

# **MORGAN COUNTY FILM AND VIDEO POLICY**

## **I. Background and Purpose**

Morgan County desires to make it easier for filming in the County insomuch as it brings employment opportunities, tourism, hotel occupancy, and general economic development to the Community. Additionally, a specific policy will deter and limit unregulated commercial film production and similar activities from occurring within the County that would cause a public nuisance and pose a threat to public health, safety, and welfare.

Morgan County invites and encourages film and video production utilizing County property so long as the County's primary responsibility to provide service and protection to the general public is not impaired and provided that the County is compensated for the time, labor, and other costs associated with allowing the utilization of County owned property and facilities.

This policy has been designed in order to outline the parameters and process for obtaining a filming permit for any filming to occur in Morgan County.

## **II. Summary of Procedures and Scope**

The procedures for filming, and requirements for permitting, vary depending on the location of the filming.

### **1. Filming on Private Property**

Filming on private property requires permission of the property owner but does not require a permit from the County unless certain activities are included which may impact public health, safety, and welfare. These activities include but are not limited to guns in display of the public; public nudity; special effects such as fire, explosives, or pyrotechnics; nondomestic animals; or filming outside the hours permitted by the City/County's Noise Ordinance.

### **2. Filming on Streets and Right-of-Way**

Filming on streets and right-of-way requires a permit from the County. Any filming activity that may disrupt the normal flow of traffic will require the hiring of off-duty, POST-certified police officers. Any costs for the hiring of off-duty, POST-certified police officers shall be paid for by the applicant.

### **3. Filming on Public Property**

Filming on public property, including publically owned parks and facilities, requires a permit from the County. The potential need for County personnel and equipment, including POST-certified police officers, will be determined through the application review process. Any costs for the hiring of off-duty, POST-certified police officers shall be paid for by the applicant.

### **III. Definitions**

County Property means and includes any park, recreational facility, building, water body, or real or tangible property owned or controlled by the County.

Commercial film means and includes all activity involved or ancillary to filming any entertainment or advertising programs for any media now known or hereafter created.

Charitable or student films means any filming by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization or done on behalf of an accredited educational institution.

Film Contact means the person responsible for acquiring a filming permit.

Filming means and includes all activity involved or ancillary to staging or shooting motion pictures, television shows or programs, commercial still photography, video tapes, computer-based programs, or other visual reproduction technology now known or hereafter created. The period of filming includes the set-up, strike and time of photography, and any pre-production and post-production activities on said film.

Filming Permit means the permit required by this policy.

Production Crew means any and all persons who are in any way involved with or engaged in filming, including, but not limited to, all who will or who customarily receive credit of any sort either during opening or closing credit sequence of a completed film.

Production Location means any location at which filming is to take place.

Production Equipment means and includes any and all equipment utilized during filming which shall include, but not be limited to cameras, video recording devices, sound recording devices, lighting equipment, sound equipment, tracking, scaffolding, cranes, and temporary vending or other equipment used for providing food and beverages to the production crew.

Production Vehicles means and includes any and all vehicles which are in any way utilized during filming including transporting the Production Crew to and from the Production Location which may include, but is not limited to campers, mobile homes, automobiles, trucks, trailers, motorcycles, and helicopters.

Temporary Structure means and includes any and all structures assembled on or near a Production Location for the purpose of filming.

#### **IV. Process for Application and Application Review**

Morgan County shall utilize the following process for consideration of filming permits:

##### **1. Application**

- a. The film contact shall make application to the County for filming to occur within the County.
- b. Each application for filming shall be accompanied by a nonrefundable application fee in such amount as may be set by Resolution of the County Board of Commissioners.

