

ORDINANCE NO. C-16-

AN ORDINANCE AMENDING CHAPTER 15, BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS, TO ADD ARTICLE XI, FILMING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; CREATING SECTION 15-285 THROUGH SECTION 15-293, FILM PERMITTING IN THE CITY OF FORT LAUDERDALE, ESTABLISHING CRITERIA AND LIMITING COMMERCIAL FILMING AND PHOTOGRAPHY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES AND REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale has a substantial interest in orderly operation of commercial filming and photography in the City; and

WHEREAS, this Commission of the City of Fort Lauderdale has determined that unregulated commercial filming throughout the City has had a negative impact on the residents and properties located in proximity to such filming locations; and

WHEREAS, the City Commission of the City of Fort Lauderdale has determined that commercial filming regulations promote and protect the general health, safety, and welfare of the residents of the City of Fort Lauderdale; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article XI, Commercial Filming Regulations, of Chapter 15, Business Tax Receipts And Miscellaneous Business Regulations of the Code of Ordinances of the City of Fort Lauderdale is hereby amended to read as follows:

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Sec. 15-285. Purpose.

It is the intention of this section to protect residential areas from undue intrusions associated with commercial filming. This Ordinance contains uniform rules and regulations for commercial filming on public and private property for the health and safety of all persons, mitigation of disruption to all persons within the affected area, the safety of city property and control of traffic, mitigation of congestion at affected locations and the promotion of economic development within the City.

Sec. 15-286. Definitions.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

- (1) "Commercial Motion picture and television" shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials in any medium including film, tape or digital format.
- (2) "News Media" shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned "breaking" television news broadcast or reporting for print media by reporters, photographers or camerapersons. News media shall not include pre-planned television news broadcast or reporting for print media by reporters, photographers or cameramen.
- (3) "City Property" shall mean properties owned by the City including parks, community centers, swimming pools, office buildings and other facilities, streets, sidewalks and City right-of-ways.
- (4) "Film Liaison" shall mean the person or persons designated by the City Manager to administer the film permit process and coordinate among departments involved with film production activities.

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Sec. 15-287. Applicability.

This Ordinance shall apply to all the lands within the City's jurisdiction whether public or private under the issuing authority of the Office of the City Manager.

Sec. 15-288. Permit Requirement.

- (a) Permit required. No person shall use any public or private property or facility for the purpose of taking of commercial motion pictures and television footage without first applying for and receiving a permit from the City of Fort Lauderdale.
- (b) Commercial filming being conducted in residential or mixed-use districts shall require property owner's written approval shall be submitted to City prior to obtaining such permit.
- (c) The permit shall be available for inspection at the site on which the filming is to occur. Upon the request of any police officer or code enforcement officer of the City, the owner, lessee or representative of the production company shall exhibit such permit.
- (d) Permitted days which are canceled due to circumstances beyond the control of the production company, such as inclement weather days, shall extend the number of permitted days by the number so canceled, without penalty.
- (e) Commercial filming exceeding fourteen (14) calendar days over a thirty (30) day period shall be approved by motion of the Fort Lauderdale City Commission. In the event the City Commission is in recess, the City Manager shall be delegated to approve such permit.
- (f) Exemptions. The provisions of this section shall not apply to News Media or filming, videotaping or still photography solely for non-commercial or private use. A filming permit shall not be required for the filming of special or private events, where such footage is not subject to commercial distribution. A film studio validly operating and maintaining a permanent address within the City limits of the City of Fort Lauderdale shall not be required to obtain a permit for filming activities occurring at such location.

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Sec. 15-289. Permit Conditions.

- (a) The City Manager or designee may approve, disapprove, or approve with appropriate conditions or limitations any permit applied for under this section when necessary to protect the City or its residents from undue intrusions.
- (b) Conditions may be altered, expanded, limited or added on the permit as are reasonably necessary to protect the peace and tranquility of any residential area, to mitigate traffic, to protect other uses in the area, to mitigate environmental damage, or to protect the public health, welfare, and safety.
- (c) Conditions imposed as terms under which a permit is issued may include, but are not limited to, the following:
 - (1) Application for commercial filming shall be submitted at least ten (10) business days prior to the date on which such person or entity desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, conditional time frames may be required.
 - (2) Hiring of City off-duty police officers to supervise traffic and other matters when the public right-of-way is utilized for film purposes;
 - (3) Hiring of City off-duty police officers to provide security and control on private property if there is a potential public safety hazard;
 - (4) Hiring of City off-duty Fire and EMS staff to provide necessary health and safety prevention or response services;
 - (5) Limitations on number and location of vehicles or trailers parked on the street or swale areas or adjacent or contiguous properties used in the activity;
 - (6) Limitations on the daily hours or specific times when filming is to take place when such limitations are necessary to limit disruption to the neighborhood or other City services;

