Chapter 113

FILM INDUSTRY

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113.01 Purpose

The purpose of this chapter is to establish a permitting process for motion and still photography production endeavors within the jurisdiction of the Town of Longboat Key; to provide exemptions from certain Town Code requirements in recognition of the economic impact of the motion picture and television industry. (Ord. 90-07, passed 4-2-90)

113.02 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context clearly requires otherwise:

"Film production" is the commercial taking or making of a motion picture, television, videotape, commercial still photography or film production whether or not town equipment or town facilities are utilized. This term shall include productions on public or private property and not at a studio, including productions requiring the erection of tents or other temporary structures.

"Production permit" is the permit required by this chapter for film productions.

"Town equipment" is any tangible property, other than real property, purchased by public funds and utilized in the normal course and scope of providing service to the Town of Longboat Key.

"Town facility" is any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the Town of Longboat Key. (Ord. 90-07, passed 4-2-90)

113.03 Permitting authority.

The town manager is hereby authorized to act as the permitting authority for the Town of Longboat Key in the receipt and the processing of applications for production permits. After reviewing the application and finding that it meets the requirements of this chapter, the town manager shall issue the permit. (Ord. 90-07, passed 4-2-90)

113.04 Permit required; violation and penalty.

(A) No person shall advertise, engage in, participate in, or start any film production until a production permit has been issued by the town manager.

(B) It shall be unlawful to continue any film production in violation of the suspension or revocation of a permit, and such violation shall be punishable as provided in section 10.99 of this Code. A citation for violation of this chapter shall not preclude the town from seeking other relief

such as injunctive or declaratory relief to enforce the provisions of this chapter. (Ord. 90-07, passed 4-2-90)

113.05 Application for permit.

(A) Any person seeking the issuance of a production permit shall file an application with the required fee, on forms provided by the town manager. The application shall be filed not more than 60 days before, and not less than five working days before the commencement of production. The application shall be signed, under oath, by an authorized representative of the applicant.

(B) Applications for production permits shall contain the following specific information:

(1) Location(s) of the production described by a street address or, if necessary, property description.

(2) Production dates, including estimates and projections as to the possibility of delays and postponements.

(3) The hours of filming, which must be consistent with the permit requirements listed below.

(4) The type of production.

(5) Proposed use of temporary structures, including a description of each temporary structure, its proposed use and placement, and the dates and duration of each proposed placement. The town may require on-site inspection of the temporary structure during construction and/or use.

(6) Number and type of vehicles and/or equipment as well as the number of personnel to be on location with production.

(7) Proposed plan for dealing with sanitation, including disposal of waste and refuse as well as placement of port-o-let units.

(8) Necessity for closures of public streets or sidewalks and the proposed dates and necessary duration of such proposed closures.

(9) If required by the town manager, neighborhood consents signed by the proprietors/ authorized representatives of any business and/or signature of the residents and/or occupants of any property located within 500 feet circumference of each filming/production site as well as a signed consent from each neighboring resident/ business on the immediate right, left and rear of the production site.

(10) Application for a production permit shall constitute an agreement by the applicant to pay for extraordinary services provided by the town, including any repairs, renovations and/or landscaping and turf restorations or replacement which is necessitated by virtue of this production. The town manager may require the posting of a bond sufficient to insure restoration.

(11) Proposed utilization of town equipment.

(12) Hold-harmless agreement. The applicant shall execute a hold-harmless agreement in favor of the Town of Longboat Key saving, defending and holding harmless the Town of Longboat Key, its agents, employees and representatives, from any claim which arises as a result of the activities of the applicant, its agents, representatives or employees, within the town. Said agreement shall be executed by an individual(s) and/or entity capable financially and otherwise of honoring the terms thereof, and the agreement shall be in a manner and form acceptable to the town and deemed to provide the protection necessary to the town as intended by this section.

(13) Application for a filming permit shall constitute a covenant between the applicant and the town, specifying that the applicant will halt or interrupt filming upon instruction from a uniformed officer of the town's police department. The town covenants not to instruct that such production be halted or interrupted unless in its discretion it perceives that the filming shall cause unreasonable interference with traffic movement, violate the law, or constitute a threat to the public peace, health, safety or welfare.

(14) Certificate of insurance. The applicant shall provide a certificate of insurance naming the Town of Longboat Key as a named insured under said insurance policy for an amount sufficient to cover the potential risk to the town as determined by the town manager.

(15) Proof of worker's compensation insurance coverage for each and every employee in any

way involved with the production, as required under the laws of the State of Florida. (Ord. 90-07, passed 4-2-90)

113.06 Motion picture production permit application approval criteria.

The town manager shall approve issuance of a motion picture production permit upon application unless one of the following circumstances exist:

(1) The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics.

(2) The applicant has made a material misrepresentation in the application.

(3) Proposed production will substantially disrupt the peace and quiet of any area of the town.

(4) Proposed production will substantially impact upon traffic within any area of the town.

(5) That the proposed production in any way damages or degrades the image of the town.

(6) That the production fails to comply with any of the criteria as designated under this Code for issuance of the film production permit, or rules and regulations governing the production.