##### **2. Application Review**

- a. Upon the receipt of a complete application, the County Manager shall review the application and may refer to such appropriate County departments as are impacted by the proposed filming for review, evaluation, investigation, and recommendations regarding approval or disapproval of the application.
- b. As part of its due diligence, for filming occurring on public property, the County may seek to acquire basic information about the proposed film and/or a treatment for the film.
- c. Proposed filming which includes the building or assembly of temporary structures, pyrotechnics, or open flames may also require review by the Fire Department and/or Fire Marshal.
- d. Onsite food preparation may also require review and certification by the Morgan County Health Department. Catered and/or pre-packaged food is not subject to this provision. **Filming production companies are encouraged to use local businesses to provide craft services.**

##### **3. Application Approval or Denial**

- a. The County's approval or denial of an application for a filming permit shall be provided to the applicant in writing within 5 days of the receipt of a complete application. Failure by the County to respond within 5 days does not automatically signify the County's approval of the application.
- b. The County reserves the right to deny any film application as they deem necessary.
- c. Conditions to issuing a permit include, but are not limited to the execution of a Property Use Agreement for the use of County Property.
  1. The Property Use Agreement shall be accompanied by a valid Insurance Certificate for the production company, naming the

Morgan County as additional insured, and providing at least a \$1,000,000 umbrella liability policy and \$1,000,000 automobile policy.

2. As part of the Property Use Agreement, the County may institute additional conditions on filming so as to ensure the County's primary responsibility to provide service and protection to the general public is not impaired and to protect the health, safety and welfare of the citizens of the County.

3. Depending on the proposed uses of County Property, as part of the Property Use Agreement, the County may determine a cash bond to be appropriate. In this event, the County shall advise the film contact of the amount, and this bond shall be remitted to the County before the filming permit is issued.

d. Reasons for denial of a filming permit include, but are not limited to:

1. False or incomplete information on the application;
2. The filming will disrupt traffic within the County beyond practical solution;
3. The filming will interfere with access to fire stations and/or fire hydrants;
4. The location of the filming will cause undue hardship to adjacent businesses or residents beyond practical solution; or
5. The filming will cause disruption of public services within the City/County and would unreasonably impact the remainder of the Community.

#### **4. Revocation of a Filming Permit**

a. Reasons for revocation of a filming permit include, but are not limited to:

1. False information on the application or failure to comply with all terms and conditions of the permit;
2. Failure to arrange for or adequately remit all applicable fees, deposits, insurance, or bonds to the County; or
3. Existence of disaster, public calamity, riot or other emergency as the County determines, in its sole discretion, to be an impact upon the public health, safety, and welfare.

## V. Permit Fees

The permit fees for filming shall be set in such amount as determined by the County and adopted by Resolution.

1. Permit fees shall be paid in full prior to the issuance of the filming permit and in any event no later than 48 hours after the commencement of filming.
2. The fees required by this policy shall be in addition to any other fees which may be required by any other applicable Ordinances.
3. Should the production crew desire to have use of any equipment owned by the County, such as police cars, park equipment, and the like, an additional fee shall be paid so as to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items to the County.
4. Charitable or student films may be excused by the County Manager from the application fee and/or other fees associated with the filming permit if, in his or her reasonable discretion the benefits of the filming exceed the costs to the community at large.

The following Permit Fees were adopted by the Morgan County Board of Commissioners on April 4, 2017 and are hereby incorporated into the Film and Video Policy.

Application/Permit Fee	\$100.00
Application/Permit Fee ( <i>if applying after filming begins</i> )	\$200.00
Road Closure Fee*	\$100.00 per day
	<i>(Doesn't include Cost of Certified Officers)</i>
Road Closure Fee* ( <i>if applying after filming begins</i> )	\$500.00 per day
	<i>(Doesn't include Cost of Certified Officers)</i>

**\*Fees for major roadways and/or intersections may be more and may require DOT approval**

Use of Fire Services Vehicles	Current FEMA Rate
Use of Law Enforcement Vehicle	\$10.00 per hour per vehicle <i>(If vehicle required for road closure)</i>
Certified Fire Fighter (paid to individual)	\$35.00 per hour – 4 hour min.
POST Certified Officer (paid to individual)	Determined by the Sheriff

Fees for the use of County owned buildings, parks or parking areas will be negotiated with the County Manager. Any use of County buildings after hours will require a county employee, who is a key holder for said building, to be present at a rate of at least \$25.00 per hour.

