

**CITY OF ALLEN PARK
ORDINANCE NO. 2009-02**

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF THE CITY OF
ALLEN PARK, TO AMEND ARTICLE XXII TO ADD SECTIONS 22-920
THROUGH 22-929, PRODUCTION FILMING; REGULATIONS
REQUIREMENTS, & PERMITS WITHIN THE CITY.**

THE CITY OF ALLEN PARK ORDAINS:

**SECTION 1. AMENDMENT OF ARTICLE XXII TO ADD SECTIONS 22-920
THROUGH 22-929, PRODUCTION FILMING, REGULATIONS,
REQUIREMENTS, & PERMITS WITHIN THE CITY**

SECTION 2. ADD SECTIONS 22-920 THROUGH 22-929 AS FOLLOWS:

Section 22-920, Definitions:

For the purposes of this Article;

Motion picture, television, radio and photographic production means all activity attendant to staging or shooting (video taping or filming or digital recording) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or in the public right-of-way in any one (1) location for longer than five consecutive minutes.

Section 22-921, Permit Required:

(a) No person shall use any public right-of-way, or any public or private property or facility for the purpose of producing, broadcasting, taking or making any commercial motion picture, television, radio or photographic production as defined in Section 22-920 unless he/she shall have first made application for and obtained, as prescribed in this Article, a permit for each instance.

(b) The provisions of this Article shall **not** apply to the following:

- (1) Current news productions, which includes reporters, photographers or camera persons in the employment of a newspaper, news service,

broadcasting station or similar entity engaged in the broadcasting of news events;

(2) Productions which are conducted by the City's public, education and government access organizations, or by or at the direction of the City;

(3) Productions which are conducted within legally established commercial motion picture/television/radio/ photography studios;

(4) Video or multimedia broadcast or transmission of a live performance within a live entertainment venue on large screen monitors; or

(5) Private events filmed or photographed for non-commercial purposes, such as private parties or weddings.

Section 22-922, Permit Applications:

(a) Any person desiring a permit to conduct motion picture, television, radio and photographic production activities under the provisions of this Article shall make application on the appropriate form provided by the City, or by furnishing the required information in person or by first class mail, facsimile, or the internet to the City Clerk's office. The form must be signed and accompanied by all required fees, deposits, hold harmless agreements and insurance certificates required by this chapter before it will be processed.

(b) The applicant for a permit required by this article shall supply the following information on the application:

(1) The name, mailing address and phone number of the person making the application, along with the name and contact information for the location Administrator. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors or members;

(2) The address, legal description and proof of ownership of the site at which the proposed activity is to be conducted. Where ownership is not vested in the prospective permittee, he or she shall submit an affidavit from the owner

indicating the owner's consent to the use of the site for the proposed activity;

(3) A statement of the kind, character, and type of proposed motion picture, television, radio and photographic production;

(4) The dates and hours during which the proposed motion picture, television, radio and photographic production is to be conducted;

(5) An estimate of the maximum number of attendants expected at the motion picture, television, radio and photographic production for each day it is conducted;

(6) Each application shall be accompanied by a fee, as follows:

a. A processing fee in an amount established by resolution of the City Council to reimburse the City for the staff time required to evaluate the application and establish conditions of approval. The processing fee shall be waived for charitable and nonprofit organizations which qualify under Section 501 (c) (3) of the United States Internal Revenue Code. The processing fee is non-refundable.

b. A daily property use fee in an amount established by resolution of the City Council to compensate the City for the use of public property and its unavailability for ordinary and usual purposes resulting from the filming activity.

c. A monitoring fee to reimburse the City for staff time required to monitor the filming activity, and for reasonable costs for other City services or equipment approved for use during such activities, in an amount as determined at the time of the City's review of permit application.

d. The processing fee and the property use fee shall be waived for the following:

1. Productions conducted by a cable television company operating under a franchise granted by the City which are not conducted on public property, do not interfere with public right-of-ways, and which involve fewer than two motor vehicles;

2. Productions for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly; and
3. Student filming - productions directed or produced by a person currently enrolled in courses related to the production.

(c) Each application for a permit required by this article shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective permittee's plans to provide for the following:

- (1) The size or area of the property to be used, including a sketch of the filming site showing placement of work trucks, location of production vehicles,
- (2) Sketch of the "base camp" if any, showing any off-street locations for crew parking, honey wagon, catering, and nonessential production vehicles;
- (3) Traffic control plan of the exact filming location, listing roads or lanes to be closed, if any;
- (4) Description of the duration of the proposed activity and daily hours of operation.
- (5) Facilities for cleanup and waste disposal;
- (6) Letter of notification and signatures from businesses/neighborhoods impacted by filming if required by the City Administrator or his/her designee; and
- (7) Insurance arrangements and coverage.

Section 22-923, Investigation of Application:

Upon receipt by the City Clerk's office, copies of the application for a permit required by this article shall be forwarded to the appropriate City Departments, and to such other appropriate public officials as the City Administrator or his/her designee deems necessary.

Section 22-924, Issuance Requirements:

(a) In processing an application for a production filming permit required by this Article the City shall, at a minimum, require the following:

(1) **Security personnel.** The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the location of the filming activity and for the preservation of order and protection of property in and around the site of the filming activity. No permit shall be issued unless the Police Chief or his/her designee is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the production filming.

(2) **Notification.** The permittee or his/her designee shall notify affected residents, occupants and businesses, in advance of filming, and as instructed by the City, of the duration and location of filming activities, including information about planned special effects, road and lane closures, "no parking" requests, sidewalk usage and the time that any barricades will be placed on the street and/or sidewalk.

