

ORDINANCE NO. 2019-013

**AN ORDINANCE OF THE CITY OF CLUTE, TEXAS, RELATED TO COMMERCIAL FILMING IN CLUTE;
ADOPTING GUIDELINES; SETTING FEES; PROVIDING FOR PENALTIES AND MAKING PROVISION
FOR REPEALERS AND PUBLICATION.**

WHEREAS, the City of Clute is desirous of attaining status as a Film Friendly Community in collaboration with the Texas Film Commission; and.

WHEREAS, Staff have participated in the mandatory training and drafted Guidelines, inclusive of fees related to Commercial Filming in the City of Clute; and

WHEREAS, the City Council of the City of Clute holds that the adoption of such Guidelines is in the best way to ensure the life, health, safety and welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLUTE, TEXAS:

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to adopt Guidelines and Fees associated with Commercial Filming within the City of Clute.

SECTION 2.0

ADOPTED: The Guidelines and Fees including with the attached Exhibit A are hereby adopted and shall be in full force and effect for any Commercial Filming within the City following its Effective Date.

SECTION 3.0

PENALTY: Any person filming for Commercial purposes within the City Limits of Clute, who fails to comply with this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense.

SECTION 4.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 6.0

EFFECTIVE DATE. This Ordinance shall become effective when published as required by law.

PASSED, APPROVED AND ADOPTED THIS 13TH DAY OF JUNE 2019.



Calvin Shiflet, Mayor

ATTEST:



Rosie Poitevint, City Clerk

EXHIBIT A



Guidelines for Filming in Clute

Guidelines for Filming in **Clute**, TX

- I. Purpose
- II. City Control/City Manager or their Designee Authority
- III. Permit Requirements and Fees
- IV. Application Fee
- V. Use of City Equipment and Personnel
- VI. Use of City-Owned Real Estate
- VII. Vehicles and Equipment
- VIII. Hours of Filming
- IX. Notification of Neighbors
- X. Certificate of Insurance
- XI. Damage to Public or Private Property
- XII. Hold Harmless Agreement

Revised 5-2019

Guidelines for Filming in Clute, Texas

I. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within **Clute** and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of **Clute**, Texas residents and businesses, and to promote the public health, safety and welfare. The City Manager or their Designee reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Manager or their Designee.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

II. CITY CONTROL/CITY MANAGER OR THEIR DESIGNEE AUTHORITY

The City Manager or their Designee may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager or their Designee may require that any or all of the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use.

The Applicant agrees that the City of **Clute** shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming in order to promote the public health, safety or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager or their Designee.

III. PERMIT REQUIREMENTS

Before filing an application for filming in **Clute**, the Office of the City Manager or their Designee must be contacted to discuss the production's specific filming requirements and the feasibility of filming in **Clute**, TX.

Any commercial producer who desires to undertake a commercial production in **Clute** is required to complete and return the attached application for filming to the Office of the City Manager or their Designee, within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

IV. APPLICATION FEE

An application processing fee of \$25.00 should accompany each application for filming in **Clute**.

The City Manager or their Designee may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the City Manager or their Designee.

V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any

City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager or their Designee. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Manager or their Designee may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Manager or their Designee, in consultation with the Chief of Police and/or Fire Chief, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at a rate of \$40.00 per hour.

VI. USE OF CITY-OWNED REAL ESTATE

The City Manager or their Designee may authorize the use of any street, right-of-way, park or public building, use of **Clute**, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Manager or their Designee may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Manager or their Designee.

The Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

<u>Activity</u>	<u>Cost per calendar day</u>
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50

The Applicant acknowledges and agrees that the City of **Clute**, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity in order to promote the public health, safety and/or welfare.

VII. VEHICLES AND EQUIPMENT

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City Manager or their Designee. On-street parking or use of public parking lots is subject to City approval.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager or their Designee.

VIII. HOURS OF FILMING

Unless express written permission has been obtained from the City Manager or their Designee in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 p.m.

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 p.m.

IX. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short-written description, approved by the City Manager or their Designee, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Manager or their Designee, the City Manager or their Designee may grant or deny the filming application.

X. CERTIFICATE OF INSURANCE

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of **Clute** and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

XI. DAMAGE TO PUBLIC OR PRIVATE PROPERTY

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

XII. HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

*I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of **Clute**, Texas, and that I and my firm will indemnify and hold harmless the City of **Clute**, Texas and its elected officials, officers, servants, employees, successors, agents, departments and assigns from any and all losses, damages, expenses, costs and/or claims of every nature and kind arising out of or in connection with the filming/taping and other related activities engaged in pursuant to this Application.*

*I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of **Clute**, Texas on behalf of the firm.*

Signed: _____

Title: _____

Date: _____

THE CITY OF CLUTE, TX

Application for Commercial Filming

Title of project

Type of production (feature film, television production, commercial, corporate, music video, etc.)

Proposed Filming Locations (attach additional pages if necessary)

Date(s) of prep/filming

Primary Contact

Name

Cell phone

Email

Location Manager (if different from Primary Contact)

Name

Cell phone

Email

Production Company Information

Name of Production Company

Address

City/State/Zip

Web Site

Primary Contact's Name

Primary Contact's Phone

Primary Contact's Email

Is this production already in contact with the Texas Film Commission? _____

If yes, who is your contact at the Texas Film Commission?

Name

Phone

Email

PRODUCTION (*Attach additional sheets if necessary.*)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals: (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.)

2. Approximate number of persons involved with the production, including cast and crew:

3. Anticipated need of City personnel, equipment or property:

4. Public areas in which public access will be restricted during production:

5. Describe alterations to public property:

6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

7. Location where crew will be fed, if not at filming location:

8. Location where extras will be held, if not at filming location:

9. Please attach map of anticipated street closure(s) or other public area use.

Applicant (production company representative):

_____ Date: _____

Name

Title

Application approved by **Clute** representative:

_____ Date: _____

*The "Guidelines for Filming in **Clute**, Texas" apply to all motion picture production in **Clute**.*

The Office of the City Manager may require the applicant to acknowledge receipt of the Guidelines prior to approving this application.