

BY FINANCE/ EXECUTIVE COMMITTEE

AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV THAT SHALL BE ENTITLED ENTERTAINMENT FILMING FEES; AND AMENDING CODE SECTION 110-60 TO ALLOW ENTERTAINMENT FILMING IN PARKS BETWEEN 11:00 P.M. AND 6:00 A.M. UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

WHEREAS, in May 2008, Governor Perdue signed legislation giving a 30% tax incentive to people or organizations performing entertainment-related filming and photography in Georgia; and

WHEREAS, as a result of this incentive, the City of Atlanta ("City") has received numerous requests from film-makers and photographers to utilize or impact City of Atlanta property; and

WHEREAS, it is important that the City have adequate notice of film-making and photography events in order to properly plan the City services required, such as security, solid waste, and traffic control, and to provide notice to impacted neighborhoods; and

WHEREAS, the City of Atlanta incurs costs in providing the services and making available the properties necessary to accommodate the requests, and wishes to recoup those costs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 110, Article III, Division 1, Section 110-60 of the Atlanta Code of Ordinances, entitled "Use of public parks at night" shall be amended to allow "Entertainment Filming" as that term is defined in Section 3 of this Ordinance below, to occur in City Parks after 11:00 p.m. and/or before 6:00 a.m., contingent upon approval from the Chief of Staff, after receiving a recommendation from the Commissioner of the Department of Parks, Recreation, and Cultural Affairs, and from the Chief of the Atlanta Police Department or her/his designee. Specifically, the Code Section shall be amended to read as follows, with new portions being indicated by underline:

Sec. 110-60. Use of public parks at night.

(a) No person shall be in any park or upon any park lane or park drive between the hours of 11:00 p.m. and 6:00 a.m. daily, except that the hours for use of the Chastain Park amphitheater are extended until 1:00 a.m. on nights when performances are being given in the Chastain Park

amphitheater as provided in section 110-59(c), and except if the person has a festival or assembly permit for consecutive days and is performing duties not possible during the normal festival or assembly hours, and except as set forth in subsection 110-60(d) below.

(b) This section shall not prevent the use at any time of thoroughfares that are part of the system of streets and highways of the city which traverse any part or portion of any public park.

(c) No person shall park any vehicle on any of the roads, drives, avenues or parking lots in any park between the hours of 11:00 p.m. and 6:00 a.m. daily, except as set forth in subsection 110-60(e) below. The chief of staff may provide a parking permit exempting a vehicle from this rule, to any person(s) involved with a legitimately permitted event occurring in any park, where the chief of staff finds that said person has a legitimate need to park her/his vehicle in said park between 11:00 p.m. and 6:00 a.m. Nothing in this section shall limit the commissioner's authority to close portions of a park to traffic at other times, as is provided in Code section 110-61.

(d) An organization conducting a filming event, as defined in Atlanta Code of Ordinances section 46-100, may be permitted to utilize a city park after 11:00 p.m. and/or before 6:00 a.m. for filming event purposes only, provided that the organization conducting the filming event receives a Certificate of Approval from the Chief of Staff, as described in sections 46-101 and 46-103 of this Code of Ordinances. As part of its application for the filming event, the applicant must provide to the City's Special Events Manager a site plan and a security plan for the filming event. The applicant will be required to hire park attendants and off duty security officers at its own expense for the filming event, and information about the attendants and officers hired shall be provided on the site plan and security plan respectively. The Special Events Manager shall forward the submitted information to both the Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her/his designee and the Atlanta Police Chief or her/his designee for consideration. The Chief of Staff shall not issue a Certificate of Approval for any portion of a filming event occurring in a park between 11:00 p.m. and 6:00 a.m. unless s/he receives written approval of such park filming from the two department heads or their designees.

(e) An organization conducting a filming event, as defined in Atlanta Code of Ordinances section 46-100, may park on the roads, drives, avenues or parking lots of a park between the hours of 11:00 p.m. and 6:00 a.m., provided that the organization receives a Certificate of Approval from the Chief of Staff, as described in sections 46-101 and 46-103 of this Code of Ordinances. The Chief of Staff shall not issue the Certificate of Approval for any portion of a filming event that requires parking during park closure times absent written approval from the Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her/his designee, and from the Chief of the Atlanta Police Department or her/his designee.

(f) The Department of Parks, Recreation and Cultural Affairs and the Atlanta Police Department shall prepare a written list of criteria upon which the filming event determinations set forth in subsections 110-60 (d) and (e) shall be made, shall have this list available to the public upon request, and shall apply these criteria uniformly. In no event shall these criteria include consideration of race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity, or the message or content of the film or photography that is the subject of the filming event. Where all or a portion of the activity performed during the filming event at issue would be in violation of applicable governmental laws or ordinances or written park rules, the Atlanta Police Department and/or the Department of Parks, Recreation, and Cultural Affairs shall deny the park use, regardless of whether the illegal activity is part of the message or content of the filming activity. Simulation of an illegal activity, without actually performing an illegal activity, shall not be considered a breach of applicable laws, ordinances, or rules.

Section 2. Chapter 46 of the Atlanta Code of Ordinances, Article III, shall be amended by adding at the end of the Article, after section 46-82, the following:

“Secs. 46-83--46-99. Reserved.”

Section 3. Chapter 46 of the Atlanta Code of Ordinances shall be amended by adding a new Article IV that shall be entitled “Entertainment Filming” and that shall state as follows:

“ARTICLE IV. ENTERTAINMENT FILMING

Sec. 46-100. 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:

AFRD means the Atlanta Fire Rescue Department.

APD means the Atlanta Police Department.

Applicant means any person, organization, corporation, or other entity applying for City approval to perform Entertainment Filming.

Application means the written document prepared by the Special Events Manager that must be completed by an Applicant in order to obtain a Certificate of Approval. Submission of the complete Application does not guarantee that a Certificate of approval will be issued.

Application Fee means the non-refundable fee paid in connection with the filing of an application for a Certificate of Approval.

Certificate of Approval or *Certificate* means the written document issued by the Chief of Staff authorizing Entertainment Filming, and providing the details and limitations of the authorization. Certificates of Approval may be issued annually, and may also be issued for a single event.

Certificate Holder or *Holder* means an Organization that has obtained a Certificate of Approval for a Filming Event or an Annual No-Impact Certificate.

Chief of Staff means the Chief of Staff of Atlanta's Office of the Mayor.

City means the City of Atlanta.

Department of Purview means the Department that recommends or provides a determination to the Chief of State regarding whether a specific element of a Filming Event will be allowed. For example, the Atlanta Police Department would be the Department of Purview deciding whether a car chase through City streets may be included in the Filming Event.

