

STATE OF GEORGIA

CITY OF TUCKER

ORDINANCE O2024-12-23

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TUCKER, GEORGIA FOR THE PURPOSE OF AMENDING THE TUCKER CODE OF ORDINANCES, CHAPTER 10 BUSINESSES, TO PROVIDE FOR THE PERMITTING OF FILM PRODCUTION WITHIN THE CITY LIMITS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING LAWS, AND FOR OTHER LAWFUL PURPOSES.

SECTION ONE

Chapter 10 is hereby amended by adding a new Article XVI read as follows:

ARTICLE XVI. - FILM PRODUCTION

Sec. 10-800. - Scope and purpose.

The governing authority's intent in adopting this article is to facilitate entertainment production events in the City of Tucker while safeguarding the interests of the City's residents and businesses. This article provides the basis for the rules and regulations governing the issuance of permits for filming within the City. It strengthens the City's ability to anticipate and provide necessary support services for entertainment production events to ensure filming is done in a manner consistent with public health, safety and the protection of property.

Sec. 10-801. - Definitions.

Words and terms not defined in this article but defined in applicable state law or the Code of the City of Tucker, shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below, except where the text clearly indicates a different meaning:

Applicant means the individual applying for a permit who is legally authorized to bind the producer.

Application means the documents created by the City or its designee that must be completed and submitted to request a permit.

City or its designee means the City of Tucker, Georgia or any entity duly authorized to administer the permitting required by this Article.

Element means an activity listed in section 10-805.

Filming means creating motion picture images and all activity attendant to staging, shooting, and associated basecamp operations associated with the production of commercial motion pictures, independent filmography, documentaries, music videos, television shows, and commercials. Filming also means creating still photography images for commercial use and all activity attendant to staging or shooting such images.

Permit means the authorization issued by the City or its designee necessary to conduct filming.

Producer means an individual, organization, corporation or any other entity that is responsible for the filming.

Public property means real property owned by the city or county, or of which the city or county is a tenant, including, without limitation, parks, streets, sidewalks, other rights-of-way, and buildings.

Sec. 10-802. - Rules and regulations.

The City may promulgate such rules and regulations, not inconsistent with the provisions of this article, necessary for the administration and enforcement of this article.

Sec. 10-803. - Permit required.

(a) Any producer who wishes to perform filming on public property must obtain a permit prior to filming.

(b) Any producer who wishes to perform filming on private property must first obtain a permit if filming includes any element listed in section 10-805.

(c) Permits shall be issued by the City or its designee and shall be issued to a producer.

(d) Any producer who performs filming without receiving a permit, or performs filming that violates the material terms of a permit, or is otherwise in violation of this article, upon citation or summons by the police, code compliance officer or other authorized city or county employee, and judgment or conviction of the violation in a court of competent jurisdiction, which includes the Municipal Court of the City of Tucker, shall be subject to appropriate penalties as imposed by the court. If convicted of violating any provision of this article, the court shall impose a minimum fine of four hundred ninety-nine dollars (\$499.00) in addition to any other authorized punishment imposed by the court.

Sec. 10-804. - Permit exemptions.

The provisions of this article shall not apply to:

- (1) Current news productions, including reporters, photographers or cameramen in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events;
- (2) Productions that are conducted by the DeKalb County School System or other government organizations, including but not limited to DeKalb County Television or filming conducted by the City of Tucker; and
- (3) Filming associated with any rally, protest or demonstration, except when such rally or demonstration is staged for the sole purpose of being included in filming.

Sec. 10-805. - Filming elements.

(a) All applications shall list each element that may be included in filming.

(b) Elements are as follows:

- (1) Filming outdoors between 11:00 p.m. and 7:00 a.m. within a three-hundred-foot radius of a dwelling unit, residence, place of worship, or business;
- (2) Filming on public property;
- (3) Closure of a street, lane and/or sidewalk;
- (4) Occupation of the right-of-way;
- (5) Use of pyrotechnics or other explosives, smoke effects, water effects, flame effects, or other potentially dangerous instrumentalities;
- (6) Display or use of real or artificial firearms, grenades, or other weaponry;
- (7) Vehicle chases and/or vehicle crashes;
- (8) Dangerous stunts that have a reasonable likelihood of causing substantial personal injury;
- (9) Use of equipment that has a reasonable likelihood of causing damage to public property;
- (10) Filming that includes sound as defined and regulated by the Article VII of Chapter 28 of the City of Tucker Code, now and as it may be amended hereafter;
- (11) Use or presence of any animal which is naturally inclined to do harm or capable of infliction serious harm upon human beings, or any animal whose possession or sale is prohibited by federal, state, or local law;
- (12) Public nudity and/or any behavior that would be deemed lewd and lascivious;

(c) The final decision of whether an element is allowed shall be made by the City or its designee.

Sec. 10-806. - Permit application.

An application shall include the following:

- (1) Project title;
- (2) Name and specific contact information of applicant, including physical address and current phone number;
- (3) Dates, times and locations of the filming;
- (4) Detailed description of the filming;
- (5) Description of all elements that may be performed;
- (6) Applicable insurance policy information and certificates.

Sec. 10-807. - Permit modification, suspension, or cancellation.

(a) After receiving a permit, a producer may request a modification of the permit at any time by submitting a change request in writing and the requisite change fee to the City or its designee. The City or its designee shall process the change request in the same manner established for processing initial applications.

(b) A permit may be immediately suspended where the City or its designee identifies an imminent or substantial endangerment to the health and welfare of persons, or to property caused by or resulting from the filming; or an actual or imminent violation of the material terms of the permit, this article or any other federal, state or local law.

