



**Valdosta City Council**

216 East Central Ave  
Valdosta, GA 31601

**SCHEDULED**

Meeting: 08/19/21 05:30 PM  
Department: City Manager/Mayor  
Category: Licensing & Regulation  
Prepared By: Teresa S S. Bolden  
Initiator: Teresa S S. Bolden

**ORDINANCE NO. (ID # 3241)**

DOC ID: 3241

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 86, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE I - IN GENERAL, BY ADDING SECTION**

**86-9, FILM PRODUCTIONS OF THE CODE OF ORDINANCES OF THE CITY OF VALDOSTA, GEORGIA**

**BE IT ORDAINED** by the Mayor and Council of the City of Valdosta, Georgia, and is hereby ordained by authority of same, that Chapter 86, *Streets, Sidewalks and Public Places*, Article I, *In General*, Section 86-9, *Film Productions* of the Code of Ordinances of the City of Valdosta, Georgia is hereby added in its entirety:

**Section 86-9. Purpose.**

It is the public policy of the State of Georgia to market the state as a location for media productions, recognizing the economic impact this industry provides, as well as the tourism it generates for local jurisdictions such as the City of Valdosta (“City”). The City is further fortunate to have a diverse number of unique locations to attract movies and television productions.

Despite the many positive benefits, a media production may offer, certain inconveniences may result if the production company and the City cannot work in concert to assure minimum standards are met and to assure a thoroughly planned production schedule is followed. These concerns are best addressed through a regulatory permit.

**Section 86-10. Scope of coverage.**

The permit required under this chapter shall be a requirement for all movies, television or video series, pilots, feature films and documentaries, commercials, music videos, and infomercials whether the final product is intended for commercial use or not, unless the activity shall wholly occur on private property within an otherwise licensed facility (such as a film or

television studio). Any media production on public property, intended to be closed to participation by the public, or restricting access to public property or facilities normally accessible by the public, shall require a permit. For purposes of this chapter, media production activity shall include areas designated for parking of trucks and equipment on public or private property, base camps used during the production activity, and food service areas. No public highway, street or road shall have its public access restricted or limited except by a permit issued pursuant to this chapter.

### **Section 86-11. Definitions.**

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

*Applicant* means the individual applying for a permit who is legally authorized to bind the producer.

*Application* means the document[s] created by the City Manager or his/her designee that must be completed and submitted to the City to request a permit.

*City Manager* means the City Manager of the City or his/her designee.

*Filming* means creating motion picture images and all activity attendant to staging, shooting, and associated basecamp operations associated with the production of commercial motion pictures, independent filmography, documentaries, music videos, television shows, and commercials. Filming also means creating still photography images for commercial use and all activity attendant to staging or shooting such images.

*Permit* means the authorization issued by the City necessary to conduct filming.

*Permittee* means an applicant who has been granted a Permit under this ordinance.

*Producer* means an individual, organization, corporation or any other entity that is responsible for the filming.

*Public property* means real property owned by the City, or of which the City is a tenant, including, without limitation, parks, streets, sidewalks, other rights-of-way and buildings. Public property shall not include real

property which is being leased by the city to a tenant.

### **Section 86-12. Permit requirements.**

(A) *Permit required.* No person shall use any public property or facility for the purpose of taking motion pictures, television, or commercials without first applying for and receiving a Permit from the City Manager. . Conditions may be applied depending upon the nature of activities required under the Permit and the zoning districts in which they take place. Whenever a Permit is sought for activities in primarily residential neighborhoods, extra consideration shall be given to the conditions imposed to ameliorate as much as possible inconvenience to the residents.

(B) *General standards.* The City Manager shall provide for the issuance of Permits under this ordinance. Prior to making application for a Permit, it shall be incumbent on the Applicant to meet with the City Manager to review locations and the general scope of activities planned during the production. The rules and regulations governing the issuance of Permits shall be based upon the following concerns: (a) the health and safety of all persons; (b) mitigation of disruption to all persons within the affected area; (c) the safety of property within the City; and (d) traffic congestion at particular locations within the City. If a Permit is granted, the Permittee acknowledges that the City will not intervene or negotiate access rights to private property with property owners; the Permittee is expected to deal directly with private property owners for required permission and consent. Additionally, a Permittee is required to minimize interference with the normal activities of a neighborhood or commercial area, including access to private or public property.

