

1 STATE OF GEORGIA
2 CITY OF COLLEGE PARK

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4

ORDINANCE NO. 2017-17

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AN ORDINANCE TO AMEND CHAPTER 11 OCCUPATIONAL LICENSES, TAXES
6 AND REGULATIONS TO PROVIDE A PROCESS FOR ISSUING FILMING
7 PERMITS AND FOR OTHER LAWFUL PURPOSES.

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WHEREAS, the duly elected governing authority of the City of College Park, Georgia is
9 the Mayor and Council thereof; and

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WHEREAS, Chapter 11 of the Code of Ordinances of the City of College Park, Georgia
11 sets forth procedures governing the issuance and regulation of occupational licenses and the
12 taxing of various businesses within the City of College Park, Georgia; and

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WHEREAS, Chapter 11 of the Code of Ordinances of the City of College Park, Georgia
14 currently does not provide an application or permitting process for filming productions within
15 the City of College Park, Georgia; and

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WHEREAS, it has been determined that it is necessary to amend Chapter 11 of the Code
17 of Ordinances of the City of College Park, Georgia to provide for an application and permitting
18 process by which filmmakers may apply for and receive permission to film commercial motion
19 picture images on public property in the City of College Park, Georgia (the "City").

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BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City and by
21 the authority thereof:

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22 **Section 1.** A new Article XXVI is hereby added after Article XXV of Chapter 11 of the
23 Code of Ordinances of the City of College Park, Georgia, which Article XXVI shall state the
24 following:

25 **“ARTICLE XXVI – ENTERTAINMENT FILMING**

26 **Sec. 11-430. Definitions.**

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28 The following words, terms and phrases, when used in this article, shall have the
29 meanings ascribed to them in this section, except where the context clearly indicates a different
30 meaning:

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32 *Applicant* means the individual who is legally authorized to bind the producer that is
33 applying for the permit.

34 *Application* means the document created by the City of College Park, Georgia
35 Department of Economic Development that must be completed and submitted to the Department
36 by a producer or the producer's authorized representative, in order to request a filming permit.

37 *Application Fee* means the nonrefundable fee that must be submitted with each
38 Application that is intended only to lessen the administrative costs incurred by the Department
39 by reviewing each Application.

40 *Department of Economic Development (“Department”)* means the City of College Park,
41 Georgia Department of Economic Development.

42 *Change Fee* means the fee charged for a Change Request that is received five (5) or
43 fewer business days prior to the effective date of the Permit or implementation date of the
44 change.

45 *Change Request* means the document created by the Department that must be completed
46 and submitted to the Department by an Applicant in order to request a material change to a
47 permit.

48 *City* means the City of College Park, Georgia.

49 *Code* means the Code of Ordinances of the City of College Park, Georgia.

50 *Director* means the Director of the Department.

51 *Element* means an activity that is listed in Code Section 11-435 below.

52 *Entertainment Industry Work* means the production of motion pictures, television series,
53 commercials, music videos, fashion, art, and/or editorial photography, interactive games and
54 animation, where the final product is intended to be commercially released and/or commercially
55 distributed.

56 *Filming* means creating motion picture or still photographic images, including the on-
57 site/on-location pre-production activities associated therewith, where the final product is
58 intended to be commercially released and/or commercially distributed. Filming does not include
59 news productions of current events, which includes reporters, photographers, or camera persons
60 in the employment of a newspaper, news service, broadcasting station, or similar entity engaged
61 in the broadcasting of a news event. In addition, Filming does not include location scouting.

62 *Filming Committee* means the advisory body, composed of certain department heads of
63 the City and potential site representatives from the requested Filming locations that reviews each
64 application and recommends to the Department whether to allow an aspect of Filming applicable
65 to each committee member's respective department. The Filming Committee shall include a
66 representative from the Police Department, Fire Department, Sanitation Division, Department of
67 Recreation, Code Enforcement, and, where applicable, the city-employed or contracted
68 supervisor, manager, or director of the Public Property that has been requested as a Filming
69 location.

70 *Filming Permit Fee* means the fee for authorizing all Filming for a particular Filming
71 project during a calendar month, regardless of the number of Filming locations.

72 *On-Site Services Fees* means the fees that may be assessed for each location where
73 Filming occurs as authorized by a Filming Permit for each day that Filming occurs at that
74 location.

75 *Permit* means a permit validly issued by the Department Director that authorizes Filming
76 and the Elements contained therein, if any.

77 *Private Property* means real property owned or leased by an individual or non-
78 governmental entity, including ,for example, residential homes and commercial developments.
79 Private Property shall not include real property which is being leased to the City as a lessee.

80 *Producer* means an individual, organization, corporation or any other entity that is
81 ultimately responsible for the Filming that is the subject of the Application and the Permit
82 (where applicable).

83 *Public Property* means real property owned by the City or for which the City is a lessee,
84 including, without limitation, parks, streets, sidewalks, other rights of way, and buildings.

85 *Sanitation Bond* means the refundable fee assessed for each Public Property location
86 where Filming occurs, as authorized by the Filming Permit.