Entertainment Filming means shooting a film or taking photographs, where such filming or photography will occur within the limits of the City of Atlanta and/or on property owned by the City of Atlanta, and which end product shall be submitted for copyright protection. Examples of Entertainment Filming include without limitation movie shoots, video shoots, TV shoots, advertisement shoots, music videos, and still photography. Shoots performed for the purpose of providing news to the public, where none of the footage is not submitted for copyright protection, shall not be deemed entertainment filming. In addition, where the shooting of a film or taking of photographs meets this definition of "entertainment filming", but is "no impact" as defined in 46-104 below and occurs on property that is not owned by the City of Atlanta, it shall not be considered "entertainment filming".

Filming Event means one specific instance of Entertainment Filming or one Entertainment Filming project, regardless of whether it is multi-day.

MOSE means the Mayor's Office of Special Events.

Notice means the written document provided by electronic mail or facsimile to the SEM by an Organization with an annual Certificate of Approval, notifying the SEM that the Organization will be performing a Filming Event. The Notice shall state the location, and approximate time and duration of the Filming Event.

Organization means a person, organization, corporation, or any other entity.

Special Event Manager or *SEM* means the City employee that is the head of the Mayor's Office of Special Events.

Sec. 46-101. Certificate of Approval Required.

Any Organization that wishes to perform Entertainment Filming must first receive a Certificate of Approval. An Organization shall be responsible for determining all other non-City approvals, permits, licenses, and any other applicable permissions that are required in order to perform the Entertainment Filming, and the Certificate of Approval shall not waive the need to obtain those other documents.

Sec. 46-102. Chief of Staff Consideration.

- (1) The Chief of Staff shall determine whether to issue a Certificate of Approval. The Chief of Staff or her/his designee shall prepare a written list of criteria upon which such determinations are made, including without limitation consideration of recommendations made by City departments potentially impacted by the proposed Entertainment Filming, and shall have this list available to the public upon request. The Chief of Staff shall apply these criteria uniformly. The Chief of Staff may alter this list of criteria administratively, provided that the new criteria list is in writing and applied by the Chief of Staff uniformly.
- (2) In no event shall the Chief of Staff's criteria include consideration of race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity, or the message or content of the film or photography that is the subject of the filming event. Where all or a portion of the activity performed during the filming event would violate applicable governmental laws or ordinances, the Chief of Staff shall deny the Certificate of Approval regardless of whether the illegal activity is part of the message or content of the filming activity. Simulation of an illegal activity, without actually performing an illegal activity, shall not be considered a breach of applicable laws or ordinances.
- (3) Where an Organization submits an Application within the deadline set forth below and where the Chief of Staff denies the Certificate of Approval, the Chief of Staff shall provide the Applicant a written explanation of the basis for the denial.

Sec. 46-103. Types of Certificates of Approval.

The Chief of Staff shall issue three different types of Certificates of Approval: 1) an Annual No-Impact Certificate; 2) a Single Event No-Impact Certificate; and 3) an Impact Certificate. The decision of whether a Filming Event is an Impact event shall be based upon the criteria set forth in Section 46-104 below.

- (1) An Annual No-Impact Certificate allows the Certificate holder to have an unlimited number of No-Impact Filming Events during the calendar year in which the Certificate is valid. The Certificate holder does not need to complete any additional applications for each No-Impact Filming Event

during that year, but must provide the City with Notice of each Filming Event. In order to have an Impact Filming Event, the Certificate holder must apply for and receive an Impact Certificate.

- (2) A Single Event No-Impact Certificate allows the Certificate holder to perform one No-Impact Filming Event.
- (3) An Impact Certificate allows the Certificate holder to perform one Impact Filming Event.

Sec. 46-104. Impact.

The Chief of Staff shall determine whether the proposed Entertainment Filming is “No Impact” or “Impact”.

- (a) Impact. A Filming Event that has one or more of the following elements shall be deemed an Impact event, and the Department listed below in conjunction with each element indicates the Department of Purview for the element:
 - (1) Requires closure of a street, lane or sidewalk. DPW and APD
 - (2) Uses pyrotechnics or other explosives. AFRD
 - (3) Uses water effects or smoke effects. AFRD
 - (4) Uses gunfire or public display of real or artificial fire arms, grenades, or other weapons that would cause the public to fear violence. APD
 - (5) Uses aerial shoots. APD and AFRD
 - (6) Contains car chases and/or crashes. APD and AFRD
 - (7) Requires night time filming with the use of outdoor lighting in residential areas. MOSE/ APD
 - (8) Includes filming in or on buildings owned by the City of Atlanta. Office of Enterprise Assets Management
 - (9) Includes dangerous stunts, such as jumping off of buildings. APD and AFRD
 - (10) Includes constructed set pieces or large equipment that have a reasonable likelihood of causing damage to public property (condors, cherry pickers, etc.). Bureau of Buildings
 - (11) Includes filming in a City park plus one or more of the following:
 - a) requires Park use after 11:00 p.m. and/or before 6:00 a.m.;
 - b) requires vehicular access into a park;
 - c) requires closure of all or a portion of a City park to the public;
 - d) requires locating a temporary structure of greater than 10 feet by 10 feet anywhere in a park;
 - e) includes constructed set pieces or large equipment that

have a reasonable likelihood of causing damage to the park; and/or
f) otherwise impedes the public's use of a City park, or
ingress/egress thereof; g) requires use of a generator. Department
of Parks, Recreation, and Cultural Affairs and APD

- (12) Requires an exemption from the Atlanta Noise Ordinance. APD
 - (13) On site cast and crew, including extras, but not including spectators, of greater than 2,000 people. AFRD
- (b) No Impact. A Filming Event that does not contain any of the elements set forth in 46-104(a) shall be deemed a No Impact event.

Sec. 46-105. Prerequisites to Receiving Certificate of Approval.

To obtain a Certificate of Approval, an Organization must complete a Certificate of Approval Application provided by the SEM. The Entity shall submit to the SEM the completed Application and the appropriate Application Fee as set forth in this Article. Upon receiving the Certificate of Approval, the Applicant shall also submit to the SEM the appropriate Certificate Fee, as established in this Article.

- (a) The Application for each of the three Certificates of Approval shall require the following:
 - (1) The Applicant must provide all of the contact information requested on the Application.
 - (2) The Applicant must sign an indemnification statement agreeing to indemnify, defend, and hold harmless the City of Atlanta and its officials, agents and employees from any and all suits, claims, actions, liability of every kind, fees (including reasonable attorneys' fees and costs) and damages to persons or property for claims that arise from or are related to the Entertainment Filming and/or the City's issuance of the Certificate of Approval, except in the event and to the extent that liability is caused by the willful misconduct or sole negligence of the party released, indemnified, or held harmless. The agreement to indemnify, defend, and hold harmless the parties released shall not be limited to the limits or terms of the insurance required by the City.
- (b) In addition to meeting the requirements set forth in Section 104(a) above, Applicants requesting a Single Event No-Impact Certificate must provide to the SEM all of the information requested on the Application regarding the Filming Event at issue, including without limitation the location, date, and times of the Filming Event, and contact information for an Organization representative that will be reachable during the entire Filming Event.
- (c) In addition to meeting the requirements set forth in Section 104(a) above, Applicants requesting an Impact Certificate must provide to the SEM all of the information requested on the Application regarding the Filming Event at issue. This information shall include without limitation:

