

ORDINANCE NO. 2720NS

AN ORDINANCE RELATING TO SHAWNEE FILM AND MUSIC OFFICE, AMENDING CHAPTER 8 OF THE SHAWNEE MUNICIPAL CODE BY CREATING A NEW ARTICLE X OF CHAPTER 8, PROVIDING FOR FILMING REGISTRATION REGULATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SHAWNEE:

SECTION 1. That Article X of Chapter 8 of the Shawnee Municipal Code is hereby created to read as follows:

CHAPTER 8

ARTICLE X

§ 8-590. - Purpose and intent.

It is the purpose and intent of the City of Shawnee to encourage the motion picture and television industries to utilize the scenic beauty and variety of backdrops afforded in the City as locations for filming and/or videotaping for commercial production. It is the purpose and intent of this chapter to provide the means by which such activities may be reasonably regulated to preserve the public health and safety and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

§ 8-591. - Definitions.

A. "Charitable films" shall mean commercials, motion pictures, television, or videotapes 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, or tapes.

B. "City-produced government access films" shall mean motion pictures or programs produced by or in association with the City. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

C. "Family or personal use filming" shall mean the filming or videotaping of motion pictures solely for private, personal or family use.

D. "Film" or "filming" or "filming activity" shall mean all activities in preparation of, and attendant to, staging, making, striking, filming, videotaping, or electronic digital recording of commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.

E. "Film office" shall mean the Shawnee Film & Music Office within the City of Shawnee Department of Tourism.

F. "Film & Music Office liaison" shall mean the Director of Tourism's designee responsible for routing and processing film registrations.

G. "News media" shall mean the photographing, filming, videotaping, or electronic digital recording for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camera operators.

H. "Student films" shall mean motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.

I. "Studio" shall mean a fixed place of business where filming activities are regularly conducted upon the premises.

§ 8-592. - Registrations and exemptions.

A. Film Registration Required. No person shall use any kind of public or private property, facility or residence for the purpose of taking commercial motion pictures or television pictures without first completing a film registration from the Shawnee Film & Music Office. Registration of the production does not indicate approval of pertinent special activity permits which will be determined subsequent to the registration.

B. Exemptions.

1. News Media. The provisions of this chapter shall not apply to or affect reporters, photographers or camera operators 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. Family or Personal Use Video. The filming or videotaping of motion pictures solely for private family use.
3. Charitable Films. Projects that qualify under Section 501(c)(3) of the Internal Revenue Code.
4. Photographers. This chapter does not apply to still photography produced with a cast and crew of less than five persons.
6. City-produced government access films.
7. Studio Filming. Filming activities conducted at a studio with a current certificate of occupancy and business license.

§ 8-593. - Rules and regulations.

A. Rules. The Shawnee Film & Music Office liaison is hereby authorized and directed to coordinate special activity permitting requests across departments within the City of Shawnee and external agencies as the production activities dictate. Submittal of a Film Registration does not infer approval of required special activity permits. The rules and regulations shall be based upon the following criteria:

1. The health and safety of all persons.
2. Avoidance of undue disruption of all persons within the affected area.
3. The safety of property within the City.
4. Traffic congestion at particular locations within the City.

B. Change of Date. Upon the request of the registrant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the film registration or

subsequent special activity permits have been issued, provided established limitations are complied with in respect to time and location.

§ 8-594. - Applications, registration and fees.

A. Registering Authority. The registering authority shall be the Shawnee Film & Music Office within the City of Shawnee Department of Tourism.

B. Film Registration Fee. The applicant shall pay a film registration application fee in the amount established by the City Manager of the City of Shawnee, OK. The film registration application fee shall be paid to the City of Shawnee when the registration form is submitted for review. The film registration fee is to cover the City's cost of processing a film registration, notwithstanding supplemental costs for other related City services (including, but not limited to, law enforcement, traffic control, fire safety, trash hauling and attorney's fees). No film registration or subsequent special activity permits shall be issued to an applicant who owes the City money on a prior registration or permit.

§ 8-595. - Liability provisions.

A. Liability Insurance. Before any required special activity permits are issued, a certificate of insurance will be required in an amount established by the City, naming the City of Shawnee as insured party for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The City officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after 30 days' written notice to the City Manager or his/her designee. A copy of the certificate will remain on file.

B. Worker's Compensation Insurance. A registrant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance.

C. Hold Harmless Agreement. A registrant shall execute a hold harmless agreement as provided by the City prior to the issuance of any required pertinent special activity permits under this chapter.

D. Performance Deposit. To ensure cleanup and restoration of the site, an applicant may be required to post a refundable deposit, or cash in lieu of bonds (amount to be determined) at the time registration is submitted. Upon completion of filming, and inspection of the site by the City, the deposit may be returned to the applicant.