87 *Sanitation Services* means the services performed by the Sanitation Division of the City's
88 Department of Public Works.

89 *Traffic Control Plan* means a drawing that is submitted with a request for a sidewalk,
90 lane and/or street closure that details the location of the closures, the alternative routes that will
91 be utilized for the detoured vehicular and/or pedestrian traffic, and the mechanisms (including,
92 without limitation, barricades and signage and the locations thereof) for implementing the
93 closures and alternatives.

94 **Sec. 11-431. Purpose and intent.**

95 The intent of the City in adopting this entertainment Filming ordinance is to facilitate
96 Entertainment Industry Work performed in the City while safeguarding the interests of the City's
97 residents and businesses. The article simplifies the permitting requirements associated with
98 Filming by enabling entertainment industry professionals to obtain required City approvals
99 through the Department rather than through numerous individual departments. It strengthens the
100 City's ability to anticipate and provide adequate services for the multiple Filming projects
101 throughout the City. It also enhances the City's ability to accommodate unanticipated
102 circumstances and requested changes. The Department similarly will respond to the needs of the
103 City's neighborhoods regarding Entertainment Industry Work and will promote community
104 awareness of the entertainment industry's impact upon the City's economic development. This
105 article furthers the City's commitment to being a best-in-class location to work and to live.

106 **Sec. 11-432. Department of Economic Development as resource and liaison.**

107 The Department will serve as a resource for the City's residents and businesses,
108 providing information upon request about current or scheduled Filming, helping to resolve
109 problems that arise from Entertainment Industry Work, and acting as a liaison between residents,
110 businesses and the entertainment industry to address inconvenience experienced generally and
111 with regard to a specific project. The Department will also serve as an ambassador to the
112 entertainment industry, providing information, answering questions, helping to resolve
113 challenges and facilitating the industry's work in the City. The Department will implement other
114 mechanisms that enhance the experience of all people performing and affected by Entertainment
115 Industry Work, which may include an informational web-page and on-line permitting. While
116 Permits are generally only required for Entertainment Industry Work that occurs on Public
117 Property only, the Department will be a resource and liaison for all Entertainment Industry
118 Work, including work that occurs on Private Property. In an effort to remain abreast of all
119 Entertainment Industry Work occurring within the City, any such work that will occur solely on
120 Private Property must be made known via completion and submission of an Application to the

121 Department. However, no Permit or Permit fee shall be required for Entertainment Industry
122 Work conducted solely on Private Property that has no impact on Public Property as discussed in
123 subsection 11-434(3) below.

124 **Sec. 11-433. Permits for Filming.**

- 125 (1) Any Producer that wishes to perform Filming must first obtain a Filming Permit.
126 A Filming Permit is only required if the Entertainment Industry Work is
127 performed on Public Property, *or* shall have an impact on Public Property as
128 discussed in subsection 11-434(3).
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- 130 (2) Filming Permits shall be issued by the Director. Permits shall be issued to the
131 Producer.
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- 133 (3) A Permit will specify the Filming that may occur at a particular location at a
134 particular time. The Permit will authorize Element(s) to be performed as part of
135 the Filming provided that the Elements have been approved by the Filming
136 Committee. After receiving a Permit, a Producer may request modifications to the
137 Permit as described in subsection 11-437(1) below.
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- 139 (4) Where the Filming Application includes a request to close a City street, lane
140 and/or sidewalk, the request shall be evaluated under and the closure must comply
141 with the street and sidewalk closure rules and regulations of the College Park Police
142 Department as well as Code Sections 16-2, 16-3, 16-4 of Chapter 16. Any closure of
143 a state road and/or highway must be first coordinated with the Georgia Department of
144 Transportation as provided in Section 11-440(7).
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- 146 (5) A Producer that receives a Permit is responsible for knowing and complying with
147 all other laws, including other ordinances and regulations that establish
148 prerequisites, authorizations and other required permissions applicable to the
149 Filming.
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- 151 (6) Where permitted Filming includes advertising signs or other displays of
152 commercial speech, the signs and/or displays must be removed upon the
153 expiration of the Permit.
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- 155 (7) Notwithstanding any other part of this Code, any Producer that performs Filming
156 without receiving a Permit, violates the material terms of a Permit, or is otherwise
157 in violation of this Entertainment Filming Ordinance, shall be fined one thousand
158 dollars (\$1,000.00) per offense. Each day any violation of the Entertainment
159 Filming Ordinance continues shall constitute a separate offense.

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- (8) While it is the intent of the City to honor each Permit, the issuance of such Permit shall not grant the Producer a constitutionally protected property interest.

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Sec. 11-434. Exemption from Filming Permit requirement—First Amendment Activity and Filming on Private Property.

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The following types of Filming are exempt from the permitting requirement of subsection 11-433(1) above. This provision does not exempt a Producer from complying with other applicable Code provisions, laws, ordinances or regulations that require Elements or other activities included in the Filming to be permitted or approved by the appropriate governmental entity.