- (1) The location, date, and times of the Filming Event;
 - (2) The contact information for an Organization representative that will be reachable during the entire Filming Event;
 - (3) A solid waste services contract or a statement from the Applicant stating why s/he believes that a solid waste services contract should not be required;
 - (4) A list and description of every element of the Filming Event that qualifies it as an Impact Event. Specifically, the Applicant shall indicate every item listed in Code Section 46-104 above that will be utilized in the subject Filming Event. Based on that information, the SEM may require the Applicant to produce additional information that the SEM will forward to the Department of Purview for review. The Applicant must produce this additional information to the SEM in the timeframe requested.
 - (5) Proof of notification to the homeowners and businesses directly impacted by the Filming Event, and to the Councilmember of the impacted district.
 - (6) The Applicant must purchase liability insurance from a company licensed to do business in Georgia and must agree to maintain said insurance throughout the entire period covered by the Certificate of Approval. The type and amount of insurance shall at a minimum be \$1,000,000 bodily injury and property damage combined single limit, covering all activities arising from or related to the Entertainment Filming and/or the City's issuance of the Certificate of Approval, including without limitation activities performed by the Applicant, its employees, officers, volunteers, contractors, and/or subcontractors. The City must be covered as an additional insured under the general liability insurance policy, and such insurance shall be primary with respect to the additional insured. The insurance type and limit may be modified at the discretion of the City's Office of Risk Management. The Applicant must provide the SEM with a certificate of insurance and insurance endorsement evidencing that the Applicant has procured the required insurance, but failure to do so shall not relieve the Applicant of its obligation to procure and maintain the required coverage.
- (d) Annual No-Impact Certificate holders shall not be required to complete any additional applications or receive any Single Event Certificates of Approval for their No-Impact Filming Events during the year that the Annual Certificate is valid. The Certificate holder shall provide the City with Notice of each Filming Event during that year within twenty-four hours of the event.

Sec. 46-106. Application Deadlines for Receiving Certificate of Approval

- (a) To obtain a Single Event No-Impact Certificate, an Organization must submit to the SEM a completed Application and Application Fee no later than three business days prior to the Filming Event.
- (b) Where the Applicant is unable to specify the exact time of the Filming Event, s/he shall: 1) provide a time frame of no greater than seventy-two hours during which the Filming Event may occur; 2) provide Notice to the SEM as soon as the exact time of the Filming Event is determined;
- (c) Except for Impact Filming Events that require use of a City building, an Organization wishing to obtain an Impact Certificate must submit to the SEM a completed Application and the Application Fee no later than five business days prior to the Filming Event. For Impact Filming Events that require use of a City building, the Application and Application Fee shall be submitted no later than fourteen business days prior to the Filming Event.
- (d) Receipt of a Certificate of Approval from the Chief of Staff does not guarantee that the location of the Filming Event will be unused for other purposes during the time of the Filming Event. If the Filming Event location is being utilized for a permitted Outdoor Event, construction, or any other legal purpose, the Certificate holder shall not have the right to require that the other use be terminated or delayed.

Sec. 46-107. Changing Date or Time of Filming Events

- (a) Where the Chief of Staff issues a Single Event No-Impact Certificate of Approval for a Filming Event, and the date of the Filming Event changes to a time not covered by the Certificate, the Holder shall provide Notice to the SEM of the date change, and the Chief of Staff shall provide a new Certificate of Approval without requiring payment of additional fees or completion of a new Application.
- (b) Where the Chief of Staff issues an Impact Certificate of Approval for a Filming Event, and the date of the Filming Event changes to a time or date not covered by the Certificate, the Holder shall submit to the SEM a written request to change the dates and times covered by the Certificate, and such request shall be made no later than two business days prior to the Filming Event, except that where the Filming Event requires closure of a street, lane, or sidewalk, the deadline shall be four business days prior to the Filming Event. After receiving the required recommendation or approval from the Departments of Purview, the Chief of Staff shall provide a new Certificate of Approval without requiring payment of additional fees or completion of a new Application.

Sec. 46-108. Application and Certificate of Approval Fees

The Entertainment Filming Fees shall be as follows:

- (a) Annual No-Impact Application Fee: \$25.00
- (b) Single Event No-Impact Application Fee: \$25.00
- (c) Impact Application Fee: \$25.00
- (d) Annual No-Impact Certificate of Approval Fee: \$150.00
- (e) Single Event No-Impact Certificate of Approval Fee: \$25.00
- (f) Impact Certificate of Approval Fee: \$150.00

Sec. 46-109. Additional Fees.

The following Entertainment Filming Fees must be paid prior to an Applicant's receiving a Certificate of Approval:

- (a) Where the Chief of Staff or her/his designee, in consultation with an impacted City department, determines that City staff shall be required to attend all or a portion of the Entertainment Filming, the Applicant must pay to the City an amount equivalent to the total of all hourly wages that the City will pay to each staff person present at the Entertainment Filming. Said amount shall be determined by the Chief of Staff and provided in writing to the Applicant, indicating a breakdown of each type of employee required to be in attendance, the number of hours that each employee will attend, and the hourly rate of each employee in attendance. By way of example and without limitation, such employees may include park attendants or building attendants.
- (b) In the event that the City requires the Applicant to have police coverage and/or Fire Rescue coverage at the Entertainment Filming, the Chief of Staff may require the Applicant to hire off duty law enforcement officers, off duty fire inspectors, and/or off duty emergency medical services personnel rather than paying the City for on-duty presence. The requirements of the off-duty coverage shall be established in writing by the Atlanta Police Department and the Atlanta Fire Rescue Department. Where such coverage is required, the Atlanta Police Department must approve the Applicant's public safety plan prior to the Chief of Staff's issuance of the Certificate of Approval. The Atlanta Fire Rescue Department must approve the Applicant's Emergency Services and Fire Safety Plan prior to the Chief of Staff's issuance of the Certificate of Approval.
- (c) Where the Certificate of Approval grants the Applicant the ability to use a City-owned building, facility, and/or a portion thereof, and the use of said building and/or facility requires that a fee or rent be paid, the Applicant must pay said fee or rent.
- (d) Where an Impact Filming Events utilizes a City park, the Applicant must pay \$200 per day of use.
- (e) Where the Atlanta Code of Ordinances provides that fees must be paid for the type of service that is being requested by an Applicant from a Departments of Purview, the codified fee shall be charged.

Sec. 46-110. Restoration and Other Costs.

