

#14

13-0-0641  
(Do Not Write Above This Line)

**AN ORDINANCE 13-0**

BY COUNCILMEMBERS MICHAEL J. BOND,  
KEISHA LANCE BOTTOMS, C.T. MARTIN,  
CARLA SMITH, AARON WATSON, H. LAMAR  
WILLIS AND CLETA WINSLOW

AN ORDINANCE TO AMEND THE ATLANTA  
CODE OF ORDINANCES BY: ADDING A  
SUBSECTION (10) TO CODE SECTION 2-190  
(b) TO CREATE A CITY OF ATLANTA OFFICE  
OF ENTERTAINMENT IN THE DEPARTMENT  
OF THE MAYOR; AND ADDING A NEW  
SECTION 2-200 THAT SETS FORTH THE  
FUNCTIONS AND DUTIES OF THE CITY OF  
ATLANTA OFFICE OF ENTERTAINMENT;  
AND MODIFYING CHAPTER 46, ENTITLED  
CIVIC AND CULTURAL AFFAIRS, BY  
ADDING A NEW ARTICLE IV ENTITLED  
"ENTERTAINMENT FILMING ORDINANCE";  
AND ESTABLISHING NEW FEES FOR  
PERMITS ISSUED AND SERVICES OFFERED  
BY THE OFFICE OF ENTERTAINMENT, AND  
DIRECTING THAT SAID FEES BE DEPOSITED  
INTO THE ACCOUNT SET FORTH HEREIN;  
AND FOR OTHER PURPOSES.

*substitute*

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: 4/15/13  
 Referred To: Finance / Exec  
 Date Referred:  
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 Referred To:

First Reading  
 Committee: Fin. / Exec  
 Date: 5-1-13  
 Chair: Jeliana D. Moore  
 Referred To:

Committee:  
 Date: 5-1-13  
 Chair:

Action:  
 Fav, Adv, Hold (See rev.side)  
 Other:  
 Members:

Refer To

Committee:  
 Date: 5/29/13  
 Chair:

Action:  
 Fav, Adv, Hold (See rev.side)  
 Other:  
 Members:

**ADOPTED BY**  
**JUL 0 1 2013**  
**COUNCIL**

Refer To

Committee:  
 Date: 6-10-13  
 Chair (Vice):

Action:  
 Fav, Adv, Hold (See rev.side)  
 Other:  
 Members:

Refer To

Committee:  
 Date: 6-26-13  
 Chair:

Action:  
 Fav, Adv, Hold (See rev.side)  
 Other:  
 Members:

Refer To

FINAL COUNCIL ACTION  
 2<sup>ND</sup>  1<sup>ST</sup> & 2<sup>ND</sup>  3<sup>RD</sup>  
 Readings: 1700  
 Consent  V Vote  RC Vote

CERTIFIED  
 JUL 0 1 2013  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
 JUL 0 1 2013  
 Ronda Daughlin Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
 JUL 0 3 2013  
*[Signature]*  
**MAYOR**



CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE

13-O-0641

**BY COUNCILMEMBERS MICHAEL JULIAN BOND, KEISHA LANCE BOTTOMS, C.T. MARTIN, JOYCE SHEPERD, CARLA SMITH, AARON WATSON, H. LAMAR WILLIS AND CLETA WINSLOW**

**AS SUBSTITUTED (2<sup>nd</sup> SUBSTITUE) BY THE FINANCE/ EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES BY: ADDING A SUBSECTION (10) TO CODE SECTION 2-190 (b) TO CREATE A CITY OF ATLANTA OFFICE OF ENTERTAINMENT IN THE DEPARTMENT OF THE MAYOR; AND ADDING A NEW SECTION 2-200 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE CITY OF ATLANTA OFFICE OF ENTERTAINMENT; AND MODIFYING CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV ENTITLED “ENTERTAINMENT FILMING ORDINANCE”; AND ESTABLISHING NEW FEES FOR PERMITS ISSUED AND SERVICES OFFERED BY THE OFFICE OF ENTERTAINMENT, AND DIRECTING THAT SAID FEES BE DEPOSITED INTO THE ACCOUNT SET FORTH HEREIN; AND FOR OTHER PURPOSES.**

**WHEREAS**, in 2008, the State of Georgia enacted the Georgia Entertainment Industry Investment Act (the “Act”) which increased the state tax credit to thirty percent (30%) for qualified production of motion pictures, television series, commercials, music videos, interactive games and animation (collectively “Entertainment”) in the State; and