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- (1) Filming associated with any permitted or unpermitted rally, protest or demonstration, except when the same is staged for the sole purpose of being included in the Filming's final product of the Filming.
- (2) Filming associated with an outdoor event that is authorized by a City-issued outdoor event Permit, as defined in Chapter 19, Article IV of the Code, or Chapter 13, Section 6 of the Code, and/or the rules and regulations of the College Park Recreation Department, except when the same is staged for the sole purpose of being included in the Filming's final product.
- (3) Filming that will occur solely on Private Property and that will not have any impact on Public Property and/or the general public through use of the Filming Elements set forth in subsections 11-435(4) (a), (e), (f), (g), (h), (i), (j), (l), and (n). Any Filming that will occur on Private Property and will likely have an impact on Public Property and/or the general public through subsections 11-435(4) (a), (e), (f), (g), (h), (i), (j), (l), and (n) may, at the reasonable discretion of the Director, require the issuance of a Permit just as is required for Filming on Public Property. If the Director determines Filming on Private Property is likely to have no impact on Public Property or the general public, the Producer shall only be required to pay the Application fee set forth in subsection 11-440(1) below and shall not require a Permit. If the Director determines Filming on Private Property is likely to have an impact on Public Property and/or the general public, the Producer will be required to comply with all provisions of this Article XXVI regarding Filming on Public Property.

196 **Sec. 11-435. Filming Elements.**

- 197 (1) An Applicant shall indicate on the Application each of the Elements listed below
198 that will be included in the Filming.
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- 200 (2) The final decision of whether to allow the Element shall be made by the Filming
201 Committee after consultation with the Department, and communicated to the
202 Applicant by the Department. Prior to denying permission to perform an Element,
203 representatives of the Filming Committee and Department shall consult with the
204 Producer in an attempt to find alternative ways to accommodate the Producer's
205 Filming needs.
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- 207 (3) This section applies to the activities listed below only when they occur on Public
208 Property. Where the Element requires approval from an additional governmental
209 jurisdiction, the Producer must obtain that approval as well.
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- 211 (4) The Elements are as follows:
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- 213 (a) Night-time Filming with the use of outdoor lighting where a residence
214 exists within 150 feet from the location of an outdoor light;
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- 216 (b) Filming in buildings that are owned by the City and not leased to a third
217 party, or in buildings of which the City is a lessee;
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- 219 (c) Use of Public Property that is maintained by the Public Works
220 Department;
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- 222 (d) Use of a temporary structure that requires permitting by the office of
223 buildings and/or the College Park Fire Rescue Department;
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- 225 (e) Use of intellectual property belonging to the City;
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- 227 (f) Closure of a City or state street, lane and/or sidewalk;
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- 229 (g) Use of pyrotechnics or other explosives;
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- 231 (h) Smoke effects, water effects, or flame effects;
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- 233 (i) Display of real or artificial fire arms, grenades, or other weapons that
234 would cause the public to fear violence;
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- 236 (j) Vehicle chases and/or vehicle crashes:
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238 (k) Dangerous stunts that have a reasonable likelihood of causing substantial
239 personal injury;
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241 (l) Use of large or any other equipment that has a reasonable likelihood of
242 causing damage to Public Property;
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244 (m) Filming in a City park; and
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246 (n) Use of wild animals controlled under federal, state, or county law and/or
247 ordinances.

248 **Sec. 11-436. Processing of Permit Applications.**

249 A Producer that wishes to perform Filming on either Public Property or Private
250 Property must submit to the Department a completed Application and the Application Fee
251 set forth in Code Section 11-440 below. Where the Producer is an organization,
252 corporation or other entity, the Application must be signed and submitted by an
253 individual authorized to bind the Producer. The Department will process the Applications
254 and the Director will make Permit determinations in accordance with this Article XXVI.

- 255 (1) The Application shall include, but not be limited to, the following:
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257 (a) The Filming project name;
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259 (b) The name and contact information of the Applicant, including
260 postal address, email address, and telephone number;
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262 (c) A valid photo identification of the Applicant;
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264 (d) The name and contact information of the Producer (if the
265 Applicant is not the Producer);
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267 (e) The dates, times and locations of the Filming for which a Permit is
268 being requested, and a general description of the Filming activity
269 that will occur at each location;
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271 (f) A description of any Elements that may be performed during the
272 Filming, including the dates, times and locations of each;
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- (g) A description of any aspects of the Filming, other than the Elements, that may require City services;
 - (h) A description of any assistance the Producer may need from the Department, and/or concerns that the Producer wants the Department to be aware of; and
 - (i) If the Producer is a student, an official letter or document from her/his school confirming that s/he is currently enrolled there. In addition, the student must appear in person at the Department and present her/his current student identification card and a valid driver's license. If the student does not have a driver's license, s/he may present a different form of identification that includes her/his photo.
- (2) If more than one Application is received for Filming at substantially the same Public Property and time, and the Director reasonably determines that the Filming cannot logistically and/or safely occur together, the earlier or earliest of the Applications that is received by the Department in a substantially completed form, which includes submission of the requisite Application fee, shall be given priority as to the time and place requested. The Department shall make reasonable efforts to consult with the other Applicant(s) in an attempt to find alternative times and/or locations that are acceptable.
- (3) An Application must be submitted to the Department a minimum of ten (10) business days before the proposed start date of Filming whether the Filming occurs on Public Property or Private Property; however, if an Application includes a request for a street closure, whether the street is a City or state street or highway, the street closure portion of the Application will not be approved unless it is received at least fifteen (15) business days prior to the closure in order to give the College Park Police Department time to evaluate the request for closure.
- (4) The Department shall compile and maintain rules and guidelines applicable to the use of Public Property for Filming, including the Elements that are part of the Filming, and shall apply those rules and guidelines equally regardless of the subject matter of the Filming and/or the content of the speech therein.

