

ORDINANCE NO. 1567

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1538
KNOWN AS THE FAIRHOPE FILM ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

Section 1. Ordinance No. 1538 as Codified in the Code of Ordinances, City of Fairhope, Alabama, are hereby amended to reflect the following changes and additions:

SECTION I: PERMIT REQUIRED WHEN FILMING INSIDE CITY LIMITS

A permit application is required for any filming activity taking place within Fairhope's City limits, whether on public or private property. For filming entirely contained on private property this is merely a formality, but notification using the City's approved permit application form is nonetheless required.

Prior to the application process, a pre-production meeting is required between the City of Fairhope representative and the Location Manager. The Production Manager and a representative of the Fairhope Police Department may also be included in this meeting. A complete listing of all anticipated locations with tentative dates is requested at this time, as the City representative may know of possible conflicts with City services, local events and festivals, or other filming activities of which the Location Manager may not be aware of. An insurance certificate is also required at this time. All productions are required to maintain public liability insurance policies for filming on location within the City. The following policy amounts are required:

General Liability Insurance	\$1,000,000
Automobile Liability	\$1,000,000
Worker's Comp & Employer's Liability	\$1,000,000

No permits will be issued to any production company until this meeting has taken place.

An application must be submitted on the City's standard form and presented to the City for review a minimum of 10 working days before the filming activity takes place. Earlier application is recommended, as all permits are issued on a first-come, first-served basis, and time may be needed to work out any difficulties, City services, or lettering associated with the planned activities. Exceptions may be granted due to weather constraints or other emergencies. Notification of affected residents and/or businesses should take place following the City's review of application.

No more than one filming permit will be issued within any neighborhood or business district for any given time or date. Exceptions may be made for low impact filming only.

The Production Company shall limit the activities at each location to those outlined in the permit, within the time frame specified in the permit. Failure of the Production Company to comply with the guidelines and conditions set forth for each permit or the use of any location not specified in the permit shall give the City grounds to revoke the permit or take other restrictive actions as necessary.

SECTION II: NOTIFICATION OF AFFECTED BUSINESSES AND RESIDENTS

The Production Company is responsible for notifying all businesses and residents affected by the filming activity. Exceptions may be made for low impact filming.

The Production Company is responsible for seeing that business tenants and residents on upper floors receive the same notification and consideration as street-level tenants. The Production Company shall have each recipient initial for receipt.

The area to be covered by notification may vary depending on the impact of the proposed activity, but will be a minimum of one to two blocks in each direction of the activity, including parking areas for equipment and base camps, if necessary.

SECTION III: TRAFFIC CONTROL AND STREET CLOSURE

Approval must be obtained a minimum of five (5) business days prior to any film activity which would disrupt the normal flow of traffic. Traffic control, if needed, must be handled by off-duty police officers hired by the Production Company through the Fairhope Police Department. The City retains the right to determine the number of officers needed. All signage required will be at the expense of the production company.

Holding of traffic or closing a street will be evaluated individually by the City Film Liaison and the Police Department representative.

Interruption of traffic on State maintained streets requires additional approval from the Alabama Department of Transportation.

SECTION IV: SPECIAL EFFECTS, EXPLOSIVES AND SIMILAR DEVICES

No film activity, which involves the use of explosives, pyrotechnics, fire, smoke making machines or other special effects of this kind, may be undertaken unless specifically approved and permitted by Fairhope Police Department and the Fairhope Volunteer Fire Department.

SECTION V: REMOVAL OF VEGETATION

Removal or alteration of vegetation or flowers in the public right-of-way or on City owned lands is prohibited unless approved by the City Horticulturist and must be returned to its original state.

SECTION VI: RESIDENTIAL AREAS

The City has certain expectations regarding the presence of Production Companies in our residential neighborhoods. Production Companies should remember at all times that they are guests whose continued presence in these neighborhoods relies solely on the goodwill of the affected residents.

Filming in residential neighborhoods may be defined as either low or high impact.

In general, low impact residential filming is defined as any filming activity which has a minimal impact on the activities of the neighborhood in question, has a minimal impact on traffic and pedestrian flow and parking, and takes place between the hours of 6:00 a.m. to 11:00 p.m. with approval by the HOA/POA where applicable or by the City Film Liaison in areas where no HOA or POA exist.

High impact filming activities may be defined as those which involve extenuating circumstances including, but not limited to, extended hours, displacement of more than 50% of residential on-street parking in neighborhoods where on-street parking is customary and essential to residents, special effects, period shots, extensive set dressing, extensive nighttime lighting, loud noises, gunshots, street closures, and larger than average base camps and/ or larger than average working trucks parked on residential streets. This determination will be made by the City representative in consultation with the location manager on a case-by-case basis.

Affected residents within a one-block radius minimum (including equipment trucks and base camps) must be notified by letter and each should initial for receipt of notification. Notification shall include a copy of the Application for Filming Permit accompanied by a cover letter from the Production Company, and should include information concerning the location and duration of the filming activity in question, as well as specifics regarding lights, noise, traffic, and parking where applicable, and contact phone numbers.

