

**Ordinance No. 2013- \_\_\_\_\_**

**An Ordinance of the Town of Davidson Amending Chapter 18, Businesses and Business Regulations By Adding Article VII.**

**Article VII. FILM PRODUCTION**

**Section 18-293. Purpose.**

The Town Board of Commissioners declares that film production is an important economic activity, which benefits the community. Nevertheless, such activity requires regulation to ensure that impacts on property, vehicle and pedestrian traffic, circulation, the safety of bystanders and crew are protected and the least possible amount of disruption to the community occurs.

**Section 18-294. Definitions.**

For purposes of this article, certain words and phrases used in this article are defined as follows:

- A. "Charitable Films" shall mean motion pictures, television, or video tapes produced by a nonprofit organization, which qualifies under Section 501(c) (3) of the Internal Revenue Code as a charitable organization.
- B. "Film Production" shall mean and include all activity attendant to staging or shooting motion pictures, television shows or programs, and commercials.
- C. "News Media" shall mean the photographing, filming, or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camerapersons.
- D. "Student Filming" shall mean the photographing, filming or videotaping for educational purposes with a letter from the school verifying the student status.
- E. "Film Liaison" shall mean the town staff person assigned by the town manager to review and approve film permits and manage compliance with this section.
- F. "Low Impact Filming" shall mean any filming activity which has minimal impact on the activities of the area in question, has a minimal impact on traffic and

pedestrian flow and parking, and takes place between the hours of 6:00 a.m. and 11:00 p.m.

- G. "Public Property" shall mean and include all property that is owned, leased or maintained by the town including town owned, leased or maintained property in the town's extraterritorial jurisdiction. Right of way owned by the state and located in the town is included in this definition of public property.

**Section 18-295. Application.**

Any film production company desiring to film on public property or to film so as to affect public property within the town limits must apply for a permit. The application must be presented to the film liaison at least ten (10) days prior to the date of filming. The application shall include all information required by the town. Following submission of the application, a pre-production meeting is required between the film liaison and the film or location manager to review the application. An insurance certificate must be furnished at this meeting. All productions are required to maintain public liability insurance policies from filming on location within the town. The following amounts are required:

Comprehensive General Liability Insurance	\$1,000,000.00
Automotive Liability	\$1,000,000.00
Worker's Comp and Employer's Liability	\$1,000,000.00

No permits will be issued until this meeting has taken place and the insurance certificate furnished.

Film production companies shall, prior to issuance of a permit, sign an agreement to indemnify, defend and hold harmless the town, its officers, agents, and employees from and against all claims, suits, actions, damages, liability, and expenses for bodily or personal injury, loss of life or property or damage arising from or out of any occurrence while filming in the town.

**Section 18-296. Activities limited.**

The production company shall limit the activities at each location to those outlined in the filming 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 town grounds to revoke the permit or impose such penalties or fines as are deemed necessary.

The film liaison may specify conditions for filming including, by way of illustration and not limitation, a closed set, street closure with limited access, or specific hours, for film activities that may have a negative impact on the area of filming.

**Section 18-297. Notification.**

The town, through electronic means, will notify all businesses and residents that may be affected by the activity. During the pre-production meeting the film production company shall provide the film liaison with information concerning the location and duration of the filming activities as well as specifics regarding lights, noise, or any special effects. The area to be covered by the notification shall be determined by the film liaison. A fee shall be charged for this notification service.

#### **Section 18-298. Approvals and Traffic Control.**

Written approval must be obtained from the film liaison and the chief of police prior to any film activity which would disrupt the normal flow of traffic. Traffic control, if needed, as determined by the town, must be handled by the Davidson Police Department.

Request for street closures or diverting traffic should be made five (5) business days in advance to allow for planning of alternate routes and proper signage. Requests must be forwarded to the chief of police and film liaison. Any diversion or closure of a “state” road or highway must have prior approval from the state department of transportation, and be approved by the chief of police and the film liaison. If necessary, permits must be obtained from the planning department and fire marshal for the use of tents for holding area, catering, etc.