**WHEREAS**, the Act has resulted in substantial growth of the Entertainment industry (the “Industry”) in Georgia. The State estimates that in Fiscal Year 2012, the economic impact of the Entertainment Industry in Georgia exceeded three billion one hundred million dollars (\$3,100,000,000.00).<sup>1</sup> It further estimates that in 2011, over twenty-five thousand (25,000) Georgia residents were employed by the Industry<sup>2</sup>; and

**WHEREAS**, the City of Atlanta (“City”) benefits significantly from the Industry’s growth in the State, both economically and culturally, including through job creation, employment, construction of infrastructure, patronization of restaurants, hotels and other local businesses, and rental of real property and equipment; and

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<sup>1</sup> Georgia Department of Economic Development. “Georgia Film and TV Facts”. (2012). [www.georgia.org/industries/entertainment-industry/film-production/Pages/georgia-movies.aspx](http://www.georgia.org/industries/entertainment-industry/film-production/Pages/georgia-movies.aspx).

<sup>2</sup> Georgia Department of Economic Development. “Georgia Film and TV Facts”. (2012).



**WHEREAS**, the City offers many inherent benefits to the Industry, such as: a distinctive urban setting, combined with rural, semi-rural, and “old-south” scenery; a racially, ethnically and culturally diverse workforce with the skills and experience needed for all aspects of Entertainment production; state-of-the-art production studios; availability of cutting-edge technology; and Hartsfield- Jackson Atlanta International Airport which makes Atlanta easily accessible from any location nationally and internationally; and

**WHEREAS**, in addition to offering these inherent benefits, Atlanta is dedicated to offering best-in-class services to the Industry and further enhancing its reputation as a production-friendly city; and

**WHEREAS**, the City is committed to meeting the needs of the Entertainment Industry while simultaneously sustaining the quality of life of its citizens and businesses; and

**WHEREAS**, it is important that the City have notice of Entertainment production events on City property so that it can determine the resources and services needed to support the producer and can support potentially impacted residents and businesses; and

**WHEREAS**, it will benefit Atlanta’s communities and the Industry to have a City office that is a resource for and a liaison between the two for resolution of Entertainment production issues that arise from Industry work performed on both public and private property; and

**WHEREAS**, a City office dedicated to Industry work on public and private property will enhance the City’s ability to protect public assets and infrastructure; and

**WHEREAS**, the Entertainment-related services provided by the City include coordination of security, solid waste disposal and traffic control, and notification of affected neighborhoods. The City incurs significant costs from coordinating and providing services and wishes to recoup some of its administrative costs. The City will not implement fees as a means of revenue production; and

**WHEREAS**, it is in the best interest of the City to establish the City of Atlanta Office of Entertainment in the Department of the Mayor, which will be dedicated to meeting the needs of the Entertainment Industry and the related needs of Atlanta’s citizens and businesses.

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

**SECTION 1:** The Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article III (Mayor), Division 1 (Generally), Section 2-190 (Department of the Mayor; Executive Office of the Mayor; Administrative Functions), Subsection (b) which lists the functional areas of the Department of the Mayor, shall be amended by adding a number (11) that states “Office of entertainment”. Section 2-190(b) shall read as follows:



- (b) The department of the Mayor shall include the following functional areas:
- (1) Office of communications;
  - (2) Office of constituent services;
  - (3) Office of contract compliance;
  - (4) Office of enterprise assets management which shall consist of four divisions: capital projects, real estate management, enterprise assets, and facilities management;
  - (5) Office of human services;
  - (6) Office of intergovernmental affairs;
  - (7) Office of special events coordination;
  - (8) Office of emergency management;
  - (9) Office of community technology;
  - (10) Office of Cultural Affairs; and
  - (11) Office of entertainment.