(7) If the application is for renewal of a permit, that the applicant has violated conditions of the previous permit or ordinances or regulations of the town in the conduct of the production. (Ord. 90-07, passed 4-2-90)

113.07 Denial of film production permits; term of permits; and revocation/suspension of permits.

(A) *Denial of film production permits.* Where the film production permit is denied, the applicant shall be notified in writing by certified mail, return receipt requested, of the denial and the reasons therefor.

(B) *Terms of film production permits.* Film production permits issued pursuant to this chapter shall be effective for the stated purpose from the date of issuance through the date specified in the permit.

(C) *Revocation or suspension of film production permits.* A film production permit issued under this chapter may be revoked or suspended for any of the following reasons:

(1) A material false statement contained in the application; or

(2) Failure to comply with applicable federal or state laws and regulations; or

(3) Failure to comply with any conditions imposed by the town manager on the issuance of the permit; or

(4) Failure to operate the film production in accordance with such town ordinances, laws, orders, rules and regulations as may be applicable; or

(5) Conducting the film production business or activity in a fraudulent or disorderly manner, or in a manner which endangers the public health, safety, welfare, or in a manner which disrupts the public peace. (Ord. 90-07, passed 4-2-90)

113.08 Notice of hearing and grounds for suspension or revocation.

Prior to suspension or revocation of a film production permit, the permittee shall be notified in writing of the grounds for suspension or revocation of the permit and a hearing shall be held before the town manager. Notice of the hearing shall be given to the permittee at least ten days prior to the hearing. (Ord. 90-07, passed 4-2-90)

113.09 Emergency temporary suspension of permit.

If the conduct or activity of the permittee creates an imminent peril to the environment or the public health, safety or welfare, the film production permit may be summarily suspended by the town manager upon notice to the permittee, provided that the permittee shall be entitled to a hearing within three days thereafter; and provided further that any temporary emergency suspension shall not exceed 15 days pending a hearing under section 113.08. (Ord. 90-07, passed 4-2-90)

113.10 Conduct of hearing on suspension or revocation.

The hearing before the town manager shall be conducted so as to allow the permittee the right to

be heard and to call witnesses on the permittee's behalf. (Ord. 90-07, passed 4-2-90)

113.11 Decision after hearing on suspension or revocation, right to appeal.

The decision of the town manager shall be rendered with five days of the close of the hearing. The decision shall be in writing and shall set forth the findings of fact and conclusions of law underlying the decision; and the permittee shall be notified in writing of the decision by certified mail, return receipt requested.

The decision of the town manager may be appealed within 15 days of the date of the written decision to the town commission. (Ord. 90-07, passed 4-2-90)

113.12 Motion picture filming requirements.

The following requirements will be made of all film productions within the limits of the town:

(A) A film production permit may authorize filming at more than one location within the town limits.

(B) No filming or related activity shall take place prior to 7:30 a.m., nor later than 9:00 p.m. without the prior written approval of the town manager.

(C) All parking relating to filming activities shall be restricted to one side of the street only. All public roadways shall be kept open at all times unless approved by the chief of police. Parking may be prohibited in the area of filming activity, if, in the opinion of the chief of police, a safety hazard could result.

(D) There shall be no nude performers.

(E) There shall be no act of rape, sodomy, bestiality, sexual intercourse, or acts of violence portraying the dismemberment of bodies or body parts of humans or animals.

(F) Waste and refusal disposal, as well as placement of port-o-lets, shall be conducted in the manner directed by the town director of public works.

(G) Any damage to public property, private property and/or landscape shall be fully remedied at the cost of the permittee.

(H) No filming, nor any related activity may take place in violation of any applicable federal, state or local law, ordinance or regulation.

(I) Additional restrictions may be placed on commercial filming within the limits of the town if the town manager deems it necessary to protect the public health, safety or general welfare of the community, its citizenry, and/or its environment. Such restrictions may include the requirement for use of police, fire and other town personnel during the filming.

(J) At no time, shall the noise level resulting from filming or related activities, violate section 130.02 of the Code without prior written approval of the town manager.

(K) At no time, during filming or related activities, shall lights or lighting be operated in any means which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

(L) No production shall utilize explosives or pyrotechnics. (Ord. 90-07, passed 4-2-90)

113.13 Cost for services.

(A) The town shall recover costs for services rendered in connection with a film production. Such costs shall include but not be limited to charges for personnel and/or equipment committed in support of the production which are outside the normal scope of town services.

(B) Based on the information contained in the permit application, an estimate of these costs will be provided to the applicant prior to the issuance of a permit. The town may require prepayment of all or a portion of these estimated costs prior to the issuance of the permit. At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the town or paid by the applicant, respectively. (Ord. 90-07, passed 4-2-90)

113.14 Fees.

The fee for a production permit shall be $100.00 a day for each day or fraction thereof for the first five days, and $150.00 per day or fraction thereof from the sixth day through the tenth day, and $500.00 per day or fraction thereof from the eleventh day to the end of the production. (Ord. 90-07, passed 4-2-90)

113.15 Suspension of certain town code requirements.

The provisions of chapters 71, 72, 73, 74, 90, 94, 111, 150 and 158 and §§ 91.02, 91.20, 92.11, 92.12, 130.02 and 130.06 of this Code, insofar as certain acts are required or prohibited, may be suspended by the town manager in connection with the conduct of a production pursuant to this chapter and such suspension shall be indicated on the permit. (Ord. 90-07, passed 4-2-90)