(3) **Access.** Production vehicles may not block parking lot access drives, fire hydrants, or be parked in fire lanes, and must allow a minimum of 20 feet of clearance between vehicles parked on either side of the road for emergency response vehicles to pass.

(4) **Base camps.** Base camps may not be located on a public street unless approved in writing by the City or the Police Chief or his/her designee. Only the necessary production vehicles (i.e. grip and light trucks) may be parked on a public street, if necessary, at the filming location. Crew parking, honey wagon, catering, and other non-essential production vehicles shall be at a predetermined location.

(5) **Insurance.** As a condition of issuing a permit under this Article, the permittee shall furnish insurance in an amount to be determined by the City Administrator but in no event in an amount less than one million dollars (\$1,000,000.00) 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 the City property arising out of the permittee's activities. An additional minimum of five million dollars (\$5,000,000.00) of such general liability insurance coverage shall be required in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity. Such insurance shall be evidenced by the standard General Special Endorsement Form or the Certificate of Insurance (Public Liability) form provided by the City. The applicant shall also submit verification that adequate worker's compensation insurance coverage is maintained.

(6) **Fire protection.** The permittee shall at his/her own expense take adequate steps as determined by the Fire Chief to ensure fire protection.

(7) **Hold Harmless Agreement.** The permittee shall execute a hold harmless agreement as provided by the City prior to the issuance of any permit.

(8) **Other conditions.** Prior to the issuance of a permit, the City Administrator may impose any other conditions reasonably calculated to ensure compliance with the requirements of this section and to protect the health, safety, welfare and property of attendants or of citizens of the City, including a limitation on the duration of the permit and the location of activities there under.

(b) In processing an application for a permit required by this article, the City shall issue a permit as provided for in this chapter when, from a consideration of the application and from such other information as may be otherwise obtained, he/she finds that:

(1) The conduct of such activity will not unduly interfere with the use and enjoyment of neighboring property or 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. Adequate advance notice of any street closure shall be given.

(2) The conduct of such activity will not unduly interfere with normal governmental 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.

(3) The activity does not propose to include obscene matter or an obscene performance and will not involve conduct in violation of state, local, or federal laws, rules, or regulations, including 1984 PA 343, being MCL 752.361 to 752.374.

(4) At the determination of the City that the condition of such activity will not constitute a fire hazard or any other type of hazard and all property safety precautions will be taken as determined by the heads of the applicable departments or their designees.

5) The permit shall not authorize the production of a film that in any manner requires the use of property owned by or under the control of the City of Allen Park in violation of 2008 PA 84, prohibiting the production of a film that includes obscene matter or an obscene performance or that requires that individually identifiable records be created and maintained for every performer provided in 18 USC 2557. The City reserves the right to review all proposed scripts for any production filming activities. The decision of the City to issue, conditionally issue, or deny a permit shall be final unless appealed in writing within five working days of the decision by requesting a hearing before the City Council at the next available meeting. Where conditions are imposed as prerequisite to the issuance of a permit and where a permit is denied, notice thereof shall be mailed to the applicant by certified mail within five (5) days of such action. In the case of a permit denial, the reasons therefore shall be stated in the notice.

Section 22-925, Grounds for denial:

A filming permit, required by this article, may be denied if:

(1) The applicant fails to comply with any or all requirements of this Article, or with any or all conditions imposed pursuant to this Chapter, or with any other applicable provision of state, local, or federal laws, rules, or regulations; and/or

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 22-926, Contents, posting, transferability:

A production film permit required by this article shall specify the name and address of the permittee, the kind and location of the filming activity, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the filming activity, and shall not be transferred to any other person or location.

Section 22-927, Revocation of Permit:

(a) The City may revoke a permit issued pursuant to this Article whenever the permittee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter, including the conditions imposed upon issuance of the permit, or with any and all provisions, regulations, ordinances, statutes, or other law incorporated by reference in this chapter.

(b) A permit shall automatically be revoked if riotous, disorderly, obscene, or otherwise unlawful conduct occurs at a filming location or if an assemblage exceeds one hundred and twenty-five (125) percent of the estimated attendance, as indicated on the application for a permit. In such instances the premises may be closed by the Police Department or Fire Department and the assembly disbursed.

Section 22-928, Cost of Additional Services:

If deemed necessary by the City, additional police, code enforcement, fire, and other City services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The estimated cost of providing such additional services shall be paid in advance to the City by the applicant. Any additional City services will be provided/coordinated through the City.

Section 22-929, Clean-up and Restoration:

The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area, and the cleanup of trash and debris. The area used shall be cleaned of trash and debris within two hours of the completion of the activity or within such other time established in the permit to the City's satisfaction. The applicant shall be responsible for restoring any area damaged or disrupted before leaving the site. If the site is not repaired or restored to the City's satisfaction, the City shall have the necessary restoration and/or repairs performed and the applicant shall reimburse the City for such work within ten days of completing filming.

SECTION 3. REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4. SAVING CLAUSE.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. ADOPTION.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 03rd day of March, 2009 and ordered to be given publication in the manner prescribed by law.

Motion by Tucci

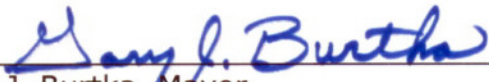
Supported by Rourke

Roll call vote: 5 ayes, 0 nays – absent members: Kelley and Tertzag

MOTION ADOPTED -09-0310-072



Michael Mizzi, City Clerk
City of Allen Park



Gary J. Burtka, Mayor
City of Allen Park