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- (5) In the event that permission to perform an Element is denied pursuant to subsection 11-435(2) above, the Department will process the remainder of the Permit and grant all other aspects of the Filming for which the requirements have been met.
- (6) The Director may deny an Application for Filming only if the Director reasonably determines that one or more of the below-listed conditions exists:
- (a) The Filming poses an unreasonable risk of personal injury or property damage to people or property not associated with the Filming;
 - (b) The Filming poses an unreasonable risk of damage to Public Property that could not be quickly and/or fully remediated;
 - (c) The date and time requested for a particular Filming location conflicts with previously-issued Permits or permissions for Filming, outdoor events, or other activities;
 - (d) Use of the Filming location, or use of the location during the date or time requested, would unreasonably interfere with the operation of City functions;
 - (e) Use of the Filming location or the proposed activity at the location would violate a law, ordinance, statute or regulation, regardless of whether the illegal activity is part of the message or content of the Filming. A Permit shall not be denied based upon simulation of an illegal activity where the actual illegal activity is not being performed;
 - (f) The Applicant or Producer owes an outstanding debt to the City;
 - (g) The Applicant or Producer previously caused significant damage to Public Property and, at the time of submitting the Application under consideration, failed to adequately repair the damage or pay in full the City's invoice for damage repair and restoration services;
 - (h) The Applicant or Producer previously violated this entertainment Filming Ordinance on two or more occasions, including, without limitation, by violating a material condition and/or restriction of a Permit;

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- (i) On two or more occasions, the Producer's Entertainment Industry Work in the City violated a City ordinance or other applicable law; and
 - (j) The Applicant made a material misrepresentation or gave incorrect material information on the Application.

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Prior to denial, the Director or his/her designee shall make reasonable efforts to consult with the Applicant or Producer, or both, in an attempt to resolve issues of concern and/or find alternative ways to accommodate the Producer's Filming needs, as described in subsections 11-436(7), (8), (9) and (10) below. The consultation must occur no later than three (3) business days after submittal of the Application to the Department.

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- (7) Prior to denying an Application, if the Director determines that the requested Filming includes one or more of the conditions described in subsections 11-436(6) (a), (b), (c), or (d) above, the Director or his/her designee shall employ reasonable efforts to identify alternative Filming locations, times and/or dates that eliminate the unacceptable condition(s) and that are mutually acceptable to the Producer and the City. The Applicant shall modify the Application to incorporate any agreed-upon alternatives within two (2) business days after consultation with the Director or his/her designee.
 - (8) Prior to denying an Application, if the Director determines that the requested Filming or related activity creates a violation as described in subsection 11-436(6)(c) above, the Director shall allow the Applicant to revise the Application so that the Filming activities comply with applicable law. The Applicant shall submit the requested modifications within two (2) business days after the request to do so.
 - (9) Prior to denying an Application pursuant to subsections 11-436(6)(f) or (g) above, the Director shall notify the Applicant and Producer of the potential denial and allow her/him to remedy the conditions described in those subsections within two (2) business days. The Director shall process the Application after such repair, restoration or payment is complete, and may require the Applicant to obtain an additional refundable Sanitation Bond for the Filming Permit in an amount equivalent to the cost of the repair, restoration or debt in addition to the basic Sanitation Bond required pursuant to subsection 11-440(4).

