

**STATE OF GEORGIA
CITY OF MCDONOUGH**

ORDINANCE NO. 13-05-20 (A)

AN ORDINANCE AMENDING TITLE 5 OF THE CODE OF ORDINANCES, CITY OF MCDONOUGH, GEORGIA BY CREATING A NEW CHAPTER 5.45, "MEDIA PRODUCTIONS AND PERMITS"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION I.

Title 5 of the Code of Ordinances of the City of McDonough, Georgia is hereby amended by creating a new Chapter 5.45, "Media Productions and Permits," to read as follows:

CHAPTER 5.45—MEDIA PRODUCTIONS AND PERMITS.

Sec. 5.45.010—Definitions.

- A. *Film, filming or film activity* shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, commercials, and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format, including but not limited to, motion pictures, television, or commercial still photography.
- B. *Charitable films* shall mean commercials, motion pictures, television, videotapes, digital recording or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- C. *News Media* shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camerapersons.

- D. *Studio* shall mean a fixed place of business where filming activities (motion or still photography) are regularly conducted upon the premises.

Sec. 5.45.020—Permit and Exemptions.

- A. *Permit required.* No person shall use any public or private property, facility or residence for the purpose of taping without first applying for and receiving a permit pursuant to this Chapter.

B. *Exemptions.*

1. *News Media.* The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
2. *Personal/Family Video.* The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
3. *Studio Filming.* Filming activities (motion or still photography) conducted at a studio.

Sec. 5.45.030—Administration.

- A. The City Administrator may designate a Film Liaison for the City who shall be responsible for administering the provisions of this Chapter, as well as the issuance of any and all filming permits. If no Film Liaison is designated, then the City Administrator shall serve as the Film Liaison.
- B. Issuance of permits and other decisions rendered pursuant to the terms of this Chapter shall be based upon:
1. The health and safety of all persons.
 2. Mitigation of disruption to all persons within the affected area.
 3. The safety of property within the City.
 4. Traffic congestion at particular locations within the City.

Sec. 5.45.040–Applications and issuance of permits.

- A. Applications shall be made on a form prescribed by the Film Liaison and shall include the following information:
1. The representative of the property, the address, email address and telephone number of the place at which the activity is to be conducted.
 2. The specific location at such address or place.
 3. The inclusive hours and dates such activity will occur.
 4. A general statement of the character or nature of the proposed filming activity.
 5. The name, address, email address, and telephone number of the person or persons in charge of such filming activity.
 6. The exact number of personnel to be involved.
 7. Activity that may cause public alarm such as the use of any animals, gunfire or pyrotechnics and low flying aircraft.
 8. The exact amount/type of vehicles/equipment to be employed along with a parking plan.
- B. *Deadline for applications.* Applications must be submitted a minimum of two days in advance; if the filming activity interferes with traffic or involves potential public safety hazards, the application should be submitted a minimum of three business days in advance.
- C. *Change of Date.* Upon the request of the applicant, the Film Liaison shall have the power, upon a showing of good cause, to change the date for which a film permit has been issued, provided established limitations are complied with in respect to time and location.

Sec. 5.45.050–Application fee, reimbursement for costs, waiver.

- A. *Application Fee.* The application fee for any filming permit is \$250 and must be submitted together with the application required in section 5.45.040, above.

- B. *Reimbursement for Personnel.* The production company shall reimburse the City for any personnel provided to the company (e.g., police, fire, traffic) for the purpose of assisting the production.
- C. *Waiver.* Any fee or reimbursement required by this section may be waived upon advance written request to the Film Liaison and for good cause shown. Decisions rendered by the Film Liaison in connection with requests for waiver shall be final and are not subject to appeal.

Sec. 5.45.060–Filming Regulations.

- A. *Residential Locations.* Filming in residential neighborhoods shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- B. *Notification.* Permittees must provide all residents and merchants within a 200-foot radius of the film location notice of the dates, times, location addresses and production company contact at least 24 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 24 hours prior to the arrival of the vehicles.
- C. *Clean up.* The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the clean up of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.
- D. *Filming on private property.* A permittee must obtain permission, consent and/or secure a lease for any use of property not owned or controlled by the City.
- E. *Public works department (road and streets).* If a permittee desires to park equipment, trucks and/or cars in restricted parking zones, temporary “No Parking” signs must be posted, subject to the prior approval of the City’s Film Liaison. In addition, authorization is required to lay and safely mat cable across sidewalks, or from generator to service point.
- F. *Traffic control.*
 - 1. In the event any filming impairs traffic flow, permittees may be required to use local law enforcement personnel for traffic control purposes and comply with other traffic control requirements as deemed necessary by the City’s Film Liaison.

2. Permittees shall furnish and install advance warning signs and any other traffic control devices in conformance with the National Manual on Uniform Traffic Control Devices ("MUTCD"). All appropriate safety precautions must be taken.
 3. For any lane closure or intermittent traffic control, the period of time that traffic may be restricted will be determined by the Chief of Police of the City of McDonough, based on traffic volumes for location and time of day.
 4. Traffic shall not be detoured across a double line without prior authorization of the Chief of Police.
 5. Unless authorized by the Film Liaison, after consultation with the Chief of Police, any camera cars must be driven in the direction of traffic and must observe all traffic laws.
 6. Any emergency roadwork by City crews and/or private contractors, under permit or contract to the City, shall have priority over filming activities.
- H. *Municipal parking lots, parking meters.* No relocation or alteration of parking meters shall be permitted without prior approval. Permittees shall not be required to pay any fee for parking in any municipal parking lot.
- I. *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 City of McDonough Fire Department.

Sec. 5.45.070–Liability.

- A. *Liability Insurance.* Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the City as an additional insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The City officers and employees also shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the City. A copy of the certificate shall remain on file.

- B. *Worker's Compensation Insurance.* An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.
- C. *Hold Harmless Agreement.* An applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of a permit under this ordinance.
- D. *Security Deposit.* To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the City, if no verifiable damage has occurred, the security deposit should be returned to the applicant.

Sec. 5.45.080–Violation.

The penalty for any violation of this Chapter is revocation of a filming permit. In the event of any such violation, the Film Liaison or other City official shall provide the permittee with verbal or written notice of such violation. If the permittee fails to correct the violation, the City may revoke the permit and all filming activity must cease.

SECTION 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 3.

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

SECTION 4.

This ordinance shall become effective immediately upon adoption.

So ordained this 20th day of May, 2013.


CITY OF MCDONOUGH, GEORGIA


BILLY COPELAND, MAYOR

ATTEST:

APPROVED AS TO FORM:


JANIS PRICE, CITY CLERK


LEIGH HANCHER, CITY ATTORNEY