(C) *Application and permit procedure.*

(1) All applications shall be made electronically on forms provided by the City. Applications shall be submitted in duplicate originals. Application shall be made no less than five (5) business days prior to the first scheduled event or day of filming.

(2) Every application shall state the name and contact information of a responsible representative of the Applicant, who shall be available at all times during actual production activity within the City and for a period of not less than one year thereafter; more than one point of contact may be specified.

(3) The application shall contain a detailed narrative of the scope of production activities, and include drawings, maps or plats to illustrate locations, property boundaries, existing material improvements, planned temporary improvements, curb cuts and driveways, adjoining streets, traffic patterns, and similar information helpful to assess the impact of the proposed activity. Street closure(s), obstruction or interference with normal traffic flow, including pedestrian use of sidewalks and public rights-of-way shall be detailed in the application, including any use of on-street parking spaces and/or parking in alleys or side streets. Facilities and locations to be used for base camp, food service, and parking shall also be approved as a condition of the Permit.

(4) When activity is to occur in or near residential areas, personal notice of intent to secure a Permit and the place, date and time of the proposed film activity shall be provided by the applicant within three days of filing the application; to the extent feasible, written acknowledgment of the notice shall be obtained from the resident or resident's agent. For purposes of this section, all residential properties within 500 feet of the outside boundaries of the location(s) where production activity is to occur shall be notified.

(5) A signed indemnification and hold harmless agreement, in a form acceptable to the city attorney, shall accompany the application, together with a certificate of insurance naming the city as an additional insured. The minimum limits of insurance coverage shall not be less than \$1,000,000.00 per occurrence.

(6) All applications shall be filed with the City Manager who may require such additional information as needed to assess the proposed extent and intensity of the production within the city.

(D) *Permit standards.*

The following minimum standards shall be met in order for a Permit to be issued. Due to the varying requirements of film productions and nature of the industry, these standards are not intended to be all inclusive and additional conditions may be reasonably imposed, as warranted, to minimize anticipated adverse effects:

(1) No Permit shall be effective for more than fourteen (14) consecutive days from its date of issuance. Permits may be extended by the City Manager, for reasonable cause, provided a daily filming fee shall apply. A single application shall include all locations for the same

production within the City. The Permit shall be available, on location, at all times while production activity is occurring and available to City staff upon request.

(2) Based upon the proposed scope of production activity and in consideration of any potential danger to the safety, health and welfare of the community, particularly private property and residents near the location, the chief of police and/or fire marshal may require on-site security (qualified private security or use of off-duty law enforcement officers) and/or may require personnel and equipment be placed on standby for portions of the production activity at the expense of the applicant. The application shall detail the planned time, place and manner of any of the following production activities: pyrotechnics, demolition, discharge of firearms or other weapons, motor vehicle chases, physical stunts, and similar actions.

(3) All applications shall be approved with specific terms and conditions, or denied, by the City Manager in writing. If approved, the City shall issue a Permit to the applicant with all terms and conditions clearly set forth therein. Any material variation from the approved scope of activities granted in the Permit shall be grounds for permit suspension or revocation, unless the permit is modified in advance by the permittee. If the application is denied, the City Manager shall state, in writing, the reason(s) for denial.

### **Section 86-13. Permit Fees and waivers.**

(A) No Permit shall be effective for more than fourteen (14) consecutive days from its date of issuance. Permits may be extended by the City Manager, for reasonable cause, provided a daily filming fee shall apply. Daily filming fees are required for each calendar day beyond the initial period on which production activity physically occurs within the City and shall be paid upon the last day of scheduled activity. If filming is scheduled for a duration in excess of a calendar month, the accrued daily fee shall be due and payable on the last day of each month in which production activity occurred.