- (a) Any Organization that performs a Filming Event on City property must leave the City property in the condition it was in immediately prior to the Filming Event (“Restoration”), unless otherwise agreed upon in writing by the Organization and the Chief of Staff. This obligation includes but is not limited to trash collection and general clean-up, repairing damaged property, repairing damage to City parks, and/or replacing damaged items or property if the City’s Chief of Staff finds that such replacement is necessary. Where the Organization fails to fulfill this obligation, the City shall perform or have performed the required Restoration work. The Mayor’s Chief of Staff shall send a bill for the cost of such services to the Organization, and the Organization shall pay such bill within 30 days of the receipt thereof.
- (b) Where the City is required to dispatch City services to a Filming Event, including but not limited to APD and/or AFRD services, the Organization performing the Filming Event must reimburse the city in full for the cost of such services. The Mayor’s Chief of Staff shall send a bill for the cost of such services to the Organization, and the Organization shall pay such bill within 30 days of the receipt thereof.
- (c) Any organization that fails to fulfill its Restoration obligation or timely pay the bill issued pursuant to this Section 46-110 shall be deemed to have destroyed city property pursuant to City Code of Ordinances section 106-53, and interfered with City property pursuant to O.C.G.A. section 16-7-24.

Sec. 46-111. Miscellaneous Required Permits.

- (a) A Filming Event that includes the use of one or more generators on public property must receive a permit from the Bureau of Buildings.
- (b) A Filming Event that includes the use of tents that are larger than 10 feet by x 10 feet must receive a permit from the Atlanta Fire Rescue Department.
- (c) A Filming Event that includes storage or fuel tanks on the set that are larger than 10 gallons must receive a permit from the Atlanta Fire Rescue Department.
- (d) A Filming Event that includes constructed set pieces over ten feet by ten feet in size must receive a permit from the Bureau of Buildings.

**A SUBSTITUTE ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE**

09-O-0803

A SUBSTITUTE ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV THAT SHALL BE ENTITLED ENTERTAINMENT FILMING FEES; AND FOR OTHER PURPOSES.

WHEREAS, in May 2008, Governor Perdue signed legislation giving a 30% tax incentive to people or organizations performing entertainment-related filming and photography in Georgia; and

WHEREAS, as a result of this incentive, the City of Atlanta (“City”) has received numerous requests from film-makers and photographers to utilize or impact City of Atlanta property; and

WHEREAS, it is important that the City have adequate notice of film-making and photography events in order to properly plan the City services required, such as security, sanitation, and traffic control, and to provide notice to impacted neighborhoods; and

WHEREAS, the City of Atlanta incurs costs in providing the services and making available the properties necessary to accommodate the requests, and wishes to recoup those costs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 46 of the Atlanta Code of Ordinances, Article III, shall be amended by adding at the end of the Article, after section 46-82, the following:

“Secs. 46-83--46-99. Reserved.”

Section 2. Chapter 46 of the Atlanta Code of Ordinances shall be amended by adding a new Article IV that shall be entitled “Entertainment Filming Fees” and shall state as follows:

“ARTICLE IV. ENTERTAINMENT FILMING FEES

Sec. 46-100. 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 any person, organization, corporation, or other entity applying for City approval to perform Entertainment Filming within the limits of the City of Atlanta and/or on property owned by the City of Atlanta.

Application means the written document prepared by the Special Events Manager that must be completed by an Applicant in order to obtain a Certificate of Approval. Submission of the complete Application does not guarantee that a Certificate of approval will be issued.

Application Fee means the non-refundable fee paid in connection with the filing of an application for a Certificate of Approval.

Certificate of Approval means the written document issued by the City's Special Events Manager authorizing Entertainment Filming within the limits of the City of Atlanta and/or on property owned by the City of Atlanta, and providing the details and limitations of the authorization.

City means the City of Atlanta.

Entertainment Filming means shooting a film or taking photographs with an on-site crew of greater than two people, where such filming or photography will occur on property owned by the City of Atlanta, will impact property owned by the City of Atlanta, and/or will require the City to provide services. Examples of Entertainment Filming include without limitation film shoots, video shoots, TV shoots, advertisement shoots, and still photography with a crew size of greater than two people. Examples of impact upon City-owned property and City-provided services include without limitation higher-than-normal use of neighborhood parking spaces, interference with pedestrian traffic, and interference with the efficient flow of vehicular traffic. To qualify as Entertainment Filming, the event at issue, including set-up and take-down, must not exceed ninety days. Where the event at issue exceeds ninety days, the process set forth in this Article IV shall not apply, and the event must be approved by the City's Bureau of Planning.

Fire Rescue Coverage means fire and life safety requirements deemed necessary by the Fire Chief or her/his designee.

Impact means the amount of impact that the Special Events Manager reasonably believes a particular Entertainment Filming will have upon City property and/or services. Impact shall be categorized as low impact, medium impact, and high impact. The determination of impact shall be based upon the criteria set forth in section 46-103 below.

Organization means a person, organization, corporation, or any other entity.

Special Event Manager or *SEM* means the City employee that is the head of the Mayor's Office of Special Events.

Sec. 46-101. Certificate of Approval Required.

Any Organization that wishes to perform Entertainment Filming in the City of Atlanta must first receive a Certificate of Approval. An Organization shall be responsible for determining all other non-City approvals, permits, licenses, and any other applicable permissions that are required in order to perform the Entertainment Filming, and the Certificate of Approval shall not waive the need to obtain those other documents.

Sec. 46-102. SEM Consideration.

The SEM shall determine whether to issue a Certificate of Approval. The SEM shall prepare a written list of criteria upon which such determinations are made, including without limitation consideration of recommendations made by City departments potentially impacted by the proposed Entertainment Filming, and shall have this list available to the public upon request. The SEM shall apply these criteria uniformly. In addition, Applicants must receive all City departmental permits and approvals required to accommodate the various elements of the Entertainment Filming, including without limitation a temporary structure permit from the Planning Department, and a tent permit from the Atlanta Fire Rescue Department. The Applicant must pay the fees associated with such permits and other approvals. Where an Organization submits an Application within the deadline set forth below and where the SEM denies the Certificate of Approval, the SEM shall provide the Applicant a written explanation of the basis for the denial.

Sec. 46-103. Low, Medium and High Impact.

The SEM shall determine whether the proposed Entertainment Filming is Low Impact, Medium Impact, or High Impact. S/he shall provide the determination and the basis therefor to the Applicant in writing. The following standards shall be used by the SEM to make the determination:

- (a) Low Impact Considerations. In order to be deemed Low Impact, the Entertainment Filming:
 - (1) Must have an on-site crew of fewer than eight people.
 - (2) Must use only hand-carried equipment that one could purchase at a standard local camera store.
 - (3) Must not be in a park.
 - (4) Must not require closure of any streets, lanes, or sidewalks.
 - (5) Must involve only B-roll or intros (for example beauty shots, scenery, or background).
 - (6) Must involve only one or two talent on camera.

- (b) Medium Impact. In order to be deemed Medium Impact, the Entertainment Filming:
 - (1) Must have an on-site crew of fewer than fifteen people.
 - (2) Must not contain any of the elements described in subsection 146-103 (d) below.

