

**AN ORDINANCE ADDING
SECTION 32; ARTICLE III MANSFIELD FILMING ORDINANCE
OF THE CODE OF ORDINANCES OF THE
CITY OF MANSFIELD, GEORGIA**

Whereas, the City of Mansfield has the responsibility to regulate and prohibit any act, practice, or conduct which is detrimental or likely to be detrimental, to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the City and to provide for the enforcement of such standards; and,

Whereas, the City of Mansfield has the power to make, ordain, and establish such ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the City and its inhabitants and for preserving the health, peace, order and good government of the City; and,

Whereas, pursuant to its police powers, the City of Mansfield is authorized to enact legislation to regulate certain conduct which could affect the public health, safety and welfare; and,

Therefore, we, the members of the City Council for the City of Mansfield, Georgia, **HEREBY ORDAIN AS FOLLOWS:**


Section 1: Article III to Chapter 32 of the of the Code of Ordinances of the City of Mansfield, Georgia entitled Mansfield Filming Ordinance is added and shall read as set forth on Exhibit A attached hereto and incorporated herein.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

Section 3: Such amendment shall be effective as of the day adopted by the City Council for the City of Mansfield, Georgia,

This Ordinance is adopted this 9 day of NOVEMBER, 2020.

CITY OF MANSFIELD, GEORGIA



G.W. Davis, Jr., Mayor

ATTEST:



Jeana Hyde, City Clerk

Chapter 32
Article III: Motion picture, television and photographic productions

Section 32-301 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. *Applicant* shall mean the individual, organization, corporation, or any other entity that is ultimately responsible for the filming that is the subject of a permit application.
2. *City* shall mean Mansfield.
3. *County* shall mean Newton County.
4. *Motion picture, television and photographic production* shall mean all activity attendant to staging or shooting (videotaping or filming) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or the public right-of-way in any one location for longer than five (5) consecutive minutes.
5. *Mansfield Film Coordinator or Coordinator* shall mean the employee designated by the Mansfield City Council to work with and be the City's point of contact with media productions, and to assist in coordinating the permitting or authorization process for the City.

Section 32-302 Notification and Permit or Authorization Required.

1. No person shall use any public right-of-way, or any public property or facility for the purpose of producing, taking or making any commercial motion picture, television or photographic production as defined in Section A without notification to the City and a permit issued pursuant to the provisions of this chapter.
2. No person shall use any private property, facility or residence for the purpose of producing, taking or making any commercial motion picture, television or photographic production as defined in Section A without notification to the City and authorization issued pursuant to the provisions of this chapter.

Section 32-303 Exemptions.

The provisions of this chapter shall not apply to the following:

1. Current news productions, which includes reporter, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of a news event.
2. Productions which are conducted by Mansfield, Newton County, the other municipalities in Newton County, the Newton County Board of Education, or other governmental agencies as approved by the City Council.

3. Productions which are conducted within legally established commercial motion picture/television/still photography studios.
4. Student filming provided the student possesses a current Student ID and a letter on School Letterhead signed by the student's instructor)

Section 32-304 Application. Application Fees.

Any person desiring a permit or authorization under the provisions of this chapter shall make application on forms provided by the Mansfield Film Coordinator at least ten (10) working days prior to any filming activity taking place. The form must be signed and accompanied by all required fees, deposits, hold harmless agreements and insurance certificates required by this chapter before it will be processed. If the application satisfies the criteria of this chapter, the permit or authorization shall be issued within ten (10) working days of submittal.

Any person seeking to apply for a permit or authorizations under the provisions of this chapter may submit a completed application to the Coordinator fewer than ten (10) working days prior to any filming activity, provided that such application shall be accompanied with an additional \$500 rush fee, which shall be nonrefundable. No application may be submitted to the Coordinator later than one full business day in advance of the effective date of the requested permit. The Coordinator may refuse to accept an application submitted fewer than ten (10) working days prior to any filming activity and may deny an application accepted for processing that was submitted fewer than ten (10) working days prior to any filming activity when, in the reasonable discretion of the Coordinator, the processing of the application is not feasible.