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- (10) Prior to denying an Application pursuant to subsections 11-436(6)(h), (i) or (j) above, the Director or his/her designee shall provide the Applicant an opportunity to present documents or other evidence that refutes the Director's finding of previous Permit violations, of previous violations of the law, or of misrepresentation or misinformation on the Application, as applicable, within two (2) business days after the request by the Director or his/her designee.
- (11) Where the Director has complied with subsections 11-436(7), (8), (9) and/or (10) above, and not later than six (6) business days after submittal of the Application, which time shall be tolled by up to two (2) business days due to the provisions of subsections (7) – (10) above, and reasonably determines that one or more of the conditions set forth in subsection 11-436(6) continues to exist and that the Application should therefore be denied, the Director shall issue a written communication to the Applicant that includes the reason(s) for the denial. Nothing in this subsection shall preclude the Director from also notifying the Applicant orally.
- (12) If the Director denies an Application, the Applicant shall have the right to appeal the decision to the City Manager or her/his designee, provided that a written request for such appeal is made to the City Manager within three (3) business days after the Applicant's receipt of the Director's determination. The appeal shall be heard or considered within five (5) business days after the City Manager receives the Applicant's request, and the City Manager shall evaluate the Application and the Director's decision in accordance with the criteria of this Article XXVI.
- (13) The City Manager or his/her designee may issue her/his decision verbally, and shall issue a written decision within three (3) business days after the hearing. The written decision shall be the final decision of the City regarding the Application. The Applicant or Producer may appeal the decision by writ of certiorari to the Superior Court of Fulton County pursuant to the procedures set forth by Georgia law. Any Applicant seeking a Permit must bear in mind the potential for initial denial of his or her Application and the subsequent time-frame needed for an appeal to be conducted. An Applicant should submit his or her Application to allow enough time before the proposed initial Filming date for any appeal that may be required to be conducted, as the City shall not be responsible for any delay caused to the proposed Filming schedule by denial and appeal of the initial Application.

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- (14) In no event shall the Director's or any City employee's evaluation of whether to grant or deny the Application, including any of the Elements, include consideration of: (a) the race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, political affiliation or associational relationships of the Applicant, Producer or any person associated with the Filming; or (b) the message or content of the Filming.

446 **Sec. 11-437. Modification, suspension or cancellation of a Permit.**

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- (1) After receiving a Permit, the Producer may request a material modification of the Permit at any time by submitting to the Department a Change Request and Change Fee as set forth in Code Section 11-440. The Department's ability to process the Change Request shall be determined pursuant to the provisions established for processing Applications, as set forth in subsections 11-432 (2) and (3) above. The Director's decision of whether to grant or deny the modification request shall be determined as set forth in subsections 11-436(4) through 11-436(14). Submission of a Change Request will not impact the validity of the Permit already issued, except upon written request of the Producer.
- (2) Where a Producer has obtained a Permit and abides by the material requirements thereof, the Permit shall prevent the City's stoppage of activities that are authorized by the Permit, except as otherwise set forth in subsection 11-437(3) below or as a result of applicable law.
- (3) In the event that the College Park Police Department, College Park Fire and Rescue, and/or other member of the Filming Committee identifies a substantial public health or safety risk arising from or caused by the Filming, and the Producer is in material compliance with the Permit, the following shall occur:
- (a) Where the substantial risk is identified prior to the commencement of the Filming, the Director and the applicable Filming Committee member shall employ reasonable efforts to consult with the Producer and identify Permit changes that are mutually acceptable to the Producer and the City, and that remedy the health/safety issue(s). Where such efforts are unsuccessful, the Director shall modify the Permit in a manner that minimizes disruption of the Filming as determined at the Director's reasonable discretion, and that eliminates the substantial risk as reasonably determined by the Filming Committee.

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- (b) Where the substantial risk is not imminent and is identified after the commencement of the Filming, the Director and the applicable Filming Committee member shall employ reasonable efforts to consult with the Producer and identify Permit changes that are mutually acceptable to the Producer and the City, and that remedy the health/safety issue(s). Where such efforts are unsuccessful, the Director shall modify the Permit in a manner that minimizes disruption of the Filming as determined at the Director's reasonable discretion, and that eliminates the substantial risk as reasonably determined by the Filming Committee.
 - (c) Where the substantial risk is imminent as reasonably determined by a Filming Committee member and is identified after the commencement of Filming, the applicable Filming Committee member may place a stop work order on the Filming if it finds that the order will likely alleviate the substantial risk. The stop work order may be issued without advance notice where the Filming Committee member deems that a delay of the order will jeopardize public health and safety, and shall be lifted as quickly as possible after the risk is eliminated. The Filming Committee shall notify the Director of the stop work order within two hours of its issuance. The Director and Filming Committee shall employ reasonable efforts to consult with the Producer and identify Permit changes that are mutually acceptable to the Producer and the City, that will minimize the length and impact of the stop work order as decided by the Producer, and that remedy the health/safety issue(s) as determined by the Filming Committee.
 - (d) Changes made to the Permit pursuant to this subsection 11-437(3) shall not require payment of a Change Fee.
- (4) Where the Director, or a Filming Committee member in consultation with the Director, determines that the Producer is violating material term(s) of the Permit, the Director shall decide the appropriate remedial actions after consulting with the Filming Committee and the Producer. If the Director and/or Filming Committee find that a substantial public health or safety risk is arising from or caused by the material violation, the Filming Committee in consultation with the Director may place an immediate stop work order on the Filming without prior notice to the Producer, and consultation with the Producer shall occur after the work stoppage. The consultation between the Director, Filming Committee member and Producer shall evaluate the nature and severity of the violation, whether the violation was intentional, whether Permit modifications should be made, whether the stop work order should be lifted (where applicable), and what other actions should be taken

518 (if any). Where the violation creates a substantial public health and/or safety risk,
519 the remedial actions decided by the Director will not be deemed final until the
520 Filming Committee reviews the remedial actions and confirms that they will
521 eliminate the health and safety risks.