(c) A permit may be cancelled where:

- (1) The City or its designee determines that an imminent or substantial endangerment to the health and welfare of persons or to property caused by or resulting from the filming cannot be reasonably eliminated;
- (2) The City or its designee determines that the producer has intentionally or recklessly violated material terms of the permit or this article;
- (3) The City or its designee determines that the producer does not have or has lost insurance coverage.

(d) If a permit is suspended or cancelled, the City or its designee shall give written notice to the applicant setting forth the reasons for permit suspension or cancellation. The applicant or producer shall have an opportunity to respond to a suspension or cancellation notice within seven (7) business days after receipt of the notice by presenting written or oral evidence to the City or its designee. A final written decision will be issued by the City or its designee within fifteen (15) business days after the applicant or producer has appealed the suspension or cancellation.

(e) If a permit is under consideration for cancellation or suspension because of health or safety risk and the producer is otherwise in compliance with the permit, the City or its designee shall make reasonable efforts to find alternative means to accommodate the producer's filming and to eliminate said health or safety risk and allow filming to proceed.

(f) If the producer is not in compliance with the permit or suspends or cancels the permit prior to filming, no refund will be issued.

(g) If the City or its designee suspends or cancels a permit prior to filming, the City or its designee will refund the permit fee upon written request.

Sec. 10-808. - Permit denial.

(a) The City or its designee may deny a permit if any one (1) of the following conditions exists:

(1) Filming poses an unreasonable risk of injury or damage to persons or property not associated with the filming;

(2) Filming poses an unreasonable risk of irreversible damage to public property;

(3) The date and time requested conflicts with other filming or other scheduled events or activities;

(4) Filming unreasonably interferes with City functions or operations;

(5) Producer owes an outstanding debt to the City;

(6) Producer cannot procure insurance;

(7) Producer previously violated this article on two (2) or more occasions within the last three (3) years; or

(8) Producer made a material misrepresentation on the application.

(b) If a permit is denied, the City or its designee shall give written notice to the applicant setting forth the reasons for permit denial. The applicant or producer shall have an opportunity to respond to a denial within seven (7) business days after receipt of the denial notice by presenting written or oral evidence to the City or its designee. A final written decision will be issued by the City or its designee within fifteen (15) business days after the applicant or producer has appealed the denial.

Sec. 10-809. - Responsibilities after permit issuance.

(a) The producer shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the removal of trash and debris. Upon completion of the filming, the premises shall be left in a clean condition. It is the responsibility of the producer to

exercise reasonable care in inspecting and immediately repairing any damage to any public property which occurs as a result of filming.

(b) After filming concludes, the producer shall leave all public property in the same or better condition as it was prior to filming.

(c) The producer must publicly display the approved permit on site at all times during filming, set up, break down, and related activities.

(d) The producer, including any employees, contractors and subcontractors, is responsible for knowing and complying with all City ordinances and other applicable federal, state and local laws.

(e) The producer must give written notification of filming activities to all residents and businesses within a three-hundred-foot radius of the filming and post notices. The notification should be sent within a reasonable time before filming begins. The notification should include the date, time, location, and a general description of the filming activities authorized by the permit.

(f) Where filming includes advertising signs or other displays of commercial speech, all signs and/or displays must be removed upon expiration of the permit.

(g) Issuance of an approved permit shall not grant to producer, nor otherwise create, a constitutionally protected property interest.

(h) Upon receipt of the permit, and by accepting said permit, the producer shall, at its sole cost and expense, fully indemnify, defend and hold harmless the City, its officers, boards, commissions, employees and agents against any and all claims, suits, actions, liability and judgments for damages to persons or property, that may arise from the permit and any activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that the claims, losses and/or expenses are caused by the negligence or intentional misconduct of the City, its officials, employees, or agents.

(i) The producer may be required to hire at its sole expense off-duty police or fire personnel, as determined by City or its designee's assessment of the public safety risks posed by elements of the filming and related activities.

(j) The producer shall obtain at its sole expense and keep in full force and effect during the term of the permit liability insurance as required by the City or its designee. Insurance requirements shall be identified on the permit application.

Sec. 10-810. - Fee schedule.

(a) The applicant shall pay all such applicable fees, including the following:

(1) Each application must be accompanied by the nonrefundable application fee.

- (2) Producer shall attach payment for the permit fee to the application.
- (3) Where producer requests a material change in the terms of a previously-issued permit, a change fee shall apply. Where the City or its designee determines that any requested change is immaterial, no change fee shall apply.
- (4) Where filming requires the presence of law enforcement, fire rescue services, watershed management services, or any other public services, such services will be paid for by producer accordingly. The fee schedule for such services shall be as authorized by the City.
- (b) In setting the fee schedule for permits under this Article, the City shall provide for a category for small productions that take place on public property. The fees for said category shall be less than those for other filming productions given the lower costs associated with processing such applications

Sec. 10-811. - Disclaimer.

By enacting this article, the City is assuming an undertaking to promote the general welfare of its citizens. The City, its officers, agents and employees shall not be liable to any person, including, but not limited to, persons whose names appear on the application or permit, who claim that the enactment, enforcement or violation of this article caused injury or loss of any kind.

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective January 27, 2025.

SO ORDAINED, this 13th day of January 2025.

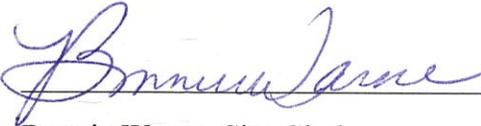
Approved:



Frank Auman, Mayor

City of Tucker

ATTEST:



Bonnie Warne, City Clerk