At a minimum, Applicant shall provide the following information:

1. Applicant's contact information, including the name and phone number for a 24-hour contact person.
2. Project information including the filming locations, dates and time.
3. Description of proposed parking arrangements for vehicles and equipment.
4. Description of the type of sound equipment to be used and the timing of the use of amplified sound.
5. Information on any special effects to be used. A fire watch may be required of the Newton County Fire Service. See Section 32-312 below.
6. Details of planned lane or road closures, including required detours and traffic control plans. Emergency vehicle access shall be maintained at all times. Road closures require on-duty POST certified law enforcement officers on site as determined and directed by the Newton County Sheriff's Office, at the production company's expense.
7. Applicant's security plan. If necessary to address public safety considerations, Applicant may be required to hire off-duty POST certified law enforcement officers as determined and directed by the Newton County Sheriff's Office. See Section 32-312 below.
8. Each application shall be accompanied by fees in accordance with the fee schedule as identified in Section 32-312 below. Except as set forth below, all fees shall be nonrefundable.

Section 32-305 Issuance of permit or authorization; conditions.

The Mansfield Film Coordinator, or designee, shall issue a permit or authorization as provided for in this chapter when, from a consideration of the application, and from such other information as may be otherwise obtained, the Coordinator, after consultation with the Newton County Sheriff's Office, the Newton County Fire Service, and Mansfield public works department, finds that:

1. The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time; and
2. The conduct of such activity will not unduly interfere with normal governmental operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by Applicant; and
3. The conduct of such activity will not constitute a fire hazard or any other type of hazard and all safety precautions will be taken as determined by the heads of the aforementioned departments or their designees.

Notwithstanding the above, the Coordinator may deny an application if:

1. The Applicant production company owes an outstanding debt to the City; or
2. The Applicant production company previously caused significant damage to City property and failed to adequately repair the damage or reimburse the City for repair or restoration; or
3. The Applicant previously violated a Mansfield ordinance or other applicable federal or state law in connection with filming activity in City.

The decision of the Coordinator to issue, conditionally issue, or deny a permit or authorization shall be final unless appealed in writing within five (5) working days of the decision to the Mayor. The Mayor will render a decision to issue, conditionally issue or uphold the denial of a permit or authorization within two (2) days of the appeal. The decision of the Mayor will be final.

When more than one permit application is received for filming at the same location at the same time, and the Coordinator reasonably determines both productions cannot occur, the first complete application that is received by the City shall receive priority as to the requested location and time. The Coordinator shall make reasonable efforts to accommodate any other applications to identify alternative suitable filming locations and times. Any fees paid by an unsuccessful applicant due to the unavailability of a requested filming location shall be fully refundable, notwithstanding any provision in this ordinance to the contrary.

Section 32-306 Cost of additional services.

If deemed necessary, additional law enforcement, code enforcement, fire, and other City services shall be required for the purpose of protecting, assisting and regulating the proposed activity. The reasonable cost of providing such additional services shall be paid in advance to the City by Applicant.

Section 32-307 Insurance.

Applicant agrees to maintain the following insurance for any permit to film on City property, utilize City right-of-way, or utilize City vehicles or equipment:

Coverage Limits

1. Worker's Compensation
 - a. Statutory Benefits (Coverage A) Statutory
 - b. Employers Liability (Coverage B) \$500,000 Each Accident
 - c. \$500,000 Disease/Employee
 - d. \$500,000 Disease/Policy

2. Automobile Liability
 - a. Owned Vehicles \$1,000,000
 - b. Non-owned Vehicles \$1,000,000
 - c. Hired Vehicles \$1,000,000

3. Commercial General Liability Aggregate Limit
 - a. Each Occurrence Limit \$2,000,000
 - b. Products/Completed Operations \$1,000,000
 - c. Personal / Advertising Injury \$1,000,000
 - d. Damage to Rented Premises \$100,000
 - e. Medical Payments \$5,000

All insurance shall be provided by an insurer(s) acceptable to the City and shall name Mansfield as an additional insured on the general liability, auto liability. Applicant shall include a certificate or policy of insurance evidencing compliance with these requirements.