522 **Sec. 11-438. Responsibilities of a Producer once a Permit is obtained.**

523 (1) A Producer or Producer's designee must have the Permit on site at the time and
524 location of the Filming, and must also have on site any other Permits required for
525 that location by the Department or any other governmental agency.

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527 (2) A Producer must confine Filming to the locations, times, guidelines and
528 conditions specified in the Permit and must abide by all other material terms of
529 the Permit.

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531 (3) Permits are not transferable.

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533 (4) Sanitation Services shall be contracted through the Department of Public Works
534 unless otherwise agreed upon in writing by the Director and Applicant or
535 Producer. Additionally, Producer must clean and repair the Filming location, and
536 restore it to the condition it was in immediately prior to the Filming, unless
537 otherwise agreed upon in writing by the Director and the Producer. The
538 Department will inspect the Filming location after the Filming is completed to
539 ascertain whether this requirement has been met. Where a Producer fails to fulfill
540 this requirement, the Producer shall forfeit his or her Sanitation Bond as discussed in
541 subsection 11-440(4). If the cost for the cleaning, repair and/or restoration of the
542 Filming location exceeds the amount of the Sanitation Bond, the Director shall bill
543 the Producer for these costs and the Producer must pay the invoice in full within
544 thirty (30) days of receipt.

545
546 (5) The Producer shall notify the Department within three (3) hours or sooner of
547 learning of any emergency event regarding or arising from the Filming that
548 involves the media, the police or fire departments or emergency medical services.

549
550 (6) A Producer is responsible for: (a) knowing and complying with all City
551 ordinances and other laws applicable to the Filming and to the other activities
552 arising from the Producer's Permit; and (b) requiring and using commercially
553 reasonable efforts to enforce the requirement that any person working for or at the
554 direction of the Producer (including without limitation contractors) complies with
555 all City ordinances and other laws applicable to the Filming and to the other
556 activities arising from the Permit. Applicable City ordinances include, without

557 limitation, the College Park Noise Ordinance, set forth in Chapter 8, Article II of
558 the College Park Code of Ordinances.

- 559
- 560 (7) The requirements of number (6) above shall include, without limitation, that the
561 Producer is responsible for obtaining any and all permissions, licenses or other
562 required authorizations for use of intellectual property, including intellectual
563 property which is on Public Property but is not owned by the City.
564
- 565 (8) A Producer is prohibited from acting as a representative or agent of the City, and
566 from indicating City endorsement of the Filming, except as otherwise agreed to in
567 writing by the Director.
568
- 569 (9) Any use of the City logo must be approved by the Director.
570
- 571 (10) Written notification of Filming shall be sent by the Producer to residents and
572 businesses within a three-block radius of a location for which a Filming Permit
573 has been issued. The notification must state that a Filming Permit has been issued,
574 and must include the date(s), time(s), location(s) and activities that are authorized
575 by the Permit. Additionally, notification shall be given to the councilmember
576 representing the district in which the Filming will occur. The Department shall
577 determine the most effective means and timing of notification based upon factors
578 such as the type of impact that the Filming will have on the neighborhood, the
579 time between receipt of the Application and commencement of the Filming, the
580 Producer's budget and previous communications from a neighborhood regarding
581 notification preferences.

582 **Sec. 11-439. Other Permit requirements.**

583 After a Permit has been approved by the Director, it will be issued once the
584 following have occurred:

- 585 (1) The Producer signs an indemnification provision on the Permit, whereby
586 the Producer agrees to indemnify the City and its officials and employees
587 from all claims, losses and expenses, including attorneys' fees and costs,
588 that may arise from the Permit and any of the activities performed
589 pursuant to the Permit by, on behalf of, or at the direction of the Producer,
590 except to the extent that claims, losses and/or expenses are caused by the
591 negligence or intentional misconduct of the City, its officials and/or
592 employees;
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- (2) The Producer signs a provision agreeing to comply with all applicable environmental laws, including an agreement not to allow legally-prohibited contaminants from entering the sewage and stormwater drainage systems serving the area where the Filming will occur. The Producer must sign a separate indemnification clause, such as the one described in number (1) immediately above, that pertains specifically to environmental breaches and includes without limitation the fines and clean-up costs associated therewith;
 - (3) The Producer obtains insurance coverage in an amount determined by the City's risk manager, covers the City as an additional insured on the policy, and provides proof of the coverage in a manner established by the City's risk manager. In no event shall the risk manager base any decisions regarding the Filming on the criteria set forth in subsection 11-436(14) above; and
 - (4) The Producer pays the Permit fee and any other applicable fees set forth in Section 11-440 below.

612 **Sec. 11-440. Fee schedule.**

613 The Mayor and Council shall set all applicable fees arising pursuant to this article
614 by resolution, and the Department shall collect all applicable fees. These fees shall be set
615 forth in the Filming Application available from the Department and in other applicable
616 sections of the Code pertaining to the cost of services or goods provided by other City
617 Departments as applicable. Where the Department receives funds that are attributable to
618 services performed by another City department, such funds shall be paid to the
619 department providing those services where prescribed by the Code.

