

FIRST READING: July 9, 2012
ADVERTISED: Mar
PASSED: July 23, 2012

AN ORDINANCE NO 0029-221

AN ORDINANCE BY THE CITY OF BALDWIN, GEORGIA, TO ADD TO THE COMPILATION OF ORDINANCES OF THE CITY OF BALDWIN, GEORGIA AN ORDINANCE ENTITLED: "MOTION PICTURE, TELEVISION AND PHOTOGRAPHIC PRODUCTION"; TO PROVIDE FOR COMPILATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Baldwin, Georgia, is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect the public health, safety, and welfare of the citizens of the City of Baldwin, Georgia; and

WHEREAS, the duly elected governing authority of the City of Baldwin, Georgia is the Baldwin City Council; and

WHEREAS, the governing authority desires to adopt certain regulatory provisions in regard to motion picture, television and photographic production in the City of Baldwin, Georgia.

NOW, THEREFORE, BE IT ORDAINED and it is hereby ordained by authority of the City Charter and applicable general state law as follows:

**SECTION 1. 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 ordinance.

B. Exceptions.

1. Regulations by this ordinance 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. The exception is not to include magazine or documentary programs.
- c. Productions which are conducted by any local governmental entity.

C. Permit Administrator.

1. The City Clerk is hereby appointed as the permit administrator and shall issue permits as provided for in this ordinance. The City Clerk may designate a City employee(s) to fulfill any or all of the duties assigned hereby to the City Clerk under this ordinance.

D. Application for Permit.

1. Any person desiring a permit under the provisions of this ordinance 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 ordinance before any permit will be considered for approval.

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

E. Issuance of Permits; Conditions; Appeals.

1. The City Clerk shall issue a permit as provided for in this ordinance, when, from a consideration of the application and from such information as may be otherwise obtained, he or she 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. 72 hours advance notice of any street closure request shall be provided.

b. The conduct of such activity will not unduly interfere with normal government or City operations, threaten to 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 Clerk 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 Clerk. The City Clerk may delegate this determination to the Baldwin Fire Department Chief.

2. The decision of the City Clerk to issue, conditionally issue or deny a permit shall be final unless appealed in writing within five 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, Issuance, 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 Clerk, but in no event an amount less than \$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 \$5,000,000 bond, general liability insurance coverage or both shall be required in the event aircraft, helicopters, pyrotechnics or automobile chase scenes are to be used in the activity. Such insurance shall be evidenced by the standard general liability special endorsement form mandated by this section. The City shall be listed as an additional insured and the 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.

1. The City Clerk 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 Clerk 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 \$150 will be submitted to the City at the time of application.
 - b. Upon approval of an application for a City filming permit, the City Clerk shall provide the applicant with a statement of estimated cost of providing law enforcement, public works and other City employees and services for public safety for the production. The cost of such services 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 law enforcement officers 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 actual 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 Clerk 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 Clerk.
- c. Have nonexclusive use of facilities and public right-of-way unless otherwise granted in writing.
- d. Provide advanced notification of 48 hours in a form approved by the City Clerk to adjacent properties for any production.
- e. Comply with the noise regulations as set forth in the applicable ordinances of the City of Baldwin.

2. The City Clerk may promulgate and enforce additional regulations as necessary and appropriate in the implementation and enforcement of this ordinance.

J. Filming on Private Property.

1. An applicant is required to obtain the property owner's permission, consent and/or lease for the use of property not owned or controlled by the City. Written permission of the property owner must be presented at the time of the 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.

1. 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 Clerk not to exceed \$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.

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

M. Faithful Performance Bond; Clean Up and Restoration.

1. To ensure the clean-up and restoration of any site on public property or public right-of-way used by the permittee within the incorporated areas of the City, said permittee may be required to post a refundable faithful performance bond (amount to be determined by the City Clerk) 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. PRODUCTION OR FILMING FOR ADULT ENTERTAINMENT.

A. Any production or filming for the purpose of adult entertainment is subject to all state and local regulations thereof prior to the issuance of any permit.

SECITON 3. COMPILATION.

The ordinance shall be a part of the compilation of ordinances for the City of Baldwin.

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective upon its passage by the City Council of the City of Baldwin, Georgia.

SECTION 5. SEVERABILITY.

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of Baldwin, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SO ORDAINED this 23 day of July, 2012 by the Mayor and City Council of the City of Baldwin, Georgia.

BALDWIN CITY COUNCIL

By: Jay Meall
Mayor

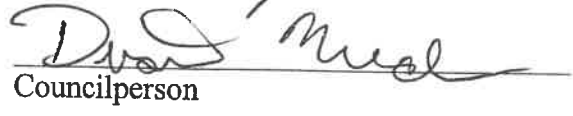
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Attest:



City Clerk Mirinda Dispain