

ORDINANCE NO. [REDACTED]

AN ORDINANCE CREATING AND ENACTING CHAPTER 5-24
OF TITLE 5 OF THE ROCHESTER CODE OF ORDINANCES
RELATING TO FILM PERMITS.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Chapter 5-24 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

5-24. FILM PERMITS

Sec. 5-24-1. Definitions.

For purposes of this section, the following words and phrases shall have the meanings set forth below:

Applicant means the individual or entity submitting an application for a film or photography permit, including any authorized agent.

City property means any real property, facility, park, street, building, or parking area owned, leased, or controlled by the City.

Commercial filming or photography means filming, videotaping, recording, or still photography conducted for commercial purposes, including but not limited to advertising, marketing, corporate promotion, monetized distribution, or paid production services.

Film or photography activity means the use of motion picture cameras, video cameras, sound recording equipment, lighting, sets, props, generators, production vehicles, or related equipment in connection with a production.

Harm means any actual, attempted, or reasonably foreseeable injury, damage, or adverse effect resulting from an act, omission, or exposure, including but not limited to:

1. Physical injury, including death, bodily injury, illness, impairment of physical condition, disfigurement, pain, or loss of bodily function, whether temporary or permanent;
2. Incapacitation or impairment, including loss of consciousness, sensory impairment, motor impairment, or reduced ability to defend oneself or perform ordinary activities;
3. Chemical, thermal, electrical, or mechanical injury, including burns, poisoning, asphyxiation, laceration, blunt force injury, or similar effects;
4. Property damage, including destruction of property, loss of use, or damage that creates a risk of physical injury to persons;

5. Risk-creating conduct, meaning conduct that creates a substantial and objectively measurable risk of physical injury or death to any person, whether or not injury ultimately occurs.

Harm exists regardless of intent, motive, or justification, and includes injury or damage that is direct, indirect, cumulative, or delayed in manifestation.

Permit administrator means the City Clerk or other City official designated by the City Administrator.

Public right-of-way means streets, sidewalks, alleys, trails, boulevards, and other public ways or easements.

Small-scale activity means filming or photography using only handheld or tripod-mounted equipment, without artificial lighting stands, props, sets, exclusive use of space, obstruction of pedestrian or vehicular traffic, or City services. Any filming or photography, regardless of the equipment used, that extends beyond 30 minutes does not fall under this definition and requires a permit.

Weapons means any object, device, instrument, material, substance, or combination thereof that is designed, adapted, modified, or capable by its physical characteristics or manner of use of causing death, serious bodily injury, or significant physical harm to a person, or substantial damage to property, regardless of the possessor's or user's intent.

The term includes, but is not limited to:

1. Firearms, imitation firearms, and firearm components, whether operable or inoperable;
2. Knives, blades, cutting or stabbing instruments, clubs, batons, bludgeons, or striking implements;
3. Explosive devices, incendiary devices, fireworks used in a hazardous manner, and their components;
4. Chemical agents, gases, sprays, or substances capable of causing injury, incapacitation, or harm;
5. Projectile-launching devices, including air guns, pellet guns, slingshots, bows, and crossbows;
6. Any tool, household item, sporting equipment, or otherwise lawful object when possessed, carried, displayed, or used in a manner that renders it capable of causing harm as defined in this Ordinance.

Sec. 5-24-2 - Permit required.

1. A film or photography permit is required prior to conducting any film or photography activity that:
 - a. Uses City property;
 - b. Requires exclusive or priority use of public space;
 - c. Obstructs, restricts, or closes any portion of the public right-of-way;
 - d. Utilizes amplified sound, large lighting equipment, generators, or production staging;or

e. Requires City services, including but not limited to police, fire, traffic control, barricades, parking enforcement, or public works support.

2. Filming or photography conducted entirely on private property does not require a permit under this section unless it also triggers one or more conditions listed in subsection (d)(1).

Sec. 5-24-3 - Exemptions.

