

AN ORDINANCE TO AMEND CHAPTER 12 (LICENSES AND BUSINESS REGULATIONS) OF THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA, TO REGULATE FILM PRODUCTION

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the “City”), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, the City Council desires to create an ordinance to regulate film production activities within the City.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

SECTION 1. The Code of the City of Stone Mountain, Georgia, is hereby amended to add a new Article XI titled “Film Productions” under Chapter 12 as set out in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective in accordance with City Charter Sec. 2.34.

SECTION 4. This Ordinance was proposed by Council Member _____ with a motion to adopt. Thereafter, the motion was seconded by Council Member _____. _____ Council Members voted in favor of the motion and _____ Council Members voted against the motion.

SO ORDAINED this ____ day of _____, 202__.

Dr. Beverly Jones, Mayor

Attest:

Shawn Edmondson, City Clerk

[CITY SEAL]

Approved as to form:

Jeffrey Strickland, City Attorney

CITY CHARTER SEC. 2.21 REQUIREMENTS

- Date of First Reading: _____
- Date of Second Reading: _____
- Date Adopted: _____

City Charter, Section 2.21. (Ordinance form; procedures), provides as follows:

- (a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Stone Mountain..." and every ordinance shall so begin. Prior to the submission of any ordinance for consideration by the mayor and city council, the same shall be submitted to the city attorney and be approved by him or her as to form and to ensure such ordinance is not covered by, or in conflict with, any law of general application or other city ordinance.
- (b) An ordinance may be introduced by any member of the city council and be read at a regular meeting, work session, or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.
- (c) The reading of the preamble to an ordinance shall be sufficient to meet the requirements of a "read" or "reading." By an affirmative vote of a majority of the city council, a reading of the ordinance in its entirety shall be required.

CITY CHARTER SEC. 2.34 REQUIREMENTS

- Date ordinance presented to Mayor: _____ (within three days after its adoption)
- Date ordinance returned to City Clerk: _____ (within four days of receipt from Clerk)

City Charter, Section 2.34. (Submission of ordinances to the mayor; veto power) provides as follows:

- (a) Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption.
- (b) The mayor shall within four days of receipt of an ordinance return it to the city clerk with or without his or her approval or with his or her disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting when a quorum shall be present, and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of a majority of the quorum then present, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) of this section.

- Date this ordinance becomes law: _____

EXHIBIT A

ARTICLE XI – FILM PRODUCTIONS

Sec. 12-501. – Purpose.

It is the public policy of the State of Georgia to market the state as a location for film productions, recognizing the economic impact this industry provides, as well as the tourism it generates for local jurisdictions, such as the City of Stone Mountain. The city is further fortunate to have a diverse number of unique locations to attract movies, television, and other productions to the city.

Despite the many positive benefits a film production may offer, certain inconveniences may result if the production company and city cannot work in concert to ensure minimum standards are met and to ensure a thoroughly planned production schedule is followed. These concerns are best addressed through a regulatory permit.

Sec. 12-502. – 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:

Applicant means the individual applying for a permit who is legally authorized to bind the producer.

Application means the documents created by the department that must be completed and submitted to the department to request a film production permit.

City shall mean the City of Stone Mountain, Georgia.

Department shall mean the City of Stone Mountain Economic Development Department.

Filming means creating motion picture images and all activity attendant to staging, shooting, and operations associated with the production of commercial motion pictures, independent filmography, documentaries, music videos, television shows, commercials, etc. Filming also means creating still photography images for commercial use and all activity attendant to staging or shooting such images.

Film production means filming as defined above and may be used interchangeably with that term.

Permit means the authorization issued by the department necessary to conduct filming.

Permittee means the Producer who is permitted or given permission to conduct filming.

Producer means an individual, organization, corporation, or any other entity responsible for filming in the City of Stone Mountain.

Public property means real property owned by the city, or of which the city is a tenant, including, without limitation, parks, streets, sidewalks, other rights-of-way, and buildings. Public property shall not include real property which is being leased by the city to a tenant.

Sec. 12-503. – Scope of coverage.