- (c) Medium Impact. The following elements support a determination that an Entertainment Filming is Medium Impact, but do not necessitate the determination.
 - (1) The Entertainment Filming utilizes equipment that is more sophisticated than what is described in the Low Impact subsection above, such as lights, jibs, and booms.
 - (2) The Entertainment Filming involves first (or “A”) unit, main unit, second (or “B”) unit, and/or splintered unit scenes.
 - (3) The Entertainment Filming utilizes higher profile talent, company, and/or product as compared with a Low Impact Entertainment Filming.
 - (4) The Entertainment Filming utilizes three or fewer small to medium size trucks.

- (d) High Impact. Entertainment Filming that has any of the following elements must be deemed High Impact:
 - (1) Has an on-site crew of fifteen people or greater.
 - (2) Utilizes one or more temporary structures that are larger than one hundred square feet.
 - (3) Utilizes more than five temporary structures that are one hundred square feet.
 - (4) Requires closure of a street and/or lane.
 - (5) Occurs in a City park for greater than one day.
 - (6) Requires vehicles inside of a City park overnight.
 - (7) Utilizes water or pyrotechnics.
 - (8) Utilizes large trucks or more than three small to medium size trucks.
 - (9) Requires the use of a City-owned building and/or other facility, or any portion thereof.

- (e) High Impact. The following elements support a determination that an Entertainment Filming is High Impact, but do not necessitate the determination:
 - (1) Utilizes filming equipment that must be special-ordered, including without limitation dollies and condors.
 - (2) Includes the building of sets.

- (f) Miscellaneous. The following considerations are relevant to the determination of whether an Entertainment Filming is Low Impact, Medium Impact, or High Impact:
 - (1) Entertainment Filming that occurs in a City park for one day or less may be deemed either Medium Impact or High Impact depending on the other elements of the event.
 - (2) Entertainment Filming that requires sidewalk closure may be deemed either Medium Impact or High Impact depending on the other elements of the event.

- (3) Any written reasonable criteria established by potentially impacted City departments may be utilized to help determine whether an Entertainment Filming is Low, Medium, or High Impact.

Sec. 46-104. Application Requirements.

To obtain a Certificate of Approval, an Entity must complete a Certificate of Approval application, provided by the SEM. The Entity shall submit to the SEM the completed Application, the Application Fee determined by the SEM in the manner set forth in this Article, and any other documents required by City departments that may be impacted by the Entertainment Filming. Such documents may include without limitation a site plan and a security plan.

- (a) **Deadlines for Filing Application.** In order to guarantee review, an Applicant must submit a completed Application and Application Fee to the SEM no later than the following:
 - (1) For Entertainment Filming that would require a full street closure: six business days prior to the event.
 - (2) For Entertainment Filming that would require a lane closure: four business days prior to the event.
 - (3) For Entertainment Filming that would require a sidewalk closure: four business days prior to the event.
 - (4) For Entertainment Filming that would require use of a City park: four business days prior to the event.
 - (5) For Entertainment Filming that would require use of a City-owned facility: ten business days prior to the event.
 - (6) All other Entertainment Filming: three business days prior to the event.

- (b) **Application Fees.** After receiving the Application, the SEM shall determine whether the proposed Entertainment Filming is Low Impact, Medium Impact, or High Impact. Her/his determination shall be based upon the criteria set forth in Section 46-103 above, and s/he shall inform the Applicant of the Application Fee due. The following Application Fees shall be submitted to the SEM prior to an Application's being deemed complete:
 - (1) \$50.00 for Low Impact Entertainment Filming
 - (2) \$100.00 for Medium Impact Entertainment Filming
 - (3) \$150.00 for High Impact Entertainment Filming
 - (4) Where the SEM reasonably determines, after review of an Application, that the proposed Entertainment Filming may impact more than one City department (not including the Mayor's Office of Special Events), the Application Fee shall be increased by an additional \$50.00 for each City Department potentially impacted.

Sec. 46-105. Prerequisites to Receiving Certificate of Approval.

In the event that the SEM approves an Entertainment Filming Application, the Applicant must fulfill the following conditions prior to receiving a Certificate of Approval:

- (a) The Applicant must pay all applicable Fees, as described below in Section 46-106.
- (b) The Applicant must purchase liability insurance from a company licensed to do business in Georgia and must agree to maintain said insurance throughout the entire period covered by the Certificate of Approval. The type and amount of insurance shall at a minimum be \$1,000,000 bodily injury and property damage combined single limit, covering all activities arising from or related to the Entertainment Filming and/or the City's issuance of the Certificate of Approval, including without limitation activities performed by the Applicant, its employees, officers, volunteers, contractors, and/or subcontractors. The City must be covered as an additional insured under the general liability insurance policy, and such insurance shall be primary with respect to the additional insured. The insurance type and limit may be modified at the discretion of the City's Office of Risk Management. The Applicant must provide the SEM with a certificate of insurance and insurance endorsement evidencing that the Applicant has procured the required insurance, but failure to do so shall not relieve the Applicant of its obligation to procure and maintain the required coverage.
- (c) The Applicant must sign an indemnification statement agreeing to indemnify, defend, and hold harmless the City of Atlanta and its officials, agents and employees from any and all suits, claims, actions, liability of every kind, fees (including reasonable attorneys' fees and costs) and damages to persons or property for claims that arise from or are related to the Entertainment Filming and/or the City's issuance of the Certificate of Approval, except in the event and to the extent that liability is caused by the willful misconduct or sole negligence of the party released, indemnified, or held harmless. The agreement to indemnify, defend, and hold harmless the parties released shall not be limited to the limits or terms of the insurance required by the City.
- (d) The Applicant must provide evidence to the SEM that it has provided written notification of the details of the Entertainment Filming to the Councilmember(s) of the area(s) potentially impacted thereby, and to the residents and businesses potentially impacted.
- (e) Where the Certificate of Approval grants the Applicant the ability to use a City-owned building, facility, and/or a portion thereof, the Applicant must complete all requirements associated with the rental of such building or

facility, and said requirements may include without limitation execution of a lease or rental agreement, or purchase of additional insurance.

Sec. 46-106. Entertainment Filming Fees.