A permit is not required for the following activities, provided no City services or right-of-way restrictions are required:

1. Bona fide news gathering and reporting by recognized media organizations.
2. Small-scale activity as defined in subsection 5-21-1 (7)
3. Filming or photography conducted by or on behalf of the City or another governmental entity for official purposes.
4. Personal, non-commercial photography or filming conducted in areas open to the general public.

Nothing in this section shall be construed to regulate the content or viewpoint of any expressive activity.

Sec. 5-24-4 - Permit application.

1. Applications shall be submitted to the permit administrator on forms prescribed by the City.
2. Applications shall be submitted not less than **ten business days** prior to the first date of filming, unless waived by the permit administrator for good cause.
3. An application shall include, at minimum:
 - a. Applicant contact information and on-site responsible party;
 - b. Description of the proposed activity, dates, times, and locations;
 - c. Estimated number of participants, crew, and vehicles;
 - d. Site plans, parking plans, and traffic control plans, if applicable;
 - e. Description of any special effects, stunts, weapons, pyrotechnics, or animals;
 - f. Requested City services; and
 - g. Proof of required insurance pursuant to this chapter.

Sec. 5-24-5 - Review and approval.

1. The permit administrator may circulate the application to affected City departments for review and comment.
2. A permit may be approved, approved with conditions, or denied based on the following criteria:
 - a. The ability to conduct the activity safely;

- b. Impacts on traffic, emergency response, and access to property;
 - c. Compatibility with scheduled City uses and operations;
 - d. Compliance with insurance and indemnification requirements; and
 - e. Prior violations or unpaid fees related to film or photography permits.
3. The permit administrator may impose reasonable conditions to mitigate impacts, including limitations on hours, noise, lighting, parking, and site restoration.

Sec. 5-24-6 Fees.

- 1. The fee for a license shall be established as part of the fee schedule adopted by the common council.
- 2. The applicant shall be responsible for reimbursement of all actual City costs incurred in connection with the permitted activity, including personnel, equipment, and materials.
- 3. The City may require a refundable deposit to secure anticipated costs or potential damage.

Sec. 5-24-7 Insurance.

- 1. Prior to permit issuance, the applicant shall provide proof of commercial general liability insurance with limits of not less than **\$1,000,000 per occurrence**, or such higher limits as may be required based on risk.
- 2. The City shall be named as an additional insured on the policy.
- 3. The applicant shall indemnify and hold harmless the City, its officials, employees, and agents from any claims arising out of the permitted activity, except to the extent caused by the City's sole negligence.

Sec. 5-24-8 - Compliance.

- 1. A permit shall be kept on site and made available upon request by City staff.
- 2. The applicant shall comply with all permit conditions and all applicable laws and regulations.

Sec. 5-24-9 Suspension or revocation.

The permit administrator or on-scene public safety official may suspend or revoke a permit if:

- 1. Permit conditions are violated.
- 2. Material misrepresentations were made in the application.
- 3. The activity poses an immediate threat to public safety; or
- 4. Required insurance lapses or fees remain unpaid.

Sec. 5-24-10 - Appeals.

Any denial, suspension, or revocation may be appealed in writing to the Office of the City Clerk within ten business days of the action. A timely appeal from a suspension or revocation shall not stay the suspension or revocation.

Sec. 5-24-11 - Violations.

Any person or entity who engages in filming or photography requiring a permit as outlined in this chapter is subject to an Administrative fine per violation. This process will be governed by Chapter 1-2 of the Rochester Code of Ordinances. Violations of this chapter can be deemed petty misdemeanors.

Section 2. This ordinance shall become effective from and after its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF

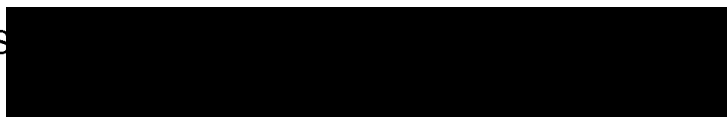
ROCHESTER, MINNESOTA, THIS _____



ATTEST: *Anne M. Kaseel*
CITY CLERK

Randy Schubert
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS _____



Kim Norton
MAYOR OF SAID CITY