§ 8-596. - Filming Regulations & Special Activity Permits.

A. Acknowledgement. The applicant/registrant shall, in the credits of the motion picture or television program, acknowledge the production was filmed in the City of Shawnee, Oklahoma.

B. Advance Notice for Approval. A representative of the production company will be required to submit a film registration at least 60 days prior to the date on which such person desires to conduct an activity for which a film registration is required. Special activity permit(s) may be required at least 60 days in advance for activities like closing public streets or sidewalks, excessive noise, large crowds, etc. Productions that did not properly register or permit activities that have caused the need for public interventions (traffic issues, fire, damage) will be billed at the current emergency rates.

C. Filming, including setup and dismantling of film equipment, shall not be done before 7:00 a.m. or after 7:00 p.m. in a residential zone. The Film & Music Office liaison may extend these hours upon a showing of necessity and upon showing the exception would not unduly disturb the public.

D. Cleanup. The registrant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup 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.

E. Filming on Private Property. The registrant is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the City. A written Film Site Location Agreement is strongly recommended.

F. Requests for the use of bull horns, explosives, gunfire, public address systems, sirens, or other noise-creating devices shall be reviewed by the Fire and/or Police Departments in jurisdiction.

G. Flood Plains & Control Structures. When filming in an area prone to flooding or used as a flood control structure, the crew is required to vacate the area at the request of the Film & Music liaison, Director of Tourism, City Manager or Emergency Manager.

H. Public Works Department (Roads and Streets). If the applicant must park equipment, trucks, and/or cars in zones that will not allow it, temporary "No Parking" signs must be posted by the City. The applicant must also obtain permission to string cable across sidewalks, or from generator to service point. Cable placed in public right-of-way shall be securely matted or covered.

I. Traffic Control. For filming that would impair traffic flow, an applicant must provide detailed information to the City of Shawnee Police Department personnel and comply with all traffic control requirements deemed necessary.

J. Fires and Campfires. When a scene requires a fire or campfire, any campfire not equipped with a fire ring shall require the assignment of a fire safety advisor, officer or a similarly qualified person.

K. Pyrotechnics. When a scene requires pyrotechnics or any other flammable or explosive effect, a fire safety advisor, officer or a similarly qualified person shall be assigned.

L. Parking Lots. When parking in a City-owned parking lot, an applicant may be billed according to the current rate schedule established by the City. In order to assure the safety of citizens in the surrounding community, access roads which serve as emergency service roads must never be blocked. No relocation, alteration, or moving of structures will be allowed without prior approval.

M. Drone Flights. All current FAA, state and local guidelines must be followed when deploying a drone.

N. Notification. It shall be the responsibility of the registrant to provide notification to City residents as indicated by the pertinent special activity permit(s).

§ 8-597. - Permit revocation, suspension, appeal.

A. Special Activities Permit Revocation. The City of Shawnee may revoke a special activity permit if the permittee, or any agent, employee, or contractor of the permittee fails to comply with the requirements set forth in this chapter, or in the special activity permit, or if it is determined that the film registration was false in any material detail.

1. Notice of the grounds for revocation of any special activity permits shall be provided in writing by the City Manager to the permit applicant or person in charge at the location of the filming activity.
2. Appeals of the special activity permit(s) revocation shall be conducted in the manner specified in this chapter.

B. Permit Suspension. The City Manager may suspend a special activity permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the special activity permit suspension shall be provided in writing by the City Manager to the permittee within two working days of the suspension.

C. Appeals of the film permit suspension shall be conducted in the manner specified in this chapter.

§ 8-598. - Appeals.

The special activity permit applicant or permittee may appeal a denial of a special activity permit, or a revocation, suspension, or permit condition. Such appeal shall be filed with the City Manager or his/her designee not later than three business days after the date on which written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the City Manager or his/her designee. The decision of the City Manager or his/her designee shall be rendered in five working days and shall be final and is subject to judicial review pursuant to

§ 8-599. - Violation—Penalties.

With respect to the provisions of this chapter, a person who violates a provision of this chapter shall be punished in accordance with the provisions of Chapter 20 of the Shawnee, Oklahoma Code of Ordinances.

SECTION 2: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

SECTION 3: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

SECTION 4: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 5: EMERGENCY. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Shawnee, Oklahoma and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof, this ordinance shall take effect and be in full force and effect after its passage, as provided by law.

PASSED AND APPROVED this ____ day of May, 2021.

ED BOLT, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, CMC, CITY CLERK

Emergency clause separately passed and approved on this ____ day of May, 2021.

ED BOLT, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this ____ day of May, 2021.

JOSEPH M. VORNDRAN
CITY ATTORNEY