**SECTION 2:** The Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article IV (Executive Branch Offices), shall be amended by renumbering Chapter 2 Article IV in order to add a new Section 2-200 that shall read as follows:

**Sec. 2-200 Functions and duties of the City of Atlanta Office of Entertainment.**

The City of Atlanta Office of Entertainment shall be responsible for administering the Entertainment Filming Ordinance in a manner that facilitates the entertainment industry's work in Atlanta and makes Atlanta a best-in-class destination for entertainment production. In addition, the Office's functions and duties may include without limitation:

- (1) Marketing Atlanta, in association with the Georgia Film, Music & Digital Entertainment Office, to the entertainment industry;
- (2) Stimulating local community awareness of the entertainment industry and its impact upon Atlanta's economic development;
- (3) Providing premier customer service and assistance to entertainment production companies working in Atlanta;
- (4) Compiling a resource list of local laborers and suppliers to facilitate employment of local talent;
- (5) Promoting creation of local education and training opportunities in entertainment production;
- (6) Devising strategies that minimize the potential inconvenience to Atlanta's residents and businesses from entertainment production; and
- (7) Serving as a contact for and liaison between Atlanta's residents and businesses and the entertainment industry to answer questions and resolve concerns about entertainment production projects occurring in the City; and



**SECTION 3:** The Atlanta Code of Ordinances shall be amended so as to create and enact a new Article IV to Part II, Chapter 46 of the Code, entitled “Entertainment Filming Ordinance” which shall read 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:

*Applicant* means the individual applying for a Permit, who is legally authorized to bind the Producer.

*Application* means the document created by the CAOЕ that must be completed and submitted to the CAOЕ by a Producer or the Producer’s authorized representative, in order to request a Permit.

*CAOE* means the City of Atlanta Office of Entertainment.

*Change Request* means the document created by the CAOЕ that must be completed and submitted to the CAOЕ by a Producer or the Producer’s authorized representative in order to request a material change to a Permit.

*City* means the City of Atlanta.

*Code* means the Atlanta, Georgia Code of Ordinances.

*Department of Purview* means the City department that decides or recommends to the CAOЕ whether to allow an aspect of Filming that is within the department’s operational responsibilities.

*Director* means the Director of the City of Atlanta Office of Entertainment.

*Element* means an activity that is listed in Code Section 46-105 below.

*Entertainment Industry Work* means the production of motion pictures, television series, commercials, music videos, interactive games and animation, where the final product is intended to be commercially released and/or commercially distributed.

*Filming* means creating motion picture images on Public Property, including the on-site/on-location pre-production activities associated therewith, where the final product is intended to be commercially released and/or commercially distributed. Filming does not include activities performed as part of: 1) documenting current affairs; or 2) producing newscasts. In addition, Filming does not include location scouting.



*Permit* means a permit validly issued by the CAOE Director that authorizes Filming and the Elements contained therein, if any.

*Producer* means an individual, organization, corporation or any other entity that is ultimately responsible for the Filming that is the subject of the Application and the Permit (where applicable).

*Public Property* means real property owned by the City or for which the City is a lessee, including, without limitation, parks, streets, sidewalks, other rights of way, and buildings. Public Property shall not include real property which is being leased by the City to a lessee.

*Traffic Control Plan* means a drawing that is submitted with a request for a sidewalk, lane and or street closure that details the location of the closures, the alternative routes that will be utilized for the detoured vehicular and/or pedestrian traffic, and the mechanisms (including without limitation barricades and signage and the locations thereof) for implementing the closures and alternatives.

#### **Sec. 46-101 Purpose and Intent**

The intent of the City in adopting this Entertainment Filming Ordinance is to facilitate Entertainment Industry Work performed in Atlanta while safeguarding the interests of Atlanta's residents and businesses. The Ordinance creates the City of Atlanta Office of Entertainment which will be dedicated to responding to the needs and issues pertaining to Entertainment Industry Work. The Ordinance simplifies the permitting requirements associated with Filming by enabling entertainment industry professionals to obtain required City approvals through the CAOE rather than through numerous individual departments. It strengthens the City's ability to anticipate and provide adequate services for the multiple Filming projects throughout Atlanta. It also enhances the City's ability to accommodate unanticipated circumstances and requested changes. The CAOE similarly will respond to the needs of Atlanta's neighborhoods regarding Entertainment Industry Work, and will promote community awareness of the entertainment industry's impact upon Atlanta's economic development. This Ordinance furthers the City's commitment to being a best-in-class location to work and to live.