620 Such fees are as follows:

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- (1) *Nonrefundable Application Fee.* An Application for filming on either Public Property or Private Property must be accompanied by a nonrefundable Application Fee. An Application shall not be deemed complete until the Application fee is received by the Department.
 - (2) *Filming Permit Fee.* The Filming Permit Fee is required for a particular Filming project during a calendar month, regardless of the number of Filming locations. A Filming Permit is valid through the last day of the calendar month and may be renewed for additional calendar months.

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- (a) *Standard Permit Fee.* The Standard Permit fees apply when the completed Application is submitted to the Department more than ten (10) business days prior to the effective date of the Permit.
- (b) *Rush Permit Fee.* If a completed Application is submitted to the Department ten (10) or fewer business days prior to the effective date of the Permit, the Applicant must pay the Standard Permit fee plus a Rush Permit fee. Additionally, if an Applicant submits an Application more than ten (10) business days prior to the desired effective date of the Permit, the Applicant may voluntarily pay the Standard Permit fee plus the Rush Permit fee in order to have the Application processed within ten (10) or fewer business days.
- (c) *Material changes to Filming Permit.*
 - (i) There is no charge for modifying a Filming Permit where the Director reasonably determines that the modification is not material. For purposes of this Article XXVI, "material" means that processing the requested change will require an expenditure of City staff time or services that is more than de minimus.
 - (ii) There is no charge for a material change to a Filming Permit where a completed Change Request is submitted to the Department more than five (5) business days prior to the effective date of the Permit. Where a material change is requested after the Permit has taken effect, there will be no charge if the completed Change Request is submitted to the Department more than five (5) business days prior to the implementation of the requested change.
 - (iii) If a Change Request for a material change is submitted to the Department five (5) or fewer business days prior to the effective date of the Permit or the implementation date of the change, as described in subsection 11-440(2)(c)(ii) above, the Applicant must pay a Change Fee. Additionally, if an Applicant submits a Change Request more than five (5) business days prior to the implementation of the requested change, the Applicant may voluntarily pay the Change Fee in order to have the Change Request processed within five (5) or fewer business days.

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- (d) *Cancellation Fee.*
- (i) Except as set forth in subsections 11-440(2)(d)(ii) and (2)(d)(iii) below, a Filming Permit Fee is nonrefundable.
- (ii) If the Applicant submits a Change Request to the Department and the change results in cancellation of a Filming Permit for a particular calendar month, the Applicant may utilize the Filming Permit Fee for the cancelled month to purchase a new Filming Permit for the same project for a different calendar month. Regardless of whether a new Filming Permit Fee is owed, the Department shall determine whether a Change Fee is applicable based upon the timing of the Change Request and the standards set forth in subsection 11-440(2)(c) above.
- (iii) A Filming Permit Fee is refundable if cancellation is required because of extraordinary circumstances for which the Producer is not responsible and which are not within the Producer's control. Inclement weather, except for declared states of emergency, and common illness shall not be deemed extraordinary circumstances.
- (3) *On-Site Services Fees.* On-Site Services Fees shall be as described in subsections (a) and (b) below:
- (a) *Standard On-Site Services Fee.* When submitting an Application to the Department seeking authorization to film at the site more than ten (10) business days (or in the event of a Change Request, more than five (5) business days) prior to the day of Filming, the Applicant may select the specific on-site services s/he needs to conduct the Filming from the list of services provided in the Application on an individual basis. The on-site services listed and made available to the Applicant on the Application each carry an individual charge as provided on the Application. If the Applicant requires additional on-site services not included on the Application, the Director or his/her designee shall coordinate with the Department and Film Committee to (i) determine whether such services are available and (ii) to identify a cost for such services. The cost of such special on-site services, if any, shall be made

713 known to the Applicant and shall be added to the cost of on-site
714 services if the Applicant chooses to avail him or herself of the
715 special services.
716

717 (b) *Rush On-Site Services Fee.* When submitting an Application to the
718 Department seeking authorization to film at the site less than ten
719 (10) business days (or in the event of a Change Request, five (5) or
720 fewer business days) prior to the day of Filming, the Applicant
721 must pay the standard On-Site Services Fees discussed in
722 subsection (a) above plus a Rush On-Site Services Fee. There is no
723 daily maximum regarding this rush fee.
724

725 (c) *Cancellation fee.*
726

727 (i) Except as set forth in subsections 11-440(3)(c)(ii) and
728 (3)(c)(iii) below, On-Site Services Fees are nonrefundable.
729

730 (ii) If the Applicant submits a Change Request to the
731 Department that results in cancellation of requested on-site
732 services for a particular day, the Applicant may utilize the
733 On-Site Services Fees for the cancelled day to pay for on-
734 site services for the same project for a day that is within
735 three (3) calendar days of the cancelled day. If the Change
736 Request is submitted five (5) or fewer business days prior
737 to the Filming day requested in the original Application or
738 the Filming day requested in the Change Request,
739 whichever is earlier, a Rush On-Site Service Fee shall be
740 owed.
741