The permit required by this article shall be required for all movies, television or video series, pilots, feature films and documentaries, commercials, music videos, photo shoots, infomercials and public service announcements, whether the final product is intended for commercial use or not, unless the activity shall wholly occur on private property within an otherwise licensed facility (such as a film or television studio). Regulation by this article shall not apply to amateur photographers, 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), or productions which are conducted by the city or any city board or commission. Any film production on public property, intended to be closed to participation by the public, or restricting access to public property or facilities normally accessible by the public, shall require a permit. For purposes of this article, film production activity shall include areas designated for parking of trucks and equipment on public or private property, base camps used during the production activity, and food service areas. No public highway, street or road shall have its public access restricted or limited except by a permit issued pursuant to this article.

Sec. 12-504. – Administration.

The city manager and his designee(s) shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state, or the constitution of the state or the United States, for the administration and enforcement of the provisions of this article and the collection of application fees.

Sec. 12-505. – Permit Requirements.

- (a) Any producer who wishes to perform filming must obtain a permit prior to filming.
- (b) Permits shall be issued to a producer by the city manager or his designee.
- (c) Permits shall be allowed with conditions in all zoning districts. Notwithstanding, whenever a permit is sought for activities in primarily residential neighborhoods, extra consideration shall be given to the conditions imposed to ameliorate as much inconvenience as possible to the residents.
- (d) Permits shall be effective for no more than fourteen (14) consecutive days from the date of issuance. Permits may be extended by the city manager, for a reasonable reason, provided a daily filming fee shall apply.

- (e) A single permit shall include all locations for the same production within the city. The permit shall be available, on location, at all times when production activity is occurring and shown to city inspectors upon request.
- (f) The city will not intervene on behalf of any permittee or negotiate access rights to private property with property owners; the permittee is expected to deal directly with private property owners for required permission and consent. 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. An applicant is required to minimize interference with the normal activities of a neighborhood or commercial area, including access to private or public property.
- (g) 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 city manager or his designee on a case by case basis. 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.
- (h) General standards. The following general standards shall apply to all permits:
 1. Normal hours of activity shall be 7:00 a.m. to 11:00 p.m. daily; all preparation and wrap-up shall occur within one hour of this time frame. Noise shall be kept to a minimum and shall not violate the provisions of Stone Mountain Code Sec. 15-1. - Noise control.
 2. Permittees must provide all residents and businesses within a 500-foot radius of the film location notice of the dates, times, location addresses and production company contact at least 48 hours prior to the first film activity. If a permittee requires on-street parking for production vehicles, residents and merchants impacted by the parking requirements must receive notice at least 48 hours prior to the arrival of the vehicles.
 3. No tents, temporary sanitary facilities, trash collection, or food service facilities shall be located within 100 feet of the property line of any property used for residential use, unless the owner or tenant gives written consent.
 4. Tents, depending on their square footage, and other temporary structures may require a separate building permit from the city; any food preparation or food service provided at the location shall require a food service permit from the county health department, or evidence of exemption.
 5. Lighting for filming should be oriented away from adjacent or nearby properties as much as possible and should not interfere with the safe movement of vehicular traffic.

