

**STATE OF GEORGIA
CITY OF MCDONOUGH**

ORDINANCE NO. 17-07-06(J)

AN ORDINANCE AMENDING TITLE 5 OF THE CODE OF ORDINANCES, CITY OF MCDONOUGH, CHAPTER 5.45, "MEDIA PRODUCTIONS AND PERMITS"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

Title 5 of the Code of Ordinances of the City of McDonough, Georgia is hereby amended by repealing the existing Chapter 5.45, in its entirety, and inserting in lieu thereof a new Chapter 5.45, "Media Productions and Permits," to read as follows:

CHAPTER 5.45—MEDIA PRODUCTIONS AND PERMITS.

Sec. 5.45.010—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 McDonough. The City is further fortunate to have a diverse number of unique locations to attract movies and television productions to the City.

Despite the many positive benefits a media production may offer, certain inconveniences may result if the production company and 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.

Sec. 5.45.020—Scope of Coverage.

The permit required by this chapter shall be required for all movies, television or video series, pilots, feature films and documentaries, commercials, music videos, photo shoots, infomercials and public service announcements, whether the final product is intended for commercial use or not, unless the activity shall

occur wholly on private property within an otherwise licensed facility (such as a film or television studio). Subject to the restrictions in section 5.45.060, below, 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.

Sec. 5.45.030–Permit Requirements.

- A. Subject to the restrictions in section 5.45.060, below, this permit is allowed with conditions in all zoning districts. 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. Two classifications of media production permits are allowed:
 - 1. *Low-impact.* Low-impact activities are generally those activities having an intended duration of no more than 14 consecutive days, with little or no disruption to normal and customary use of the site, and adjacent and nearby properties and uses; and
 - 2. *High-impact.* High-impact activities are generally those activities having an intended duration of 15 or more consecutive days, which do not comply with the low-impact standards of this chapter, and/or will disrupt normal and customary use of the site, and adjacent and nearby properties and uses. Any filming involving automobile crashes or chases, gunfire, pyrotechnics, explosives, the use of aircraft, stunts, and similar activities are examples of high-impact activities.
- C. *General standards.* Prior to making application for a permit, it shall be incumbent on the applicant to meet with the City Administrator and Chief of Police, or their designees, to review locations and the general scope of activities planned during the production. A copy of the script shall be made available, upon request, to allow City staff to better understand the applicant's needs.

The following general standards shall apply to all permits:

- 1. No tents, temporary sanitary facilities, trash collection, or food service facilities shall be located within 100 feet of the property

line of any property used for residential use, unless the owner or tenant gives written consent;

2. Tents, depending on their square footage, and other temporary structures may require a separate building permit from the City; any food preparation or food service provided at the location shall require a food service permit from the Henry County Health Department, or evidence of exemption;
3. Lighting for filming should be oriented away from adjacent or nearby properties as much as possible and shall not interfere with the safe movement of vehicular traffic;
4. Temporary signage must be approved in writing, in advance, prior to erection, by the Community Development Director, or his designee; approval of temporary signage is conditioned upon restoration of permanent signage following completion of the media activity;
5. No regulatory traffic control signage within a public right-of-way shall be removed without the prior written consent of the Chief of Police;
6. No modification to any existing traffic signage, street light, traffic control device or other officially-installed facility or improvement shall be made without prior consent of the chief of police;
7. No street, road, alley, or sidewalk shall be closed, barricaded or other obstruction erected within a public right-of-way, and no access shall be denied or restricted to public or private property or facilities unless the closure or restriction is approved as a condition of the permit; reasonable alternative access shall be arranged whenever possible;
8. No trees, vegetation (including grasses), or ornamental shrubs shall be cut or removed from public property without prior written consent of the City in the permit, based upon an agreed landscape restoration plan. A land disturbance permit may be separately required depending upon the nature and extent of the activity.
9. *Traffic management plan.* The applicant shall submit a traffic management plan that addresses traffic flow in the vicinity of the location where production activity is to occur, even if normal traffic flow is not to be obstructed or interrupted, to the Chief of Police. Detours shall be determined and approved by the Chief of Police; temporary traffic control devices and signage as required

by the manual on uniform traffic control devices shall be provided at the sole expense of the applicant; the city fire marshal shall also review and approve such plan.

10. The City of McDonough shall be listed in the production credits for all permits required.

Sec. 5.45.040—Low-impact activity standards.

In addition to the general standards, the following minimum standards shall be met in order to be permitted as a low-impact activity. Due to the varying requirements of media 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.

- A. No permit shall be effective for more than 14 consecutive days from its date of issuance. Permits may be extended by the City Administrator, for reasonable cause, provided a daily filming fee shall apply. A single application shall include all locations for the same production within the City. Application shall be made no less than ten business days prior to the first scheduled event or day of filming. The permit shall be available, on location, at all times while production activity is occurring and shall be shown to City inspectors or other City personnel upon request.
- B. Normal hours of activity shall be 6:00 a.m. to 11:00 p.m. daily; all preparation and wrap-up shall occur within one hour of this time frame. Noise shall be kept to a minimum.
- C. No street closure, obstruction or interference with normal traffic flow, including pedestrian use of sidewalks and public rights-of-way shall occur, including use of on-street parking spaces or parking in alleys or side streets.
- D. Facilities and locations to be used for base camp, food service, and parking shall be approved as a condition of the permit; any other required permit(s) shall be obtained prior to issuance of the permit under this chapter.