The following Entertainment Filming Fees must be paid prior to an Applicant's receiving a Certificate of Approval:

- (a) Where the SEM, in consultation with an impacted City department, determines that City staff shall be required to attend all or a portion of the Entertainment Filming, the Applicant must pay to the City an amount equivalent to the total of all hourly wages that the City will pay to each staff person present at the Entertainment Filming. Said amount shall be determined by the City and provided in writing to the Applicant, indicating a breakdown of each type of employee required to be in attendance, the number of hours that each employee will attend, and the hourly rate of each employee in attendance. By way of example and without limitation, such employees may include park attendants.
- (b) In the event that the City requires the Applicant to have police coverage and/or Fire Rescue coverage at the Entertainment Filming, the City may require the Applicant to hire off duty law enforcement officers, off duty fire inspectors, and/or off duty emergency medical services personnel rather than paying the City for on-duty presence. The requirements of the off-duty coverage shall be established in writing by the Atlanta Police Department and the Atlanta Fire Rescue Department. Where such coverage is required, the Atlanta Police Department must approve the Applicant's public safety plan prior to the SEM's issuance of the Certificate of Approval. The Atlanta Fire Rescue Department must approve the Applicant's Emergency Services and Fire Safety Plan prior to the SEM's issuance of the Certificate of Approval.
- (c) Where the Certificate of Approval grants the Applicant the ability to use a City-owned building, facility, and/or a portion thereof, and the use of said building and/or facility requires that a fee or rent be paid, the Applicant must pay said fee or rent.
- (d) Where the Certificate of Approval allows the Applicant to utilize a City park, the following fees shall be paid:
 - (1) For Medium Impact Entertainment Filming, other than still photography, that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$200 an hour or \$1,600 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (2) For Medium Impact Entertainment Filming, other than still photography, that occurs in any City park other than those listed in

Section 46-105(d)(1) above, the Applicant shall pay: \$100 an hour or \$800 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.

- (3) For High Impact Entertainment Filming, other than still photography, that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$400 an hour or \$3,200 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
- (4) For High Impact Entertainment Filming, other than still photography, that occurs in any City park other than those listed in Section 46-105(d)(3) above, the Applicant shall pay: \$200 an hour or \$1,600 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
- (5) For Medium Impact Entertainment Filming that is still photography, and that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$100 an hour or \$800 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
- (6) For Medium Impact Entertainment Filming that is still photography, that occurs in any City park other than those listed in Section 46-105(d)(5) above, the Applicant shall pay \$50 an hour or \$400 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
- (7) For High Impact Entertainment Filming that is still photography, and that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$200 an hour or \$1,600 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
- (6) For High Impact Entertainment Filming that is still photography, that occurs in any City park other than those listed in Section 46-105(d)(7) above, the Applicant shall pay \$100 an hour or \$800 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.

- (e) In the Event that the Applicant requests one or more material changes to its Application after the Application has been approved, regardless of whether the Certificate of Approval has been issued, the Applicant shall pay \$150.00 each time that a change(s) is applied for, regardless of how many changes are requested in the change application.

Sec. 46-107 Restoration Fees.

The Applicant shall be responsible for returning City property utilized as a result of the Certificate of Approval to the condition it was in immediately prior to such use, except as otherwise stipulated in the Certificate of Approval. Where the Applicant fails to do so, it must pay the City for all costs expended to perform such work. These costs may include without limitation costs associated with trash collection, general clean-up services, repairing damaged property, and replacing damaged items or property. The Mayor or her/his designee shall bill the Applicant for such work, and the Applicant shall reimburse the City or its designated contractor/subcontractor in full within thirty (30) days of receipt of the invoice.

Sec 46-108. Posting.

Within twenty-four hours of receiving the Certificate of Approval, the Applicant shall post a sign or signs notifying the public of the issuance of the Certificate. The sign(s) shall be of the size and at the locations designated by the SEM. The size and quantity of signs shall be based upon objective, written criteria established and applied uniformly by the SEM. The signs shall include at a minimum the application number and Certificate of Approval number, the dates and times of the authorized activity, the location of the authorized activity, and a brief description of the authorized activity. The signs shall also indicate any elements of the Entertainment Filming for which community notification is required as determined in writing by the SEM, including without limitation simulated violence, guns, simulated gun shots, lane closures, and pyrotechnics.

Sec 46-109. Penalties.

- (a) Where an Organization violates this Article, the Chief of Staff may require the Organization to pay the cost of City services provided as a result of the Entertainment Filming, to pay for repair or replacement of any City property damaged as a result of the Entertainment Filming, and/or to pay for any other damage or injuries that occur as a result of the Entertainment Filing.
- (b) It shall be unlawful for an Organization to perform Entertainment Filming without complying with the requirements of this Article, and any Organization that does so shall have committed and may be charged with a misdemeanor. Upon conviction, the Organization shall be subject to the penalties set forth in Section 1-8 of this Code of Ordinances.”

**AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE**

**AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES
CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY
ADDING A NEW ARTICLE IV THAT SHALL BE ENTITLED
ENTERTAINMENT FILMING FEES; AND FOR OTHER PURPOSES.**

WHEREAS, in May 2008, Governor Perdue signed legislation giving a 30% tax incentive to people or organizations performing entertainment-related filming and photography in Georgia; and

WHEREAS, as a result of this incentive, the City of Atlanta (“City”) has received numerous requests from film-makers and photographers to utilize or impact City of Atlanta property; and

WHEREAS, it is important that the City have adequate notice of film-making and photography events in order to properly plan the City services required, such as security, sanitation, and traffic control, and to provide notice to impacted neighborhoods; and

WHEREAS, the City of Atlanta incurs costs in providing the services and making available the properties necessary to accommodate the requests, and wishes to recoup those costs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA,
GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

Section 1. Chapter 46 of the Atlanta Code of Ordinances, Article III, shall be amended by adding at the end of the Article, after section 46-82, the following:

“Secs. 46-83--46-99. Reserved.”

Section 2. Chapter 46 of the Atlanta Code of Ordinances shall be amended by adding a new Article IV that shall be entitled “Entertainment Filming Fees” and shall state as follows:

“ARTICLE IV. ENTERTAINMENT FILMING FEES

Sec. 46-100. 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 any person, organization, corporation, or other entity applying for City approval to perform Entertainment Filming within the limits of the City of Atlanta and/or on property owned by the City of Atlanta.

Application means the written document prepared by the Special Events Manager that must be completed by an Applicant in order to obtain a Certificate of Approval. Submission of the complete Application does not guarantee that a Certificate of approval will be issued.

Application Fee means the non-refundable fee paid in connection with the filing of an application for a Certificate of Approval.

Certificate of Approval means the written document issued by the City's Special Events Manager authorizing Entertainment Filming within the limits of the City of Atlanta and/or on property owned by the City of Atlanta, and providing the details and limitations of the authorization.

City means the City of Atlanta.

Entertainment Filming means shooting a film or taking photographs with an on-site crew of greater than two people, where such filming or photography will occur on property owned by the City of Atlanta, will impact property owned by the City of Atlanta, and/or will require the City to provide services. Examples of Entertainment Filming include without limitation movie shoots, video shoots, TV shoots, advertisement shoots, and still photography with a crew size of greater than two people. Examples of impact upon City-owned property and City-provided services include without limitation higher-than-normal use of neighborhood parking spaces, interference with pedestrian traffic, and interference with the efficient flow of vehicular traffic.

Impact means the amount of impact that the Special Events Manager reasonably believes a particular Entertainment Filming will have upon City property and/or services. Impact shall be categorized as low impact, medium impact, and high impact. The determination of impact shall be based upon the criteria set forth in section 46-103 below.

Organization means a person, organization, corporation, or any other entity.