## **VI. Exceptions**

1. The following filming and film-related activities are exempt from the permitting requirements of this policy.
  - a. Current news, including reporters, photographers, or camerapersons in the employment of a newspaper, news service, television station, or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes, or occurrences in the news.
  - b. Sound, visual, or sound and visual recordings of open meetings of the State, County, City, School Board, or other political subdivision of the State.
  - c. Filming or still photography created solely for personal family use.
2. Charitable or student films may be excused by the County Manager from certain permitting requirements, such as the liability insurance requirement, if, in his or her reasonable discretion the benefits of the filming exceed the costs to the community at large.

## **VII. Responsibility of the County**

The Board of Commissioners and the City Manager all have specific duties in regards to Film and Video Policy.

### **1. Board of Commissioners**

- a. Adopt a policy for film and video and associated fees.
- b. Update the policy for film and video as needed to best reflect the needs of the community.

### **2. County Manager**

- a. Ensure the County maintains a form to appropriately gather information for the review of a request for filming within the County.
- b. Ensure applications are reviewed in a timely manner.
- c. Make final decisions as to the approval or denial of filming permits.
- d. Designate a County film liaison that shall be the point of contact throughout film production.

## **VII. Responsibility of the Film Crew**

### **1. Notification of Affected Business**

- a. The Production Company will notify all businesses and residents affected by the activity
- b. Notification should take place following the County's review and approval of the Filming Permit Application and after meeting with the appropriate County representatives.
- c. Notification should occur no less than five (5) business days prior to the planned activity. Earlier notification may be required in cases where planned activities may have a significant impact on normal activities of the area.
- d. The Production Company is encouraged to consult with the CVB Director/Film Liaison for a calendar of events in the area and to be considerate of those activities, parking needs, etc. The area to be covered by notification may vary depending on the impact of the planned activity but will be a minimum of all businesses or residents in the linear block in which the activity is to occur.
- e. Business should be compensated during imposition due to filming during business hours which include set up, filming, and breakdown.
- f. Contracts for businesses compensated during filming are strictly between individual businesses and the Production Company.
- g. Specifics of compensation will be addressed in a Letter of Understanding distributed to businesses prior to the start of filming.

### **2. Special Considerations for Residential Neighborhoods**

- a. In residential areas, film activities will not begin prior to 7:00am, and will end by 11:00pm weekdays and Sundays, and by midnight on Friday and Saturday, under special permitting. Any special circumstances must be addressed.
- b. Affected residents in the residential area must be notified by letter or in person not less than five days in advance of filming. Notification should include information concerning the location and duration of the filming activity in question, as specifics regarding lights, noise, or any special effects. Notification must also include contact information for the key location assistants and location manager.
- c. All equipment and support vehicles not in immediate use shall be parked so as not to cause any interference to pedestrians or vehicular traffic.

- d. Production vehicles must not block fire hydrants, driveways, or other access ramps unless authorized by the County or property owner.
- e. Production vehicles must be parked in such a way as to not impede safe lines of vision at intersections
- f. Lighting for filming, both during the day and night, should be oriented away from neighboring residences wherever possible, and should not interfere with the safe movement of traffic,
- g. Wherever possible, base camps and dressing room trailers should be parked away from neighboring residences, and/or take steps to control noise from generators, slamming doors, engines, etc., in the early morning before 7:00am and 11:00pm.
- h. A production location manager or key assistant manager should be present at any location being filmed as the primary contact for the County Manager/Camera Ready Liaison unless prior arrangements have been made.

**ADA Compliance:** Any alterations created by the laying of cabling, placement of equipment or ancillary items related to the production of any filming on any sidewalks, curb ramps or other sloped surfaces in the County where ADA access is provided shall be properly clear of such obstructions. Where such obstructions are necessary for the production of filming, suitable temporary ramps to sidewalks or ADA cable ramps shall be placed to allow for the uninterrupted flow of all ADA traffic.

