

CITY OF LAVON, TEXAS

ORDINANCE 2016-08-03

Commercial Filming Guidelines

AN ORDINANCE FOR THE CITY OF LAVON, TEXAS ESTABLISHING GUIDELINES FOR COMMERCIAL FILMING IN THE CITY OF LAVON, TEXAS; ESTABLISHING A COMMERCIAL FILMING APPLICATION AND PERMIT; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lavon recognizes that on-location commercial filming is good business for the community and can have a positive impact on the local economy; and

WHEREAS, the Texas Film Commission has established the Film Friendly Texas program in an effort to help communities effectively manage on-location filming; and

WHEREAS, the adoption of filming guidelines and permit regulations are a requirement in order for a city to be branded as a Film Friendly Community; and

WHEREAS, the City Council finds and concludes that adoption of an ordinance relating to commercial on-location filming is in the best interest of the public and in support of health, safety and general welfare of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS THAT:

SECTION 1. COMMERCIAL FILMING GUIDELINES

SECTION 1. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within the City of Lavon and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of Lavon, Texas residents and businesses, and to promote the public health, safety and welfare. The Mayor reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the Mayor or their designee.

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.

SECTION 2. CITY CONTROL

The Mayor or their designee 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 Mayor or their designee 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 Lavon 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, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the Mayor or their designee.

SECTION 3. PERMIT REQUIREMENTS

Before filing an application for filming in Lavon, the Office of the Mayor or their designee must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Lavon, TX.

Any commercial producer who desires to undertake a commercial production in Lavon is required to complete and return an application for filming to the Office of the Mayor or their designee, 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.

SECTION 4. APPLICATION FEE

An application processing fee established in the City of Lavon fee schedule should accompany each application for filming in Lavon.

The Mayor or their designee may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the Mayor or their designee.

SECTION 5. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay 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). Remuneration rates for the use of any City equipment, including police cars and fire

equipment, will be established on a case-by-case basis as determined by the Mayor or their designee. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The Mayor or their designee may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The Mayor or their designee, 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.

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.

SECTION 6. USE OF CITY-OWNED REAL ESTATE

The Mayor or their designee may authorize the use of any street, right-of-way, park or public building, use of the City of Lavon, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the Mayor or their designee 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 Mayor or their designee.

The Applicant shall reimburse the City for inconveniences when using public property in accordance with the adopted fee schedule of the City.

The Applicant acknowledges and agrees that the City of Lavon, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, 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 promote the public health, safety and/or welfare.

SECTION 7. VEHICLES AND EQUIPMENT

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the Mayor or their designee. On-street parking or use of public parking lots is 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 Mayor or their designee.

SECTION 8. HOURS OF FILMING

Unless express written permission has been obtained from the Mayor or their designee in

advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday:	7:00 a.m. to 9:00 p.m.
Saturday, Sunday and holidays:	8:00 a.m. to 8:00 p.m.

SECTION 9. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short written description, approved by the Mayor or their designee, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting 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 Mayor or their designee, the Mayor or their designee may grant or deny the filming application.

SECTION 10. 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 Lavon 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.

SECTION 11. 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.

SECTION 12. HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding 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:

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 Lavon, Texas, and that I and my firm will indemnify and hold harmless the City of Lavon, 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.

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 Lavon, Texas on behalf of the firm.

Signed: _____
Title: _____
Date: _____

SECTION 2. CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 4. PENALTY

Any person violating any provision(s) of this ordinance shall be fined in a sum not to exceed Two Thousand Dollars (\$2000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. PUBLIC MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of August, 2016.



Charles A. Teske, Jr. Mayor

Attest:



Kim Dobbs, Interim City Secretary

