

ORDINANCE NO. 20-EE

AN ORDINANCE AMENDING CHAPTER 28, COMPREHENSIVE FEE ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF ESTABLISHING FEES ASSOCIATED WITH THE FILMING GUIDELINES FOR THE CITY OF ALVIN, TEXAS; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That Section 28-2 of the Code of Ordinances, City of Alvin, Texas is hereby amended establishing Filming Fees as follows:

Sec. 28-2. In General.

...

Filming Fees

Film Application..... \$25.00

The Applicant shall reimburse the City for inconveniences when using public property, in accordance with the following rate schedule:

<u>Activity</u>	<u>Cost per calendar day</u>
<i>Additional fees may be added depending on the filming activity, night filming, and any extra hours needed for filming</i>	maximum of 11 hours/day
Total or disruptive use (during 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 a 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

Off-duty and on-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.

...

Section 2. That except as amended herein, all other provisions of Chapter 28 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This Ordinance shall take effect immediately after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on first and final reading on the 17th day of December 2020.

CITY OF ALVIN, TEXAS:

By: 

Joel Castro, Mayor Pro-Tem

ATTEST

By: 

Dixie Roberts, City Secretary



Guidelines for Filming in Alvin, Texas

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Guidelines for Filming in Alvin, Texas

I. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within Alvin and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of City of Alvin residents and businesses, and to promote the public health, safety and welfare. The City Manager (which in all references shall include his/her designee), reserves the right to impose additional regulations in the interest of the public health, safety and welfare, or as 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/ CITY OFFICIAL

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 remuneration herein and as specified on the application be met as a prerequisite to that use.

The Applicant agrees that the City of Alvin shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks, and public buildings of the City, as well as authority to regulate 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 in order to promote the public health, safety or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Public Works) 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 Alvin, the City Manager, must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Alvin, Texas.

Any commercial producer who desires to undertake a commercial production in Alvin is required to complete and return the attached application for filming to the City Secretary's Office, within the time frames below:

- **Commercials or episodic television:** a minimum of ten (10) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of fifteen (15) business days prior to the commencement of filming or any substantial activity related to the project.

IV. GENERAL REQUIREMENTS

City of Alvin property may not be used for films of pornography and/or films which promote pornography. In addition, filming which uses pyrotechnics, explosions, and/or automobile or heavy equipment stunts on City of Alvin property must be preapproved by the City Manager, Fire Chief and/or Fire Marshal, and/or the Chief of Police.

If filming exceeds the anticipated time frame, additional fees will be invoiced after completion of the project.

The Applicant understands and acknowledges that the City of Alvin will comply with the Texas Public Information Act in responding to any request for public information pertaining to the film project.

No alcoholic beverages or illegal drugs may be brought onto City of Alvin property. Tobacco products may be used in designated outdoor smoking areas only.

Applicants shall make good faith efforts to make purchases in Alvin and to hire Alvin residents. At least 40% of film crew or employees in need of a place to stay must use lodging within the city limits of Alvin.

The permittee is required to include the City of Alvin in production credits for filming and/or videotaping.

V. REFUND OF APPLICATION FEES; TRANSFERABILITY; EXPIRATION

The Applicant shall not be entitled to a refund of any fees paid for any cause whatsoever. A permit issued shall be deemed personal to the Applicant and shall not be assignable. However, the City Manager may authorize the transfer of the permit from one location or place of business to another after being given ten (10) days' notice of such proposed transfer. The permit shall expire twenty (20) days after the last date of scheduled filming on the application unless an express expiration date is required by the City Manager

VI. APPLICATION FEE

An application processing fee of \$25.00 shall accompany each application for filming in Alvin.

The City Manager may waive this fee upon proof of an organization's non-profit status.

VII. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel (either on or off duty) assigned to the project (whether or not specifically requested by the Applicant). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be based upon the City of Alvin's Fee Ordinance, Chapter 28 of the City of Alvin's Code of Ordinances. 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 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 of additional on duty or off duty personnel shall be borne entirely by the Applicant.

Off-duty and on-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.

VIII. USE OF CITY-OWNED REAL ESTATE

The City Manager may authorize the use of any street, right-of-way, park or public building, or the use of the City of Alvin's name, trademark, and/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.

The Applicant shall reimburse the City for inconveniences when using public property, in accordance with the following rate schedule:

neighborhood(s). The Applicant shall make a good faith effort to notify each affected owner, tenant, and resident of the proposed production, and shall submit, as part of this Application, a report noting the 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, may grant or deny the filming application.

XII. CERTIFICATE OF INSURANCE

The Applicant shall attach a valid Certificate of Insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of Alvin and its agents, officers, elected officials, employees and assigns, 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.

XIII. 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.

XIV. ACCEPTANCE OF GUIDELINES & HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from Applicant's 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 Alvin, Texas, and that I and my firm will indemnify and hold harmless the City of Alvin, 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.

Signed: _____

Title: _____

Date: _____

THE CITY OF ALVIN, TEXAS

Application for Commercial Filming

Title of project

Type of production (feature film, television production, commercial, corporate, music video, etc.)

Proposed Filming Locations (attach additional pages, if necessary)

Date(s) of prep/filming

Primary Contact

Name

Cell phone

Email

Location Manager (if different from Primary Contact)

Name

Cell phone

Email

Production Company Information

Name of Production Company

Address

City/State/Zip

Web Site

Primary Contact's Name

Primary Contact's Phone

Primary Contact's Email

Is this production already in contact with the Texas Film Commission? _____

If yes, who is your contact at the Texas Film Commission?

Name: _____

Phone: _____

Email: _____

PRODUCTION (*Attach additional sheets if necessary.*)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals (provide dates and times. Hours should include set-up, holding of sets and restoration):

2. Approximate number of persons involved with the production, including cast and crew:

3. Anticipated need of City personnel, equipment or property:

4. Public areas in which public access will be restricted during production:

5. Describe alterations to public property:

6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

7. Location where crew will be fed, if not at filming location:

8. Location where extras will be held, if not at filming location:

9. Please attach map of anticipated street closure(s) or other public area uses.

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 Alvin, Texas, on behalf of the firm.

Applicant (production company representative):

_____ Date: _____

Name

Title

Application approved by Alvin representative:

_____ Date: _____

The "Guidelines for Filming in Alvin, Texas" apply to all motion picture production in Alvin.