Special Event Manager or *SEM* means the City employee that is the head of the Mayor's Office of Special Events.

Sec. 46-101. Certificate of Approval Required.

Any Organization that wishes to perform Entertainment Filming in the City of Atlanta must first receive a Certificate of Approval. An Organization shall be responsible for determining all other non-City approvals, permits, licenses, and any other applicable permissions that are required in order to perform the Entertainment Filming, and the Certificate of Approval shall not waive the need to obtain those other documents.

Sec. 46-102. SEM Consideration.

The SEM shall determine whether to issue a Certificate of Approval. The SEM shall prepare a written list of criteria upon which such determinations are made, including without limitation consideration of recommendations made by City departments potentially impacted by the proposed Entertainment Filming, and shall have this list available to the public upon request. The SEM shall apply these criteria uniformly. Where an Organization submits an Application within the deadline set forth below and where the SEM denies the Certificate of Approval, the SEM shall provide the Applicant a written explanation of the basis for the denial.

Sec. 46-103. Low, Medium and High Impact.

The SEM shall determine whether the proposed Entertainment Filming is Low Impact, Medium Impact, or High Impact. S/he shall provide her determination and the basis therefor to the Applicant in writing. The following standards shall be used by the SEM to make the determination:

- (a) Low Impact Considerations. In order to be deemed Low Impact, the Entertainment Filming:
 - (1) Must have an on-site crew of fewer than eight people.
 - (2) Must use only hand-carried equipment that one could purchase at a standard local camera store.
 - (3) Must not be in a park.
 - (4) Must not require closure of any streets, lanes, or sidewalks.
 - (5) Must involve only B-roll or intros (for example beauty shots, scenery, or background).
 - (6) Must involve only one or two talent on camera.

- (b) Medium Impact. In order to be deemed Medium Impact, the Entertainment Filming:
 - (1) Must have an on-site crew of fewer than fifteen people.
 - (2) Must not contain any of the elements described in subsection 146-103 (d) below.

- (c) Medium Impact. The following elements support a determination that an Entertainment Filming is Medium Impact, but do not necessitate the determination.
 - (1) The Entertainment Filming utilizes equipment that is more sophisticated than what is described in the Low Impact subsection above, such as lights, jibs, and booms.
 - (2) The Entertainment Filming involves first unit, main unit, second unit, and/or splintered unit scenes.
 - (3) The Entertainment Filming utilizes higher profile talent, company, and/or product as compared with a Low Impact Entertainment Filming.
 - (4) The Entertainment Filming utilizes three or fewer small to medium size trucks.

- (d) High Impact. Entertainment Filming that has any of the following elements must be deemed High Impact:
 - (1) Has an on-site crew of fifteen people or greater.
 - (2) Utilizes one or more temporary structures that are larger than one hundred square feet.
 - (3) Utilizes more than five temporary structures that are one hundred square feet.
 - (4) Requires closure of a street and/or lane.
 - (5) Occurs in a City park for greater than one day.
 - (6) Requires vehicles inside of a City park overnight.
 - (7) Utilizes water or pyrotechnics.
 - (8) Utilizes large trucks or more than three small to medium size trucks.
 - (9) Requires the use of a City-owned building and/or other facility, or any portion thereof.

- (e) High Impact. The following elements support a determination that an Entertainment Filming is High Impact, but do not necessitate the determination:
 - (1) Utilizes filming equipment that must be special-ordered, including without limitation dollies and condors.
 - (2) Includes the building of sets.

- (f) Miscellaneous. The following considerations are relevant to the determination of whether an Entertainment Filming is Low Impact, Medium Impact, or High Impact:
 - (1) Entertainment Filming that occurs in a City park for one day or less may be deemed either Medium Impact or High Impact depending on the other elements of the event.
 - (2) Entertainment Filming that requires sidewalk closure may be deemed either Medium Impact or High Impact depending on the other elements of the event.
 - (3) Any written reasonable criteria established by potentially impacted City departments may be utilized to help determine whether an Entertainment Filming is Low, Medium, or High Impact.

Sec. 46-104. Application Requirements.

To obtain a Certificate of Approval, an Entity must complete a Certificate of Approval application, provided by the SEM. The Entity shall submit to the SEM the completed Application, the Application Fee determined by the SEM in the manner set forth in this Article, and any other documents required by City departments that may be impacted by the Entertainment Filming. Such documents may include without limitation a site plan and a security plan.

- (a) **Deadlines for Filing Application.** In order to guarantee review, an Applicant must submit a completed Application and Application Fee to the SEM no later than the following:
 - (1) For Entertainment Filming that would require a full street closure: six business days prior to the event.
 - (2) For Entertainment Filming that would require a lane closure: four business days prior to the event.
 - (3) For Entertainment Filming that would require a sidewalk closure: four business days prior to the event.
 - (4) For Entertainment Filming that would require use of a City park: four business days prior to the event.
 - (5) For Entertainment Filming that would require use of a City-owned facility: ten business days prior to the event.
 - (6) All other Entertainment Filming: three business days prior to the event.

- (b) **Application Fees.** After receiving the Application, the SEM shall determine whether the proposed Entertainment Filming is Low Impact, Medium Impact, or High Impact. Her/his determination shall be based upon the criteria set forth in Section 46-103 above, and s/he shall inform the Applicant of the Application Fee due. The following Application Fees shall be submitted to the SEM prior to an Application's being deemed complete:
 - (1) \$50.00 for Low Impact Entertainment Filming
 - (2) \$100.00 for Medium Impact Entertainment Filming
 - (3) \$150.00 for High Impact Entertainment Filming
 - (4) Where the SEM reasonably determines, after review of an Application, that the proposed Entertainment Filming may impact more than one City department (not including the Mayor's Office of Special Events), the Application Fee shall be increased by an additional \$50.00 for each City Department potentially impacted.

Sec. 46-105. Prerequisites to Receiving Certificate of Approval.

In the event that the SEM approves an Entertainment Filming Application, the Applicant must fulfill the following conditions prior to receiving a Certificate of Approval:

- (a) The Applicant must pay all applicable Fees, as described below in Section 46-106.

- (b) The Applicant must purchase liability insurance from a company licensed to do business in Georgia and must agree to maintain said insurance throughout the entire period covered by the Certificate of Approval. The type and amount of insurance shall at a minimum be \$1,000,000 bodily injury and property damage combined single limit, covering all activities arising from or related to the Entertainment Filming and/or the City's issuance of the Certificate of Approval, including without limitation

activities performed by the Applicant, its employees, officers, volunteers, contractors, and/or subcontractors. The City must be covered as an additional insured under the general liability insurance policy, and such insurance shall be primary with respect to the additional insured. The insurance type and limit may be modified at the discretion of the City's Office of Risk Management. The Applicant must provide the SEM with a certificate of insurance and insurance endorsement evidencing that the Applicant has procured the required insurance, but failure to do so shall not relieve the Applicant of its obligation to procure and maintain the required coverage.