Section 32-308 Hold Harmless Agreement.

Applicant shall execute an indemnification and hold harmless agreement as provided by the City prior to the issuance of any permit.

Section 32-309 Conditions; restrictions.

1. Applicant shall maintain a copy of the permit or authorization on-site at all times.
2. Applicant shall comply with any and all conditions or restrictions the City may impose as a condition to issuing a permit or authorization. No changes in conditions or restrictions shall be made without first obtaining written approval of the Mansfield Film Coordinator, which approval shall not be unreasonably withheld.
3. Applicant shall have nonexclusive use of City facilities unless otherwise granted in writing.
4. Mansfield and its agents are not responsible for disturbances caused during film activities.
5. Filming in residential areas.
 - a. Filming shall be conducted between the hours of 7:00 a.m. and midnight. All set up, filming and take down shall occur during these hours unless all residents within 200 linear feet of the filming location are notified and compensated by Applicant at a rate of \$50 per each day of film activity. No exceptional activities such as pyrotechnics or explosions shall be conducted between midnight and 7:00 a.m.

- b. Impacted residents shall be notified in writing at least three (3) days in advance of filming of any road closures and shall be compensated by Applicant at a rate of \$100 per day for their inconvenience. Such notification shall include information regarding the relevant filming location, as well as the use of any special effects.
6. Filming in business areas.
 - a. Impacted businesses shall be notified in writing at least three (3) days in advance of any filming that may impede customer access to such businesses. If customer access to a business is directly impeded during business hours, the business owner shall be compensated by Applicant at a rate of \$200 per day for filming activity, including set up, filming and take down.
 - b. If a business is otherwise affected by the filming, compensation will be decided between the filming company and the business owner.
7. Permits are not transferable.
8. Permit Modifications.
 - a. All filming activity shall be confined to the locations, times, and conditions specified in permit.
 - b. Any Applicant seeking to modify a previously issued permit shall submit such request to the Coordinator in writing no later than one full business day in advance of the effective date of a permit.
 - c. There shall be no additional application fee associated with modifying a permit when, in reasonable discretion of the Coordinator, the requested modification is not material. For the purposes of this ordinance, a "material" change means that the processing of the requested change will result in the expenditure of City staff time or services that is more than *de minimus*.
 - d. Where an Applicant requests a material modification to a filming permit at least three (3) days in advance of the effective date of such permit, there shall be no additional application fee for the processing of such modification.
 - e. Where an Applicant requests a material modification to a filming permit fewer than three (3) days in advance of the effective date of such permit, the Applicant must pay a \$500 rush fee for the processing of such modification.
 - f. Where an Applicant notifies the City at least three (3) days in advance of the effective date of a permit of a modification or cancellation resulting in the decrease or elimination of fees for filming in a Mansfield facility, the Applicant shall be entitled to a refund of fifty percent (50%) of the relevant facility fee.
 - g. Any request to modify a permit that results in additional fees shall be accompanied by payment for any applicable fees at the time of the submission of the request.
9. Special Effects, Fire, Explosives, and Similar Devices. No filming involving the use of fire, explosives, pyrotechnics, smoke machines, or other similar special effects may be permitted unless

specifically approved by the Newton County Fire Service. If, in the reasonable discretion of the Newton County Fire Service, a fire watch is required, Applicant shall be responsible for paying fees for the supervision of any film activity involving fire, explosives, pyrotechnics, smoke machines, or other similar special effects by a Newton County firefighter.

10. Applicant shall not remove, cut, trim, or otherwise alter the vegetation on Mansfield land in connection with any filming activity unless specifically authorized in writing.
11. Security. Applicant's security plan is subject to approval by the Newton County Sheriff's Office. If necessary to address public safety considerations or the security of City facilities, Applicant may be required to hire off-duty POST certified law enforcement officers as determined and directed by the Newton County Sheriff's Office.
12. In advance of the issuance of any permit, the Coordinator may schedule a meeting with the Applicant and any applicable Mansfield Department Heads, or in the absence of any Department Head, his or her designee. Participation may be in person or via teleconference. Such meeting shall occur to coordinate the approval of any filming activity and to determine any additional requirements necessary for the approval of the permit application. The City reserves the right to require any additional reasonable requirements identified by the Coordinator or any Mansfield Department Heads, or in the absence of any Department Heads, his or her designee, to address concerns regarding filming activities.