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- (7) Compliance with the Noise Ordinance, unless otherwise conditionally approved by the City Manager or designee;
- (8) Advance notification of at least forty-eight (48) hours in a form approved by the City Manager to all residents, merchants, neighborhood or merchant associations within a five hundred (500) feet radius of the filming location;
- (9) Reimbursement of City personnel and service costs. The production company or permit applicant will be responsible for reimbursement of costs associated with any City personnel or City resources provided to the applicant for the purpose of assisting production;
- (10) Applicant shall be billed according to the current rate schedule established by the City when parking in a municipal parking lot or municipal parking spaces;
- (11) The production company or permit applicant will be required to clean up trash and debris. The area used shall be cleaned for trash and debris upon completion of activities at the site and restored to the original condition prior to vacating the site. City reserves the authority to require applicant to post a clean-up bond in an amount deemed appropriate by the City Manager or designee;
- (12) The production company or permit applicant will be required to comply with all applicable local, State and Federal laws and regulations;
- (13) No relocation, alteration or moving of structures will be permitted without prior written approval by the City Manager or designee;
- (14) Upon request of the applicant, the City Manager or designee may, upon the showing of good cause, change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location;

Sec. 15-290. Permit Application.

- (a) Applications shall include the following information:

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- (1) The address and description of the place at which the activity is to be conducted.
- (2) The hours and dates the activity will occur.
- (3) General statement of the character or nature of the proposed filming activity.
- (4) Name, address and telephone number of the person or persons providing onsite supervision of the activity.
- (5) Name, address and telephone number of the production company or permit applicant conducting the activity.
- (6) The number of personnel involved in the filming activity and the amount/type of vehicles and/or other equipment involved.
- (7) Use of any animals or pyrotechnics and proof of all applicable required permits and insurance.
- (8) Management of Traffic Safety Plan, as deemed applicable by City Manager or designee.

Sec. 15-291. Permit and Location Fee Schedule.

- (1) Still photography shoots that are entirely contained within any structure shall not require a use permit under this section.
- (2) A Location Fee shall be determined by the City Film Liaison based on the relative size, scope, and use of City Property, as well as, disruption of services to residential or commercial districts.

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Sec. 15-292. Liability Provisions.

(1) Liability Insurance.

- (a) Before a permit is issued, a certificate of insurance will be required in a minimum amount of \$1,000,000 naming the City of Fort Lauderdale as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage.
- (b) The certificate shall not be subject to cancellation or modification until after thirty (30) days written notice to the City.
- (c) Evidence of Insurance must be reviewed and approved by the City and will not be reviewed or approved without copies of all of the required endorsements.
- (d) City of Fort Lauderdale must be named as an Additional Insured on a Primary and Non-Contributory basis or Coinsured and a Wavier of Subrogation Endorsement must be issued for each insurance policy that is required.
- (e) Evidence of Insurance consists of:
 - 1. A Certificate of Liability Insurance naming the City of Fort Lauderdale as an additional insured on a primary and non-contributory basis including a waiver of subrogation; and
 - 2. Copies of all Additional Insured Endorsements providing coverage on a Primary & Non-Contributory Basis; and
 - 3. Copies of all Waiver of Subrogation Endorsements; and
 - 4. All copies shall remain on file

(2) Hold Harmless Agreement.

- (a) Applicant must accept the hold harmless agreement within the permit application prior to the issuance of a permit.

(3) Worker's Compensation Insurance.

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- (a) An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under the permit.
- (4) City of Fort Lauderdale reserves the right to require additional types of insurance coverage or higher limits of liability at any time.
- (5) The insurance companies providing coverage must be registered to do business in the State of Florida and have an A.M. Best rating of (A-/VI) or better or an equivalent rating given by a recognized rating agency.

Sec. 15-293. Violation.

1. A permit issued may be revoked or suspended by the City Manager for any of the following reasons:
 - (a) A material false statement contained in the application; or
 - (b) Failure to comply with federal, state or local laws and regulations; or
 - (c) Failure to comply with any conditions imposed by the City on the issuance of the permit;
or
 - (d) Failure to conduct production, filming, videotaping, or photography in accordance to such orders, rules and regulations as may be applicable; or
 - (e) Conduct of the production, filming, videotaping, or photography in a fraudulent or disorderly manner, or in a manner that endangers the public health, welfare or safety.
2. Violation of the terms and conditions of the film permit is considered a misdemeanor and applicable penalties shall apply.
3. In the event the permit is denied, the applicant shall be notified in writing of the denial.
4. Appeals of permit denials under this article may be made to the City Manager within forty-eight (48) hours, upon City Manager denial, applicant may seek approval by City Commission, final determination and issuance being subject to the Commission's sole discretion.

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SECTION 2. That if any clause, section, or other part of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That this ordinance shall be in full force and effect thirty days from the date of final passage.

PASSED FIRST READING this the ____ day of _____, 2016.

PASSED SECOND READING this the ____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

JEFFREY A. MODARELLI
City Clerk

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