- (c) The Applicant must sign an indemnification statement agreeing to indemnify, defend, and hold harmless the City of Atlanta and its officials, agents and employees from any and all suits, claims, actions, liability of every kind, fees (including reasonable attorneys' fees and costs) and damages to persons or property for claims that arise from or are related to the Entertainment Filming and/or the City's issuance of the Certificate of Approval, except in the event and to the extent that liability is caused by the willful misconduct or sole negligence of the party released, indemnified, or held harmless. The agreement to indemnify, defend, and hold harmless the parties released shall not be limited to the limits or terms of the insurance required by the City.
- (d) Where the Certificate of Approval grants the Applicant the ability to use a City-owned building, facility, and/or a portion thereof, the Applicant must complete all requirements associated with the rental of such building or facility, and said requirements may include without limitation execution of a lease or rental agreement, or purchase of additional insurance.

Sec. 46-106. Entertainment Filming Fees.

The following Entertainment Filming Fees must be paid prior to an Applicant's receiving a Certificate of Approval:

- (a) Where the SEM, in consultation with an impacted City department, determines that City staff shall be required to attend all or a portion of the Entertainment Filming, the Applicant must pay to the City an amount equivalent to the total of all hourly wages that the City will pay to each staff person present at the Entertainment Filming. Said amount shall be determined by the City and provided in writing to the Applicant, indicating a breakdown of each type of employee required to be in attendance, the number of hours that each employee will attend, and the hourly rate of each employee in attendance. By way of example and without limitation, such employees may include park attendants.
- (b) In the event that the City requires the Applicant to have police coverage and/or Fire Rescue coverage at the Entertainment Filming, the City may

require the Applicant to hire off duty law enforcement officers, off duty fire inspectors, and/or off duty emergency medical services personnel rather than paying the City for on-duty presence. The requirements of the off-duty coverage shall be established in writing by the Atlanta Police Department and the Atlanta Fire Rescue Department. Where such coverage is required, the Atlanta Police Department must approve the Applicant's public safety plan prior to the SEM's issuance of the Certificate of Approval. The Atlanta Fire Rescue Department must approve the Applicant's Emergency Services and Fire Safety Plan prior to the SEM's issuance of the Certificate of Approval.

- (c) Where the Certificate of Approval grants the Applicant the ability to use a City-owned building, facility, and/or a portion thereof, and the use of said building and/or facility requires that a fee or rent be paid, the Applicant must pay said fee or rent.
- (d) Where the Certificate of Approval allows the Applicant to utilize a City park, the following fees shall be paid:
 - (1) For Medium Impact Entertainment Filming, other than still photography, that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$200 an hour or \$1,600 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (2) For Medium Impact Entertainment Filming, other than still photography, that occurs in any City park other than those listed in Section 46-105(d)(1) above, the Applicant shall pay: \$100 an hour or \$800 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (3) For High Impact Entertainment Filming, other than still photography, that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$400 an hour or \$3,200 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (4) For High Impact Entertainment Filming, other than still photography, that occurs in any City park other than those listed in Section 46-105(d)(3) above, the Applicant shall pay: \$200 an hour or \$1,600 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (5) For Medium Impact Entertainment Filming that is still photography, and that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$100 an hour or \$800 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.

- (6) For Medium Impact Entertainment Filming that is still photography, that occurs in any City park other than those listed in Section 46-105(d)(5) above, the Applicant shall pay \$50 an hour or \$400 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (7) For High Impact Entertainment Filming that is still photography, and that occurs in Chastain Park, Freedom Park, Grant Park, Oakland Cemetery, Piedmont Park, or Woodruff Park, the Applicant shall pay \$200 an hour or \$1,600 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
 - (6) For High Impact Entertainment Filming that is still photography, that occurs in any City park other than those listed in Section 46-105(d)(7) above, the Applicant shall pay \$100 an hour or \$800 a day (up to ten hours). Any additional hours that exceed the ten-hour daily rate shall be billed at the hourly rate.
- (e) In the Event that the Applicant requests one or more material changes to its Application after the Application has been approved, regardless of whether the Certificate of Approval has been issued, the Applicant shall pay \$150.00 each time that a change(s) is applied for, regardless of how many changes are requested in the change application.

Sec 46-107. Penalties.

- (a) Where an Organization violates this Article, the Chief of Staff may require the Organization to pay the cost of City services provided as a result of the Entertainment Filming, to pay for repair or replacement of any City property damaged as a result of the Entertainment Filming, and/or to pay for any other damage or injuries that occur as a result of the Entertainment Filing.
- (b) It shall be unlawful for an Organization to perform Entertainment Filming without complying with the requirements of this Article, and any Organization that does so shall have committed and may be charged with a misdemeanor. Upon conviction, the Organization shall be subject to the penalties set forth in Section 1-8 of this Code of Ordinances.”

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV THAT SHALL BE ENTITLED ENTERTAINMENT FILMING FEES; AND FOR OTHER PURPOSES.

Council Meeting Date: May 18, 2009

Requesting Dept.: Mayor's Office of Special Events

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to amend Chapter 46 of the City of Atlanta Code of Ordinances to add a new Article IV, entitled Entertainment Filming Fees.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center: For Tennis Center Fees:

CHASTAIN PARK TENNIS CENTER, into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600240 (CHASTAIN PARK TENNIS CENTER OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); for MCGHEE TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600250 (McGhee TENNIS CENTER PRO) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); for WASHINGTON PARK TENNIS CENTER, into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600261 (WASHINGTON PARK TENNIS CENTER) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); for BITSY GRANT TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600249 (BITSY GRANT TENNIS CENTER PRO) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST); and for PIEDMONT TENNIS CENTER, INTO ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 444103 (FEES, TENNIS) 6190000 (SPECIAL FACILITIES) 600229 (PIEDMONT TENNIS COURT OPERATIONS) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST).

For Aquatics Centers:

ACCOUNT SEGMENT 1001 (GENERAL FUND) 00002 (GENERAL REVENUE ORG) 3472004 (FEES, SWIMMING), and the other half shall be deposited into ACCOUNT SEGMENT 7701 (TRUST FUND) 140303 (PRC SUMMER PROGRAM) 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS) 6190000 (SPECIAL FACILITIES) 600239 (YOUTH ATHLETICS PROGRAM) 69999 (FUNDING SOURCE FOR NON CAPITAL TRUST)

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Leigh Davis-Turner

Contact Number: (404) 330-6395

Originating Department: Mayor's Office of Special Events

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: April 14, 2009

Anticipated Committee Meeting Date(s): April 28, 2009

Anticipated Full Council Date: May 18, 2009

Legislative Counsel's Signature: Robin Shahar

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AMENDING ATLANTA CODE OF ORDINANCES CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV THAT SHALL BE ENTITLED ENTERTAINMENT FILMING FEES; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 4/16/09 (date)  (date) Reviewed by: _____ (date)

Submitted to Council: _____