#### **Section 18-299. Explosives.**

The use of explosives, pyrotechnics, fire, smoke making machines or other special effects may not be undertaken unless specifically approved in writing by the Mecklenburg County Fire Marshall.

#### **Section 18- 300. Vegetation.**

Removal, cutting or trimming of vegetation in the public right of way is prohibited unless specifically approved by permit.

#### **Section 18- 301. Filming on private property.**

Filming shall not take place on private property without the consent of the owner.

#### **Section 18- 302. Parking of equipment.**

All equipment and support vehicles shall be parked so as cause minimal interference to pedestrians, parking or vehicular traffic. Production vehicles must not block fire hydrants, driveways, or other access ramps unless authorized by the town or property owner affected. Production vehicles must be parked in such a way as to not impede safe vision at intersections.

#### **Section 18- 303. Lighting.**

Lighting for filming, both during the day and at night, shall be oriented away from neighboring residences unless approved by the town, and shall not interfere with the safe movement of traffic.

**Section 18-304. Daily clean up.**

At the end of each shooting day, production companies shall clean and restore the site locations including public and private lands, to its original condition with minimum amount of noise and disruption. The town may grant an exception for “period” shots that are more than one (1) day in duration.

**Section 18- 305. Trash and recycling.**

Production companies that block or hold traffic on streets scheduled for trash and recycling pick up must allow trucks to access those areas for normal pick up.

**Section 18- 306. Use of the public right of way.**

Residents may not charge production companies for the use of the public right of ways in front of their homes, nor prohibit its use, but production companies must return the right of way to its’ original condition.

**Section 18- 307. Special effects hours.**

Special effects involving sirens, gunshots, speeding cars, or other loud noises are limited to the hours 8:00 a.m. to 9:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday and Saturday. The town has a 24 hour noise ordinance that will be enforced by the Davidson Police Department.

**Section 18- 308. Parking in alleys.**

No parking of equipment of any kind in alleys shall be allowed without the written permission of the film liaison.

**Section 18-309. Areas of environmental concern.**

If a film set contains dirt, sod, etc. and is located in close proximity to an environmentally sensitive area, the film company will take such measure as deemed necessary to insure that such material, dirt, sod, etc. do not encroach, seep or intrude into any environmentally sensitive areas.

**Section 18- 310. Removal of sets.**

All sets, piling, fencing, etc. shall be removed within two (2) days after the conclusion of the filming. If such sets are not removed within this time frame, the town will remove

such sets and the film company shall be responsible to the town for the costs of the removal.

**Section 18- 311. Overtime expenses.**

Each film company shall pay to the town any employee overtime expenses directly attributable to filming.

**Section 18-312. Filming in cemeteries.**

Filming in Mimosa Cemetery is not allowed.

**Section 18- 313. Availability of location manager.**

The location manager or person in charge of the filming shall provide the film liaison manager with a means to be immediately contacted (i.e., cell phone number, pager, etc.) and shall be available during the entire time filming is in process.

**Section 18- 314. Use of “Davidson”.**

The name “Davidson”, the town seal or logo shall not be used without the written permission of the town manager.

**Section 18-315. Emergencies.**

In the event of a natural or civil disaster, the town reserves the right to cancel all outstanding film permits. Permits will be re-granted as soon as possible after the State of Emergency proclamation has been lifted.

**Section 18-316. Permit Fee.**

Issuance of any permit pursuant to this chapter shall be subject to the payment of any fees established by resolution of the Davidson Board of Commissioners.

**Section 18-317. Exemptions.**

- A. News media activities are exempt from this article.
- B. Charitable Films are exempt only from the permit fee requirements and shall be subject to all other provisions of this article.
- C. Student films, as defined in Section 18-294, are exempt from the permit fee and, depending on the extent of the filming activities, may be exempt from the insurance requirements of this article but are not exempt from complying with all other provisions of this article and must reimburse the town for any costs of town services or damages as a result of film production activity.
- D. The town manager may exempt filming or photography that is town sponsored or town promoted from the permit fee or any other requirements in this article.

This ordinance is effective the \_\_\_\_ day of May, 2013.

Attest:

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John Woods, Mayor

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Town Clerk