

Introduced by: Councilmember Grimes

First Reading: January 12, 2015

Second Reading: January 26, 2015

Effective Date: February 16, 2015

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2015-03

**AMENDING TAKOMA PARK CODE, TITLE 8, BUSINESS,
TO ADD CHAPTER 8.44, FILMING AND PHOTOGRAPHY**

WHEREAS, the City Council desires to facilitate filming activities in the City of Takoma Park while protecting the health, safety, and welfare of residents, businesses, and visitors; and

WHEREAS, this goal is best achieved by establishment of a film permit requirement; and

WHEREAS, creation of a permit requirement, application procedure, and standards for review will ensure a fair and transparent process for applicants seeking to film in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

Takoma Park Code, Title 8. Business, is amended by adding Chapter 8.44, Filming and Photography, as follows:

**Chapter 8.44
Filming and Photography**

8.44.010 Purpose

It is the policy of the City of Takoma Park to encourage the production of motion pictures, television and commercial photography within its boundaries. This chapter provides the basis for the rules and regulations governing the issuance of permits for filming, photography, or related activity on City property and rights-of-way. This chapter is intended to ensure that filming and videotaping is consistent with public health and safety and the protection of property.

8.44.020 Definitions

As used in this Chapter:

“Applicant” means the person, organization, corporation, association or other entity applying for a permit to film in the City of Takoma Park.

“City” means the City of Takoma Park as a municipal corporation and existing pursuant to the laws of the State of Maryland.

“Filming activity” means the staging, shooting, filming, videotaping, photographing, or other similar process conducted for the making of still photographs, motion pictures, television programs, video games, or commercial and nontheatrical film productions.

“Film permit” means written authorization from the City Manager to conduct the filming activity.

“News purposes” means a filming activity conducted for the purpose of reporting on persons, events, or scenes which are in the news for newspapers, television news, and other news media.

“Permittee” means the person, organization, corporation, association or other entity issued a film permit under this policy.

“Public street” means any public right-of-way located within the City limits.

“Student filming activity” means filming activity conducted to fulfill a course requirement or in connection with a school sanctioned extracurricular activity by a student enrolled at a public or private school.

“Studio” means a fixed place of business where filming activities are regularly conducted upon the premises.

8.44.030 Permit Required

Commercial filming activity may be conducted in the City upon the issuance of a City of Takoma Park film permit.

Permits are required for filming activity resulting in closure of a public street, sidewalk, park or when activity substantially impedes vehicular traffic thereon; requiring the parking of more than two motor vehicles on any public street within the City; involving loud noise, bright lights, hazardous activities, or hazardous substances.

The permittee must maintain the permit in his or her possession at all times while on location in the City. A film permit applicant must obtain the property owner’s permission for use of property not owned or controlled by the City.

8.44.040 Permit Exemptions

A film permit shall not be required for the following activities, provided that the activity will not require the closure of a public street, or substantially impede vehicular traffic thereon:

- A. Filming activities conducted for news purposes;

- B. Filming activities conducted at a studio;
- C. Filming activities conducted for use in a criminal investigation or civil or criminal court proceeding;
- D. Noncommercial filming activities conducted on private property solely for private or family use;
- E. Student filming activities;
- F. Filming activity when the filming activity will not:
 - 1. Be conducted on City property other than the incidental use of public streets; or
 - 2. Require the parking of more than two motor vehicles on any public street within the City;
 - 3. Involve loud noise, bright lights, hazardous activities, or hazardous substances; or
 - 4. Interfere with pedestrian traffic.

8.44.050 Deadline for Filing Applications

Applications for a film permit must be filed with the City Clerk a minimum of 14 calendar days in advance of the date the filming activity is to begin. No late applications will be processed unless the City determines that special circumstances exist relative to the application that precluded the timely filing of an application. Applicants are encouraged to submit applications at the earliest advance date possible to facilitate coordination between City departments.

8.44.060 Application Form

Applicants for a permit must complete a form provided by the City Clerk and attach evidence of adequate insurance or eligibility for a waiver of insurance requirements.

8.44.070 Permit Decisions

A. The application shall be approved or denied, or a film permit waiver issued, within five business days of receipt of the application unless the proposed filming activity requires extensive review because of safety, traffic, or logistical concerns. The film permit shall be approved unless determined from consideration of the application or other pertinent information that any of the following conditions exist:

- 1. The filming activity will substantially disrupt the use of a street at a time when it is usually subject to traffic congestion, or interfere with the operation of emergency vehicles in the proposed permit area.