6. Temporary signage must be approved in writing, in advance, prior to placement by the development director, or his designee; approval of temporary signage is conditioned restoration of permanent signage following completion of the film activity.
7. No regulatory traffic control signage within a public right-of-way shall be removed without the prior written consent of the chief of police.
8. No modification to any existing traffic signage, streetlight, traffic control device or other officially installed facility or improvement shall be made without prior consent of the chief of police.
9. No street, road, alley, or sidewalk shall be closed, barricaded or other obstruction erected within a public right-of-way, including the laying of mats across cables, and no access shall be denied or restricted to public or private property or facilities unless the closure or restriction is approved as a condition of the permit; reasonable alternative access shall be arranged whenever possible.
10. No trees, vegetation (including grasses), or ornamental shrubs shall be cut or removed from public property without prior written consent of the city in the permit, based upon an agreed landscape restoration plan. A land disturbance permit may be separately required depending upon the nature and extent of the activity.
11. Based upon the proposed scope of production activity and in consideration of any potential danger to the safety, health and welfare of the community, particularly private property and residents near the location, the chief of police and/or fire marshal may require on-site security (qualified private security or use of off-duty law enforcement officers) and/or may require personnel and equipment be placed on standby for portions of the production activity at the expense of the applicant. The application shall detail the planned time, place, and manner of any of the following production activities: pyrotechnics, demolition, discharge of firearms or other weapons, motor vehicle chases, physical stunts, and similar actions.
12. *Traffic management plan.* The applicant shall submit to the chief of police and public works director a traffic management plan to address traffic flow in the vicinity of the location where production activity is to occur, even if normal traffic flow is not to be obstructed or interrupted. Detours shall be determined and approved by the chief of police; temporary traffic control devices and signage as required by the Manual on Uniform Traffic Control Devices (MUTCD) shall be provided at the sole expense of the applicant; the fire marshal shall also review and approve such plan.
13. *Fireworks, explosives, etc.* 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 fire marshal.

14. The City of Stone Mountain shall be listed in the production credits for all permits required.

Section 12-506. – When a film production permit is not required.

The provisions of this article shall not apply to:

1. Current news productions, including reporters, photographers, or cameramen in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events.
2. Productions that are conducted by the DeKalb County School System or other educational or governmental organizations, including but not limited to DeKalb County Television.
3. Filming associated with any rally, protest or demonstration, except when such rally or demonstration is staged for the sole purpose of being included in filming.
4. Student filming by a student or students duly enrolled in an educational institution.

Section 12-507. – Permit denial.

The city reserves the right to deny a film permit application as it deems necessary. If a permit is denied, the city manager or his designee shall give written notice to the applicant setting forth the reasons for permit denial. The applicant or producer shall have an opportunity to respond to a denial within seven (7) business days after receipt of the denial notice by presenting written or oral evidence to the city manager or his designee. A final written decision will be issued by the city manager or his designee within fifteen (15) business days after the applicant or producer has appealed the denial.

Section 12-508. – Permit modification, suspension, or cancellation.

- (a) After receiving a permit, a permittee may request a modification of the permit at any time by submitting a change request in writing to the city manager or his designee. The city manager or his designee shall process the change request in the same manner established for processing initial applications.
- (b) A permit may be immediately suspended or revoked where:
 1. The department discovers false or incomplete information on the permit application.
 2. Failure to comply with all terms and conditions of the permit.

3. The department, city manager, chief of the police department or the fire marshal, or their designees, determines that the health, welfare, or safety of the public may be endangered.
4. Failure to arrange for or adequately remit all fees and bonds required by the city and to maintain all required insurance.
5. Existence of disaster, public calamity, riot, or other emergency as the city determines, in its sole discretion, to be an impact upon the public health, safety and welfare.

(c) A permit may be cancelled where:

1. The city manager or his designee determines that an imminent or substantial endangerment to the health and welfare of persons or to property caused by or resulting from the filming cannot be reasonably eliminated;
2. The city manager or his designee determines that the producer has intentionally or recklessly violated material terms of the permit, or the ordinance codified herein;
or
3. The city manager or his designee determines that the producer does not have or has lost insurance coverage.

(d) If a permit is suspended, revoked, or cancelled, the city manager or his designee shall give written notice to the applicant, setting forth the reasons for permit suspension, revocation, or cancellation. The applicant or producer shall have an opportunity to respond to the notice within seven (7) business days after receipt of the notice by presenting written or oral evidence to the city manager or his designee. A final written decision will be issued by the city manager or his designee within fifteen (15) business days after the applicant or producer has appealed the suspension, revocation, or cancellation.

(e) If the producer is otherwise in compliance with the permit, the city shall make reasonable efforts to find alternative means to accommodate the producer's filming and to eliminate said health or safety risk.

(f) If the producer is not in compliance with the permit and the city suspends, revokes, or cancels the permit prior to filming, no refund will be issued.

(g) If the city suspends, revokes, or cancels a permit prior to filming, the city will refund the permit fee upon written request.