(B) Additional fees and charges may be assessed based upon specific requirements, including fees for the monitoring of public safety or special services by a city department, based upon labor, time and equipment necessary to provide the service. When using city-owned buildings or property other than public road rights-of-way, for production activities, a separate rental fee or charge may be negotiated.

(C) Application fees and daily permit fees for use of city services or

facilities may be reduced or waived for charitable or nonprofit organizations holding § 501(c) status from the I.R.S., or for other governmental agencies. All waivers shall require approval of the City Manager.

#### **Section 86-14. Permit denial.**

(A) The City may deny an application for a Permit if any one of the following conditions exists:

- (1) Filming poses an unreasonable risk of injury or damage to persons or property not associated with the filming;
- (2) Filming poses an unreasonable risk of irreversible damage to public property;
- (3) The date and time requested conflicts with other filming or other scheduled events or activities;
- (4) Filming unreasonably interferes with city functions or operations;
- (5) Applicant owes an outstanding debt to the City;
- (6) Applicant cannot procure insurance;
- (7) Applicant previously violated the ordinance codified herein on two or more occasions within the last three years; or
- (8) Applicant made a material misrepresentation on the application.

(B) If an Application for a Permit is denied, the City Manager shall give written notice to the Applicant setting forth the reasons for permit denial. The Applicant shall have an opportunity to respond to a suspension or cancellation notice within seven (7) calendar days after receipt of the notice by presenting written or oral evidence to the City Manager and request a hearing on same. If a hearing is requested, the applicant shall have the right to present and confront evidence, be represented by counsel and have the hearing recorded. A final written decision will be issued by the City Manager within fifteen (15) calendar days after said hearing.

#### **Section 86-15. Exemptions.**

*The following activities do not require a permit:*

(A) *News media:* The provisions of this article shall not apply to or affect reporters, photographers or camerapersons in the employ of a

newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

(B) *Personal/family video*: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.

(C) *Studio filming*: Filming activities (motion or still photography) conducted at a studio.

### **Section 86-16. Permit modification, suspension or revocation.**

(A) A Permittee may request a modification of the Permit at any time by submitting a change request in writing and the requisite change fee to the City Manager. The City Manager shall process the change request in the same manner established for processing initial applications.

(B) A Permit may be immediately suspended where the City identifies an imminent or substantial endangerment to the health and welfare of persons, or to property caused by or resulting from the filming; or an actual or imminent violation of the material terms of the permit, the ordinance codified herein, or any other federal, state or local law. If the producer is otherwise in compliance with the permit, the City shall make reasonable efforts to find alternative means to accommodate the producer's filming and to eliminate said health or safety risk.

(C) A Permit may be revoked where:

(1) The City Manager determines that an imminent or substantial endangerment to the health and welfare of persons or to property caused by or resulting from the filming cannot be reasonably eliminated;

(2) The City Manager determines that the producer has intentionally or recklessly violated material terms of the Permit or the ordinance codified herein;

(3) The City Manager determines that the Permittee does not have or has lost insurance coverage.

(D) If a Permit is suspended or revoked, the City Manager shall give written notice to the Permittee setting forth the reasons for Permit suspension or cancellation. The Permittee shall have an opportunity to respond to a suspension or revocation notice within seven (7) calendar

days after receipt of the notice by presenting written or oral evidence to the City Manager and request a hearing on same. If a hearing is requested, the Permittee shall have the right to present and confront evidence, be represented by counsel and have the hearing recorded. A final written decision will be issued by the City Manager or his designee within fifteen (15) calendar days after said hearing.

(E) If the Permittee fails to comply with the Permit and same is revoked, or Permittee ceases filming, the permit fee will not be refunded. If the City revokes a Permit prior to filming, the city will refund the permit fee upon written request.

The effective date of this Ordinance is \_\_\_\_\_, 2021.

**SO ORDAINED**, this \_\_\_\_\_ day of August, 2021.

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Mayor, City of Valdosta

ATTEST:

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Clerk of Council