Sec. 5.45.050—High-impact activity standards.

In addition to the general standards, the following minimum standards shall be met in order to be permitted as a high-impact activity. Due to the varying requirements of media 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.

- A. No permit shall issue for a term of less than 15 consecutive days from its date of issuance; the duration of the permit shall be based upon an

agreed production schedule submitted by the applicant. Permits may be extended by the City Administrator, for reasonable cause, provided a daily filming fee shall apply. A single application shall include all locations for the same production within the city. Application shall be made no less than ten business days prior to the first scheduled event or day of filming. The permit shall be available, on location, at all times while activity is occurring and shown to City inspectors, and/or other City personnel upon request.

- B. Normal hours of activity shall be 6:00 a.m. to 11:00 p.m. daily; all preparation and wrap-up shall occur within one hour of this time frame. Noise shall be kept to a minimum; any activity occurring outside of the above hours involving planned noises in excess of 65 db at a distance of 100 feet from the point of origin shall be addressed in the application. If activity is planned within 500 feet of a residential area outside the hours specified, or will involve noises in excess of 65 db, notice shall be given by the best means available to residents as far in advance as reasonable.
- C. 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.
- D. The City will not intervene on behalf of any permittee 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.
- E. Facilities and locations to be used for base camp, food service, and parking shall be approved as a condition of the permit; any other required permit(s) shall be obtained prior to issuance of the permit under this chapter.
- F. 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 City Fire Chief 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 high-impact 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.

Sec. 5.45.060—Regulations related to City owned property.

- A. *In general.* The majority of City owned/operated property is dedicated for use by City officials, staff, and other personnel for internal administrative, business and operational purposes, in pursuit of the City's mission to deliver public services.

Based on the potential interference with the City's ability to provide essential public service, and potential disruption of City operations, access to City owned buildings and property for the purposes of a media production is disfavored. Media production activities in non-public areas of any City building or property are strictly prohibited.

- B. *Specific prohibitions.* Media production applications seeking the use of any City owned building or property must adhere to the process, requirements, and rules described in this Chapter. Provided, however, the City shall not issue any permit for media production on City property that:

1. Competes with or disrupts City services, or has the immediate and direct likelihood or potential for same.
2. Displaces or interferes with any other City activities, or maintenance of City facilities or property.
3. Imposes an unreasonable burden on City staff, other City facilities, or the surrounding neighborhood.

- C. *Compliance with other laws.* The City of McDonough is dedicated to promoting transparency and openness in government. Accordingly, nothing herein shall be construed in any way as a limitation on the public access required under any applicable federal, state or local law, including, but not limited to, the Georgia Open Meetings Law, O.C.G.A. 50-14-1, *et seq.*

Sec. 5.45.070—Application and permit procedure.

- A. *Applications.* All applications shall be made in writing on forms provided by the City. Applications shall be submitted in duplicate originals. No application shall be deemed accepted unless accompanied by payment of the requisite application fee in U.S. funds.
- B. 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.

- C. 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.
- D. 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 production activity shall be provided by the applicant, within five 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 should be notified.
- E. 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.
- F. All applications shall be filed with the City Administrator, or his designee, who may require such additional information as needed to assess the proposed extent and intensity of the production within the City.
- G. *Permits.* All applications shall be approved with specific terms and conditions, or denied, by the City Administrator, or his designee, in writing. If approved, the City shall issue a permit to the applicant, in writing, with all terms and conditions clearly set forth therein. Low-impact activity applications shall be approved within ten business days of a complete application and high-impact activity applications shall be approved within ten business days of a complete application. If the application is denied, the City Administrator, or his designee, shall state, in writing, the reason(s) for denial. An aggrieved applicant may appeal to the City Council at the next regular meeting occurring more than five days following receipt of a written denial.
- H. Permits may be denied, in whole or in part, due to prior scheduled events or activities sanctioned or permitted by the City under other provisions of this Code.
- I. Any material variation from the approved scope of work permitted shall be grounds for permit revocation, unless the permit is modified in advance by the permittee.

Sec. 5.45.080—Fees and waivers.

- A. Application fees for low-impact activity permits shall be \$100.00 and the application fee for a high-impact activity permit shall be \$250.00. Application fees are non-refundable and must be paid, in full, at time of application.
- B. Daily permit fees of \$100.00 for each calendar day on which production activity physically occurs within the City shall be paid upon the last day of scheduled activity; if a production 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.
- C. 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.
- D. Application fees and daily permit fees for use of City services or facilities may be reduced or waived for charitable or non-profit organizations holding § 501(c) status from the I.R.S., or for other governmental agencies. All waivers shall require approval of the City Administrator.
- E. Reduction or waiver of daily permit fees may be approved by the City Council for commercial productions providing a greater than normal economic benefit to the community, as determined on a case-by-case basis.

SECTION 2.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.