions. The following locations in the City of Forest Park are available for filming:

- Forest Park Jail
- Starr Park & Starr Park Pool
- Kiwanis Stadium
- Forest Park Recreation & Aquatics Center
- 850 Main Street – Ballroom
- Leonard Hartsfield, Sr. Community Center
- Forest Park Senior Center
- Main Street Fountain Center

EXHIBIT C

Filming Fees for Production Companies

General Fees	
Nonrefundable Film Permit Application Fee (Per Event Day)	1-500 attendees: \$50 501-2500 attendees: \$100 2501 or more: \$175
Off-Duty Police Officers on Site ¹	\$40 per hour per officer with a 4-hour minimum (Holiday Rate - \$45 per hour).
Fire Marshal Site Inspection for Special Effects ²	\$25
Fire Marshal/Firefighter/EMS on site ³	\$40 per hour per person with a 4-hour minimum (Holiday Rate - \$60 per hour).
Security Deposit	\$5,000 (refundable; submit as separate payment)
General Liability Insurance Per Incident Amount	\$1,000,000
General Liability Insurance Aggregate Amount	\$6,000,000
Expedited Permit Fee ⁴	\$350
Filming Fees	
4 Hour Shoot Day	\$1,000
14 Hour Non-Shoot Day	\$1,500
14 Hour Shoot Day	\$3,000
Non-Shoot/Prep Week (7 Days)	\$8,000
Shoot Week (7 Days)	\$18,000
Re-Entry – additional scenes and/or retakes (8 Hours)	\$2,000

Tent Inspection Fees	
200-400 sq. ft	\$50
401-1500 sq. ft	\$100
1501-3000 sq. ft	\$150
3001-6000 sq. ft	\$200
6001-9000 sq. ft	\$250
Over 9001 sq. ft	\$300

Notes:

- ¹ The cost of a Police Officer on site is a separate expense, but they are required. Number of required officers vary and is dependent upon number of scene locations (jail pods, courtroom, visitation, etc.), number of personnel on location (1 to 10 = 1 officer, 11 to 75 = 2 officers, 75+ three officers), and special requests (special effects or cast and crew in excess of 250+).
- ² Fire Marshal Site Inspections are only required for productions involving stunts, pyrotechnics, or tents/temporary structures. Please ensure adequate time is allotted to correct any violations prior to the start of filming.
- ³ On-site Fire and Safety may be required by the Fire Chief or Fire Marshal or can be requested by production company.
- ⁴ If a permit is requested within less than 5 business days of production, the application will incur an expedition fee.

EXHIBIT D

Filming Fees for Nonprofit Organizations & Educational Purposes⁵

General Fees	
Nonrefundable Film Permit Application Fee (Per Event Day)	1-500 attendees: \$50 501-2500 attendees: \$100 2501 or more: \$175
Off-Duty Police Officers on Site ¹	\$40 per hour per officer with a 4-hour minimum (Holiday Rate - \$45 per hour).
Fire Marshal Site Inspection for Special Effects ²	\$25
Fire Marshal/Firefighter/EMS on site ³	\$40 per hour per person with a 4-hour minimum (Holiday Rate - \$60 per hour).
Security Deposit	\$1,000 (refundable; submit as separate payment)
General Liability Insurance Per Incident Amount	\$1,000,000
General Liability Insurance Aggregate Amount	\$6,000,000
Expedited Permit Fee ⁴	\$350
Filming Fees	
4 Hour Shoot Day	\$250 for nonprofit organizations \$125 for educational purposes
10 Hour Non-Shoot Day	\$500 for nonprofit organizations \$250 for educational purposes
10 Hour Shoot Day	\$500 for nonprofit organizations \$250 for educational purposes
Re-Entry – additional scenes and/or retakes (8 Hours)	\$500 for nonprofit organizations \$250 for educational purposes

Tent Inspection Fees	
200-400 sq. ft	\$50
401-1500 sq. ft	\$100
1501-3000 sq. ft	\$150
3001-6000 sq. ft	\$200
6001-9000 sq. ft	\$250
Over 9001 sq. ft	\$300

Notes:

- ¹ The cost of a Police Officer on site is a separate expense, but they are required. Number of required officers vary and is dependent upon number of scene locations (jail pods, courtroom, visitation, etc.), number of personnel on location (1 to 10 = 1 officer, 11 to 75 = 2 officers, 75+ three officers), and special requests (special effects or cast and crew in excess of 250+).
- ² Fire Marshal Site Inspections are only required for productions involving stunts, pyrotechnics, or tents/temporary structures. Please ensure adequate time is allotted to correct any violations prior to the start of filming.
- ³ On-site Fire and Safety may be required by the Fire Chief or Fire Marshall or can be requested by production company.

⁴ If a permit is requested within less than 5 business days of production, the application will incur an expedition fee.

⁵ For the purposes of filming, “educational purposes” is an all-encompassing phrase that refers to any filming production led by an educational institution or a student attending an educational institution in the State of Georgia. Proof of affiliation/attendance for the educational institution is required.