Additional guidelines for residential areas are as follows:

- A. All equipment or support vehicles not in immediate use shall be parked so as not to cause any interference to pedestrians or vehicular traffic.
- B. Production vehicles must not block fire hydrants, driveways, or other access ramps unless authorized by the City and/or property owner. Ten feet of clearance should be left on either side of affected driveways, unless otherwise authorized.
- C. Production vehicles must be parked in such a way as to not impede safe lines of vision at intersections, and be in accordance with all City ordinances regarding on street parking.
- D. Lighting for filming, both during the day and at night, should be oriented away from neighboring residences wherever possible, and should not interfere with the safe movement of traffic.
- E. Production Companies are responsible for vacating locations used with a minimum amount of noise and disruption at the end of each shooting day. Exceptions may be made for "period" shots or shots that are more than one day in duration. The City Noise Ordinance shall be enforced unless special variance is granted.
- F. Production Companies blocking or holding traffic on streets scheduled for trash/recycling pickup must allow trucks to access those areas for normal pickup.
- G. Residents may not charge Production Companies for the use of public right-of-ways in front of their homes, nor prohibit their use without justifiable cause.

- H. Production Companies are responsible for returning any public right-of-ways used for filming, base camp, or equipment purposes to their original condition in a timely manner, and for repairing damage to foliage, grass, or public property.
- I. Wherever possible, base camps and dressing room trailers shall be parked away from neighboring residences, and/or take steps to control noise from generators, slamming doors, engines, etc., in accordance with the noise ordinance.
- J. Base camps and equipment trucks moving into residential areas shall not do so before 6:00 a.m. or after 11:00 p.m.
- K. Any filming activity involving holding, delaying or re-routing of traffic in residential areas must be accompanied by at least one off duty police officer.
- L. The City and the Fairhope Police Department reserves the right to require the presence of a police officer at any filming activity taking place at public parks, or utilizing public property and/or right-of-ways for base camps.
- M. No parking of equipment of any kind in alleys, including generators, shall be utilized without written permission from the Fairhope Police Department and the City representative and the written consent of affected residents.

SECTION VII: CENTRAL BUSINESS DISTRICTS

Where residential areas exist within the boundaries of the Central Business District, the same rules that apply to residential filming must be followed. This determination will be made on a case by case basis.

Permitting and Notification Procedure for Filming in the Central Business Districts

- 1. A completed Application for Film Permit shall be submitted to the City Film Representative for review as far in advance as possible, 10 days at a minimum. The City representative shall notify the Location Manager as soon as possible if there are conflicts or concerns regarding the application. Generally, the City representative will issue an official Permit Application on City letterhead for distribution. A cover letter from the Production Company, maps, etc., must be distributed along with the official
- 2. In case of inclement weather or emergency situations, exceptions to these time frames may be considered.

SECTION VIII: RESTRICTIONS

- A. Filming in the City of Fairhope CBD which may require closing of a street or impeding traffic will not be permitted during the first Friday of each month or during any special events.
- B. Because the holiday shopping season is crucial to the survival of downtown businesses, the City of Fairhope generally prohibits filming in the Central Business District during the period between Thanksgiving Day and December 31st. Any filming downtown during this period must be low impact. Even low impact applications may be denied during this time.
- C. No more than one film permit shall be issued within any Central Business District or residential neighborhood for any given date. Exceptions may be made for low impact filming.
- D. The City reserves the right to restrict high impact filming in streets, neighborhoods, parks, or districts which have experienced undue stress due to seasonal festivals and events, heavy filming, natural disasters, etc. The City will notify all known location managers and Production Companies if and when such restrictions are necessary. For this reason, Production Companies are urged to check in with the City Film Services Office before location scouting begins.
- E. In the event of natural or civil disasters, the City reserves the right to cancel all outstanding film permits on both public and private properties within City limits. Should evacuation of a street, neighborhood, or district be deemed necessary by fire, police, or other emergency authorities, all outstanding permits for that area are null and void. Permits will be re-granted as soon as possible after the State of Emergency proclamation has been lifted, following a safety evaluation conducted by City, Production Company, and Utility Company representatives.

The City reserves the right to change, modify, update, or waive provisions of these guidelines when deemed necessary.

The City reserves the rights to cancel filming permits and/or take further restrictive actions where necessary to assure adherence to these guidelines after a meeting with all parties involved.

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SECTION IX: FEES

There are charges associated with the use of certain City services or facilities. Where set fees are established, production companies are charged the same fee as other for-profit ventures for the service or facility used. Services for which a fee has not been established will be charged at the discretion of the City on the basis of time, equipment, and materials. All fees are subject to change.

Prior to the granting of any filming permits, the City will require Production Companies to pay a one-time \$1,000.00 application fee for each production; and a \$5,000.00 refundable deposit.

Upon completion of filming, the \$5,000.00 refundable deposit will be returned if the Production Company has paid all outstanding bills to the City, its agents, residents and businesses; and pending the Production Conduction has followed the policies and procedures as set forth in this ordinance.

Additional fees are as follows:

Police

Police Officers: \$30 per hour (three (3) hour minimum)

Police Vehicles: \$25 per hour, subject to availability

Charge for additional services will be charged to the production company for the actual costs or a \$250 minimal charge.

SECTION X: EXEMPTIONS

Filming or recording for use in a school project by schools located along the Eastern Shore of Mobile Bay.

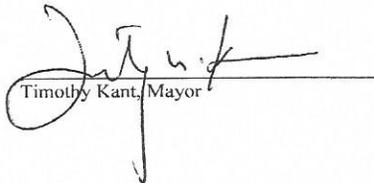
SECTION XI: SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XII: EFFECTIVE DATE

This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 25TH DAY OF JANUARY, 2016


Timothy Kant, Mayor

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Ord. No. 1567 Published in
FAIRHOPE COURIER
on Friday, February 5, 2016
Lisa A. Hanks City Clerk