Section 32-310 Cleanup/restoration.

1. For filming on City owned property, Applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area and the cleanup of trash and debris. The areas used shall be cleaned of trash and debris to City's satisfaction within two (2) hours of the completion of the activity or within such other time established in the permit. Applicant shall be responsible for restoring any area damaged or disrupted before leaving the site, reasonable wear and tear excepted. If, after notice and a reasonable opportunity to provide repairs, the site is not repaired or restored to the City's reasonable satisfaction, the City shall have the necessary restoration and/or repairs performed and shall bill Applicant for any reasonable costs incurred by the City. Applicant shall reimburse City for the reasonable cost of such work within thirty (30) days of receipt of the invoice.
2. Applicant shall be responsible for repairing damage to any public right-of-way to the satisfaction of the City, as determined in the City's reasonable discretion.

Section 32-311 Rights of Permittee.

Upon issuance of a permit to an Applicant, the City grants to Applicant the following rights with respect to the filming location ("Premises") specified in the permit application:

1. To enter and remain upon the Premises with personnel, equipment and sets for the sole and express purpose of recording and photographing (still or moving) scenes live or on tape, film or by any other process on the Premises during the term specified in the permit.
2. To photograph (still or moving) and record the exterior and interior of buildings, ("Buildings") and other structures ("Structures"), including, but not limited to, signs, furniture, and pictures contained in or on such Buildings and/or Structures, which are on the Premises and to photograph (still or moving) and record any animals on the Premises.

3. To change the location of and/or replace furnishings in Buildings located on the Premises for the purpose of photographing (still or moving) and recording scenes pursuant; provided however, that Production Company shall return and put back all such furnishings to their rightful place prior to vacating the Premises.
4. To use the name of the Premises and/or the name of any Buildings or Structures located on the Premises or to represent each of the foregoing as another real or fictional location, or use a fictional name, in connection with Applicant's use of the recordings and photographs (still or moving).
5. To construct and photograph a set duplicating all or part of the Premises and Buildings or Structures (including but not limited to, any signs or any interiors of Buildings and Structures).
6. To use all recordings and photographs (still or moving) made by Applicant pursuant to the permit in all media now known or hereafter devised throughout the universe, in perpetuity, including the in-context advertising and promotion of the Project and customary in-context clip licensing and freely assign such rights.
7. To remove any and all of its sets, structures, and other materials and equipment from the Premises upon completion of the term of this Agreement.
8. Nothing in this Ordinance shall be interpreted in any way to limit the police power of the City.

Section 32-312 Fee Schedule and Payment Obligations:

1. Fees for filming in a Mansfield facility:
 - a. \$750 per day for **preparation**, construction, take down, and clean up in all.
 - b. \$1000 per day for **filming** in all locations.
 - c. Access to the building after hours requires two on-duty deputies at a fee of \$40 per hour per deputy with a four (4) hour minimum
 - d. City attendant is required to be on site at a rate of \$25.00 per hour for 8 hours, \$30.00 per hour after 8, and \$40.00 per hour after 12 paid by the film staff.
 - e. Special Permitting or Special Circumstances: City Attendant will be paid at a rate to be negotiated between the City Attendant and the film staff not to exceed \$40.00 per hour
2. Fees and conditions for use of Newton County Fire Service Vehicles and Equipment Use shall be determined by Newton County in its Newton County Film Ordinance (Section 32-204).
3. Newton County Fire Service Personnel (firefighters) shall be determined by Newton County in its Newton County Film Ordinance (Section 32-204).
4. Fees and conditions for use of Newton County Sheriff's Office Personnel shall be determined by Newton County in its Newton County Film Ordinance (Section 32-204).