742 (iii) On-Site Services Fees are refundable if cancellation is
743 required because of extraordinary circumstances for which
744 the Producer is not responsible and which are not within the
745 Producer's control. Inclement weather, except for declared
746 states of emergency, and common illness shall not be
747 deemed extraordinary circumstances.
748

749 (4) *Sanitation Bond.* A Sanitation Bond is assessed for each Public Property
750 location where Filming occurs, as authorized by the Filming Permit.
751 Where a Producer films at more than three locations in a day for the same
752 Filming project, s/he shall be charged Sanitation Bond only for the first
753 three locations. The Sanitation Bond shall be refundable upon the

754 conclusion of the Filming *and* upon review of the Public Property
755 location(s) by the Department followed by a determination that all
756 garbage, refuse, recyclable materials, discarded materials, and other waste
757 produced in association with the Filming project has been removed from
758 the location(s) and properly discarded.
759

- 760 (5) *Sanitation Services fees.* In addition to the Sanitation Bond required
761 pursuant to 11-440(4) above, Sanitation Services shall be contracted
762 through the Department of Public Works unless otherwise agreed upon in
763 writing by the Director and Producer. Applicant may select the specific
764 Sanitation Services s/he needs to conduct the Filming from the list of
765 services provided in the Application on an individual basis. The services
766 listed and made available to the Applicant on the Application each carry
767 an individual charge as provided on the Application.
768

- 769 (6) *Traffic Control Plans.*
770

771 (a) Entertainment Industry Work performed at certain locations will
772 require a Traffic Control Plan. The Department is authorized, but
773 not required, to coordinate the preparation of Traffic Control Plans
774 associated with Entertainment Industry Work with the College
775 Park Police Department. The cost of having the Department
776 prepare a Traffic Control Plan is included within the Permit fee
777 and any on-site services fees.
778

779 (b) The Department's preparation of a Traffic Control Plan will
780 include submitting the plan to the College Park Police Department
781 for review and to the office of transportation for approval, and
782 editing the plan as needed to meet the requirements of the two
783 reviewing departments, all at no additional charge to the Producer.
784

785 (c) The Producer is not required to have the Department prepare the
786 Traffic Control Plan, and there will be no penalty against or
787 differential treatment of any Producer who has the plan created by
788 a person or entity other than the Department. However, any Traffic
789 Control Plan the Producer has had created by an entity other than
790 the Department must be submitted to the Department for timely
791 review in accordance with subsection 11-436(3) above.
792

- 793 (7) *Street closures permits—Minimum notice.* Any and all street closures must
794 be approved by the College Park Police Department. The Director may

795 help coordinate the acquisition of a street closure permit for City streets
796 from the College Park Police Department. For closure of a state road
797 and/or highway located within or crossing through the City, the Applicant
798 must also complete any application required by the Georgia Department of
799 Transportation for said closures and must receive a permit for said
800 closure(s) from the Georgia Department of Transportation before said
801 closure(s) will be approved by the College Park Police Department. A
802 full street closure, whether for City or state roads, will not be permitted
803 unless the Application or Change Request is submitted at least fifteen (15)
804 business days prior to the closure. Rush fees may not be utilized for full
805 street closure requests. Street closures may be incorporated into any
806 Traffic Control Plan developed in accordance with subsection (6) above
807 provided said street closures and the subsequent Traffic Control Plan are
808 approved by the College Park Police Department.”
809

810 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
811 incorporated by reference as if fully set out herein.

812 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
813 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
814 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

815 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
816 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
817 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
818 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
819 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
820 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
821 of this Ordinance.

822 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
823 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

824 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
825 express intent of the Mayor and Council that such invalidity, unconstitutionality or
826 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
827 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
828 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
829 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
830 enforceable, and of full force and effect.

831 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
832 expressly repealed.

833 **Section 5.** Unless otherwise provided for herein, penalties in effect for violations of the
834 Code of Ordinances of the City of College Park at the time of the effective date of this Ordinance
835 shall be and are hereby made applicable to this Ordinance and shall remain in full force and
836 effect.

837 **Section 6.** The effective date of this Ordinance shall be the date of adoption unless
838 otherwise specified herein.

839 **ORDAINED** this _____ day of _____, 2017.

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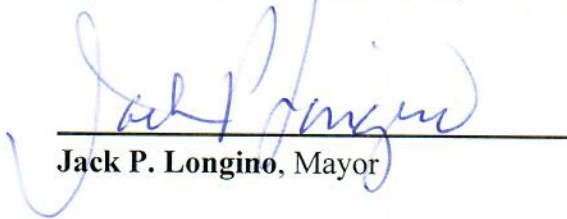
CITY OF COLLEGE PARK, GEORGIA

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Jack P. Longino, Mayor

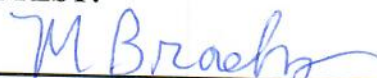
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847 **ATTEST:**

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Melissa Brooks, City Clerk

851 **APPROVED BY:**

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City Attorney