

AN ORDINANCE ESTABLISHING GUIDELINES FOR COMMERCIAL FILMING IN THE CITY OF PITTSBURG, TEXAS; ESTABLISHMENT OF A COMMERCIAL FILMING APPLICATION AND PERMIT; AND, PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING A CONFLICTS CLAUSE; AND, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Pittsburg recognizes that on-location commercial filming is good business for the community and can have a positive impact on the local economy; and,

WHEREAS, the Texas Film Commission has established the Film Friendly Texas program in an effort to help communities effectively handle on-location filming; and,

WHEREAS, the adoption of filming guidelines and permit regulations are a requirement in order for a city to be branded as Film Friendly Texas Community; and,

WHEREAS, the City Council find and concludes that amending the Pittsburg Code of Ordinances relating to commercial on-location filming is in the best interest of the public and in support of the health, safety, morals and general welfare of the City,

SECTION 1. Guidelines for Filming Permit Regulation Ordinance

GUIDELINE FOR COMMERCIAL FILMING IN THE CITY OF PITTSBURG

I. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within Pittsburg and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of Pittsburg, Texas residents and businesses, and to promote the public health, safety and welfare. The City Manager reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Manager.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

II. CITY CONTROL/CITY MANAGER AUTHORITY

The City Manager may authorize the use of any City street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration herein and as specified on the application as shown in EXHIBIT A be met as a prerequisite to that use.

The Applicant agrees that the City of Pittsburg, TX shall have full control over the use of public streets and buildings of the City while being used, as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming if determined to be detrimental to the public health, safety and welfare.

The Applicant shall agree to allow City departments (e.g., Police, Fire, Building) to inspect all structures,

property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager.

III. PERMIT REQUIREMENTS

Before filing an application for filming in Pittsburg, TX the Office of Community Development must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Pittsburg, TX. An issuance of a permit is subject to final approval by the City Manager and Chief of Police.

Any commercial producer who desires to undertake a commercial production in Pittsburg, TX is required to complete and return the attached application for filming to the Office of Community Development, within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

Prior to issuance of a permit the following are required:

- Production schedule and activities including dates and locations.
- Budget outlining what will be spent locally.
- A map of anticipated street closure(s) or other public area use.
- Anything additional outlined on the project information to attach portion of the Filming Application.

After issuance of a permit, a pre-filming meeting is required between at least one representative of the filming crew and all applicable city personnel, including, but not limited to the Chief of Police, City Manager, Office of the Mayor, Community Development Office and Fire Department. Any special effect including pyrotechnics or explosions is required to meet with the Chief of Police to demonstrate licensing and scheduling.

IV. APPLICATION FEE

An application processing fee of \$25.00 should accompany each application for filming in Pittsburg.

The City Manager may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the City Manager.

V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant will agree to pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether specifically requested by the production or not). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager. The Applicant will agree to pay all costs in full, within ten (10) days after receipt of an invoice for said costs. The City Manager may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Manager, in consultation with the Chief of Police and/or Fire Chief, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

VI. USE OF CITY PROPERTY

The City Manager may authorize the use of any City street, right-of-way, park or public building, use of Pittsburg, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City

Manager. No City equipment or facility will be approved for use until all insurance requirements are met.

Any scheduling or location changes impacting a City street, building, right of way or park needs to be submitted to the City within 12 hours of use. For example, a street closure request.

Some streets located in Pittsburg are State operated and maintained. The State requires a 30 day notice on any closure of a State maintained street. These requests need to go through the State office.

Depending upon the extent of the use of City property, the Applicant agrees to reimburse the City for inconveniences when using public property. Following is the rate schedule:

Activity	Cost (per Calendar Day)
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500 per day
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250 per day
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50 per block, per day
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25 per block, per day
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot, per day

The applicant agrees that the City of Pittsburg, Texas shall have full control over the use of its name, trademark, logo, public streets and buildings of the City, while any are being used, as well as control the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity if it is determined to be hazardous to the public health, safety and welfare.

VII. SPECIAL EQUIPMENT, VEHICLES AND FOOD SERVICE

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City so as to maintain traffic safety. On-street parking or use of public parking lots is subject to City approval.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager. Any catering service or food preparation is subject to City inspection and approval.

VIII. HOURS OF FILMING

Unless express written permission has been obtained from the City Manager in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 p.m.

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 p.m.

IX. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short written description, approved by the City Manager, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood (as defined by boundaries set by the City Manager). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Manager, the City Manager may grant or deny the filming application.

X. FILMING ON PRIVATE PROPERTY

All filming locations on private property (not City owned) will require an approval letter of that property owner. A copy of that letter should be submitted to City Hall and a copy kept with the filming crew on that site.

XI. CERTIFICATE OF INSURANCE

The producer shall attach a certificate of insurance, naming the City of Pittsburg, TX as an additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

XII. DAMAGES AND CLEANUP

Permit holders are personally and financially responsible for any damages connected with their activities on the requested public property including but not limited to; damage to utilities, structures such as gazebos, the grounds such as creating ruts or tracks, streets such as creating stains or physical damage. All damage assessed by City Hall will be the responsibility of the applicant. Damages not paid within 30 days of assessment of damages will be filed against the applicant's insurance policy by the city.

Permit holders are responsible for cleanup of all debris connected with their activities including but not limited to; booths, tents, electrical cords, portable toilets, and trash or anything else related to filming. Failure to comply and properly cleanup will be documented and could result in immediate denial of future application request.

XIII. LIABILITY

The Applicant agrees to pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

XIV. HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of Pittsburg, Texas, and that I and my firm will indemnify and hold harmless the City of Pittsburg, Texas and its elected officials, officers, servants, employees, successors, agents, departments and assigns from any and all losses, damages, expenses, costs and/or claims of every nature and kind arising out of or in connection with the filming/taping and other related activities engaged in pursuant to this Application.

I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of Pittsburg, Texas on behalf of the firm.

Signed: _____

Title: _____

Date: _____

SECTION 2. CONFLICTS This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Pittsburg, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances or Code provisions, in which event the conflicting provisions of such ordinances are hereby superseded.

SECTION 3. SEVERABILITY CLAUSE If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance; and the City Council hereby declares it would have passes such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. PENALTY Any person violating any of the provisions of this ordinance shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. EFFECTIVE DATE This ordinance shall become effective from and after the date of its passage, and it accordingly so ordained.