Section 12-509. – Application and permit procedure.

- (a) Prior to applying for a permit, it shall be incumbent on the applicant to meet with the city manager, or his designees, to review locations and the general scope of activities planned during the production. A copy of the script shall be made available, upon request, to allow the city staff to better understand the applicant's needs.
- (b) All applications shall be made in writing on forms provided by the city. Applications shall be submitted in duplicate originals. No application shall be deemed accepted unless accompanied by payment of the requisite application fee in U.S. funds. Application shall be made no less than ten (10) business days prior to the first scheduled event or day of filming. Any application received less than ten (10) business days prior to the first scheduled event or day of filming will be assessed an application rush fee.
- (c) Every application shall state the name and contact information of a responsible representative of the applicant, who shall be available at all times during actual production activity within the city and for a period of not less than one year thereafter; more than one point of contact may be specified.
- (d) The application shall contain a detailed narrative of the scope of production activities, and include drawings, maps or plats to illustrate locations, property boundaries, existing material improvements, planned temporary improvements, curb cuts and driveways, adjoining streets, traffic patterns, and similar information helpful to assess the impact of the proposed activity.
- (e) When activity is to occur in or near residential areas, personal notice of intent to secure a permit and the place, date and time of the proposed film activity shall be provided by the applicant, within five days of filing the application; to the extent feasible, written acknowledgment of the notice shall be obtained from the resident or resident's agent. For purposes of this section, all residential properties within 500 feet of the outside boundaries of the location(s) where production activity is to occur should be notified.
- (f) All applications shall be filed with the city manager, or his designee, who may require such additional information as needed to assess the proposed extent and intensity of the production within the city.
- (g) All applications shall be approved with specific terms and conditions, or denied, by the city manager, or his designee, in writing. If approved, the city shall issue a permit to the applicant, in writing, with all terms and conditions clearly set forth therein.
- (h) Permits may be denied, in whole or in part, due to prior scheduled events or activities sanctioned or permitted by the city under other provisions of this Code.

- (i) Any material variation from the approved scope of work permitted shall be grounds for permit revocation unless the permit is modified in advance by the permittee.

Section 12-510. – Fees and waivers.

- (a) Application fees for film production permits shall be set by resolution of the mayor and city council. Application fees are non-refundable and must be paid, in full, at the time of application.
- (b) Daily permit fees are required for each calendar day on which production activity physically occurs within the city shall be paid upon the last day of scheduled activity; if a production is scheduled for a duration in excess of a calendar month, the accrued daily fee shall be due and payable on the last day of each month in which production activity occurred. Daily permit fees shall be set by resolution of the mayor and city council.
- (c) Additional fees and charges may be assessed based upon specific requirements, including fees for the monitoring of public safety or special services by a city department, based upon labor, time and equipment necessary to provide the service. When using city-owned buildings or property other than public road rights-of-way, for production activities, a separate rental fee or charge may be negotiated.
- (d) Application fees and daily permit fees for use of city services or facilities may be reduced or waived for charitable or non-profit organizations holding § 501(c) status from the I.R.S., or for other governmental agencies. All waivers shall require the approval of the city manager.
- (e) Reduction or waiver of daily permit fees may be approved by the city council for commercial productions providing a greater than normal economic benefit to the community, as determined on a case-by-case basis.

Section 12-511. – Insurance and liability.

- (a) At the discretion of the department, 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 producer's comprehensive liability insurance shall be primary over any other policy of the city.
- (b) At the discretion of the department, the producer, at all times during filming, shall maintain comprehensive general liability insurance combined single limits coverage including bodily injury and property damage with limits of \$1,000,000.00 for each occurrence, personal and advertising injury with a limit of \$1,000,000.00 per occurrence and \$2,000,000.00 general and auto liability insurance including owner, hired, and non-owned vehicles with combined single limits including bodily injury and property damage of \$1,000,000.00 for each occurrence and workers' compensation as required by law. The City of Stone Mountain shall be named as an additional insured

on all policies and said policies shall be primary to any insurance maintained by the city.

- (c) 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 injury 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.
- (d) The city, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person or any property 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.