2. The location of the filming activity will substantially interfere with street maintenance work.

3. The proposed permit location will substantially interfere with other previously authorized activities on City property.

4. The proposed permit location is on City property and the filming activity will substantially interfere with municipal functions or the scheduled maintenance of City buildings or grounds.

5. The filming activity creates a substantial risk of injury to persons or damage to property.

6. The applicant failed to complete the application after being requested to do so, or the information contained in the application is found to be false in any material detail.

7. The particular filming activity would violate federal, state, or local law including licensing or permit requirements.

8. The nature or duration of the proposed filming activity will unreasonably interfere with the use and enjoyment of adjoining properties or unreasonably disturb the peace and tranquility of neighboring businesses and residents.

B. When the grounds for permit denial can be corrected by imposing reasonable permit conditions, the City Manager may impose such conditions rather than denying the permit.

C. When an applicant files an application for filming activity that is exempt from the permitting requirement of this chapter, the City Manager shall issue a film permit waiver.

8.44.080 Permit Conditions

A. The City Manager may impose reasonable requirements concerning the time, place, manner and duration of filming activities, including requiring City staff or police presence, as conditions of the issuance of a film permit.

B. The City Manager may require permittees to provide advance notice of film activity to any neighboring businesses and residents as a condition of the issuance of a film permit.

8.44.090 Fees

The City Manager shall establish a schedule of fees for City services and the use of City property in connection with permitted filming activity, including, but not limited to, administrative time reviewing permit applications and developing safety conditions and road closure plans, the provision of public notice regarding scheduled activity, personnel and equipment costs relating to on-site monitoring and traffic control, and the issuance of temporary permits for parking in permitted zones.

8.44.100 Change of filming activity date

Upon reasonable notice by the permittee in advance of the filming activity, the City may change the date(s) for which the film permit has been issued without requiring a new application or permit.

8.44.110 Insurance Required

A. Unless the City Manager waives the requirements of this subsection, the applicant for a film permit shall procure and maintain a liability insurance policy with coverage of at least \$1 million per incident naming the City as an additional insured for the duration of the filming activity.

B. Upon request, the City Manager may waive the liability insurance requirement of 8.44.110(A) when the applicant demonstrates the following:

1. The applicant does not have the financial resources necessary to obtain liability insurance; and
2. The proposed filming activity is not likely to cause harm to persons or property.

8.44 .120 Street Closures

The applicant for a film permit may request on its application that the City authorize a street closure for the proposed filming activity.

8.44.130 Pyrotechnics

During the filming of any special effect or stunt requiring the use of pyrotechnics or any material deemed hazardous, including but not limited to, fireworks, open flames, or explosives, the applicant must obtain a permit from the Fire Marshal.

8.44.140 Permit Revocation or Suspension

A. Permit Revocation. The City Manager may revoke the film permit if the permittee, or any agents, employees, or contractors of the permittee fail to comply with the conditions and requirements of the permit or this Chapter, or if the City Manager determines after the permit is issued that the permit application was false in any material detail.

1. Notice of the grounds for revocation of the film permit shall be provided in writing to the permit applicant or person in charge at the location of the filming activity.
2. Appeals of the permit revocation shall be conducted in the matter specified in Section 8.44.150 and City regulations.

B. Permit Suspension. The City Manager or his or her designee may suspend the film permit when 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.

1. The grounds for the permit suspension shall be provided in writing to the permittee within one business day of the suspension.

2. Appeals of the permit suspension shall be conducted in the manner specified in Section 8.44.150 and City regulations.

8.44.150 Appeals

The permit applicant or permittee may appeal a permit denial, revocation, suspension, condition, insurance or fee requirement or a decision not to waive a deadline set forth in this Chapter. Such appeal shall be filed with the City Clerk not later than five business days after the date written notice of the decision is made. The City Manager shall promulgate regulations establishing appeal procedures.

8.44.170 Violation—Penalty

The violation of any provision of this Chapter, including the violation of any condition of a film permit, shall constitute a Class A municipal infraction.

8.44.180 Regulations

The City Manager shall have the authority to promulgate regulations for the administration of this Chapter.

Adopted this 26th day of January, 2015 by roll-call vote as follows:

AYES: Williams, Grimes, Male, Stewart, Seamens, Smith, Schultz
NAYS: None
ABSENT: None
ABSTAIN: None