

ORDINANCE NO. 2018-O-08A

FILM PRODUCTION GUIDELINES

AN ORDINANCE ESTABLISHING REQUIREMENTS AND PROCEDURES FOR FILM PRODUCTION WITHIN THE CITY LIMIT OF MARBLE FALLS, TEXAS, A HOME RULE CITY; PROVIDING FINDINGS OF FACT; PROVIDING PURPOSE AND INTENT; PROVIDING FOR CHARGES AND FEES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND OPEN MEETING.

WHEREAS, the City of Marble Falls, a home rule municipal subdivision in the State of Texas (City), seeks to encourage and welcome film production in the City; and,

WHEREAS, in doing so establishes the following regulations and guidelines to protect the personal and property rights of the City, its residents and businesses as well as to protect public health, safety and welfare; and,

WHEREAS, the requirements and guidelines are equally intended to establish a program to create an environment friendly to filming and production within the city limits in an effort to promote economic development activity.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION I. FINDINGS OF FACT. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. CITY CONTROL/CITY MANAGER AUTHORITY

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, use of the Marble Falls, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

The City possesses and retains exclusive authority to grant a revocable license for the use of its name, trademark, and logo, city-owned property, public streets, rights-of-way, parks and buildings of the City 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 activity in order to protect public health, safety and/or welfare.

The City Manager may authorize the use of any 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 renumeration herein be met as a prerequisite to that use.

City departments (e.g., Police, Fire, Building) shall be granted access to inspect all structures whether public or private, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager. There may be a charge for the inspection. Any use of fire, pyrotechnics, and/or explosives must be approved by the Fire Marshal.

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.

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.

III. APPLICATION FOR FILMING PERMIT REQUIREMENTS

Before filing an Application for Filming (Application), the Office of the City Manager must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Marble Falls. Any commercial producer who desires to undertake a commercial production is required to complete and return an Application for Filming to the Office of the City Manager 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.

IV. FEES AND CHARGES

The city may impose reasonable fees for reimbursement of costs incurred by the City in association with the film project. These fees include but are not limited to the use of City equipment, City owned real estate, city personnel, and the utilization of a public right-of-way or a public area.

The City shall be reimbursed for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production company). Remuneration rates for the use of any City equipment, including police cars and fire equipment, as well as City-owned property, will be established on a case-by-case basis as determined by the City Manager. 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.

A security or damage deposit may be required within the discretion of the City Manager or his/her designee. The City Manager may, at his/her discretion, require an advance deposit for all costs related to the use of City personnel, property and/or equipment.

The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Manager may, at any time, elect to waive any charges and fees assessed in association with the project.

V. VEHICLES AND EQUIPMENT

A report providing a full and complete list of the number of vehicles and types of equipment to be used during the filming, including proposed parking locations, shall be provided with the Application. All parking locations including on street parking and use of public parking lots are 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 or his/her designee.

VI. HOURS OF FILMING

Upon approval of the Application and following notification of any and all affected property owners, filming will be limited to 7:00 am to 9:00 pm on any given day. Upon request or in an effort to minimize impact on local property owners, business owners and residents, the City Manager may provide authorization to film outside of the designated hours.

VII. NOTIFICATION OF NEIGHBORS

A location schedule shall be submitted with the Application. When filming in an area that may disrupt or impeded traffic in a residential or commercial area, the production company is required to notify neighbors and businesses of the planned impact. A short-written description of the schedule is to be provided to the owners and residents of the property in the affected neighborhood(s). The Applicant should make a good faith effort to notify each owner and resident of all such property and may be required to provide a sign off sheet with their signatures, addresses and phone numbers to the office of the City Manager prior to approval of an Application.

VIII. CERTIFICATE OF INSURANCE

A valid certificate of insurance shall be attached to the Application, issued by a company authorized to conduct business in the state of Texas, naming the City of Marble Falls and its agents, officers, elected officials, employees and assigns, as 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.

IX. DAMAGE TO PUBLIC OR PRIVATE PROPERTY

The Applicant shall 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.

X. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such a inconsistency is apparent. The ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

XI. HOLD HARMLESS AGREEMENT

The Applicant shall hold 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.

XII. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ADOPTED AND APPROVED on this 7th day of August, 2018, by a vote of the City Council of the City of Marble Falls, Texas.



CITY OF MARBLE FALLS

John Packer

John Packer, Mayor

ATTEST:


Christina McDonald, City Secretary

APPROVED AS TO FORM:


Patty L. Akers, City Attorney