#### **Sec. 46-102 Office of Entertainment as Resource and Liaison**

The Office of Entertainment will serve as a resource for Atlanta's residents and businesses, providing information upon request about current or scheduled Filming, helping to resolve problems that arise from Entertainment Industry Work, and acting as a liaison between residents, businesses and the Entertainment Industry to address inconvenience experienced generally and with regard to a specific project. The Office will also serve as an ambassador to the Entertainment Industry, providing information, answering questions, helping to resolve challenges and facilitating the Industry's work in the City. The Office of Entertainment will offer a "hot-line" to receive and respond to complaints and concerns after normal business hours; the hot-line will be available to Atlanta's residents and businesses and to the Industry. The Office will implement other mechanisms that enhance the experience of all people performing and effected by Entertainment Industry Work, which may include an informational web-page and on-line permitting. While Permits are required



for Entertainment Industry Work that occurs on Public Property only, the Office of Entertainment will be a resource and liaison for all Entertainment Industry Work, including work that occurs on private property.

**Sec. 46-103 Permits for Filming**

- (1) Any Producer that wishes to perform Filming must first obtain a Filming Permit. No Filming Permit is required unless the Entertainment Industry Work is performed on Public Property.
- (2) Filming Permits shall be issued by the CAO Director. Permits shall be issued to the Producer.
- (3) A Permit will specify the Filming that may occur at a particular location at a particular time. The Permit will authorize Element(s) to be performed as part of the Filming provided that the Elements have been approved by the Department of Purview. After receiving a Permit, a Producer may request modifications to the Permit as described in subsection 46-107(1) below.
- (4) Where the Filming Application includes a request to close a City street, lane and/or sidewalk, the request shall be evaluated under and the closure must comply with Code Section 138-75 (“Fees charged for permits which allow blocking or closing sidewalks or streets”) and with all other sections and subsections of Chapter 138 Article III that are applicable to the Filming at issue.
- (5) A Producer that receives a Permit is responsible for knowing and complying with all other laws, including other ordinances and regulations, that establish prerequisites, authorizations and other required permissions applicable to the Filming.
- (6) Where permitted Filming includes advertising signs or other displays of commercial speech, the signs and/or displays must be removed upon the expiration of the Permit.
- (7) Notwithstanding any other part of this Code, any Producer that performs Filming without receiving a Permit, violates the material terms of a Permit, or is otherwise in violation of this Entertainment Filming Ordinance, shall be subject to the provisions of Section 1-8 of the Code.
- (8) While it is the intent of the City to honor each Permit, the issuance of such Permit shall not grant the Producer a Constitutionally protected property interest.

**Sec. 46-104 Exemption from Filming Permit Requirement- First Amendment Activity**

The following types of Filming are exempt from the Permitting requirement of subsection 46-103(1) above. This provision does not exempt a Producer from complying with other applicable Code provisions, laws, ordinances or regulations that require Elements or other activities included in the Filming to be permitted or approved by the appropriate governmental entity.



- (1) Filming associated with any permitted or unpermitted rally, protest or demonstration, except when the same is staged for the sole purpose of being included in the Filming's final product.
- (2) Filming associated with an Outdoor Event that is authorized by a City-issued Outdoor Event Permit, as defined in Chapter 142 of the Code, except when the same is staged for the sole purpose of being included in the Filming's final product.

#### **Sec. 46-105 Filming Elements**

- (1) An Applicant shall indicate on the Application each of the Elements listed below that will be included in the Filming.
- (2) The final decision of whether to allow the Element shall be made by the Department of Purview after consultation with the CAO, and communicated to the Applicant by the CAO. Prior to denying permission to perform an Element, representatives of the Department of Purview and CAO shall consult with the Producer in an attempt to find alternative ways to accommodate the Producer's Filming needs.
- (3) This Section applies to the activities listed below only when they occur on Public Property. Where the Element requires approval from an additional governmental jurisdiction, the Producer must obtain that approval as well.
- (4) The Elements are as follows:
  - (a) Night-time Filming with the use of outdoor lighting where a residence exists within 150 feet from the location of an outdoor light;
  - (b) Filming in buildings that are owned by the City and not leased to a third party, or in buildings of which the City is a lessee;
  - (c) Use of Public Property that is owned or maintained by the Department of Watershed Management;
  - (d) Use of a temporary structure that requires permitting by the Office of Buildings and/or the Atlanta Fire Rescue Department;
  - (e) Use of intellectual property belonging to the City;
  - (f) Closure of a street, lane and/or sidewalk;
  - (g) Use of pyrotechnics or other explosives;
  - (h) Smoke effects, water effects, or flame effects;

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- (i) Display of real or artificial fire arms, grenades, or other weapons that would cause the public to fear violence;
  - (j) Vehicle chases and/or vehicle crashes;
  - (k) Dangerous stunts that have a reasonable likelihood of causing substantial personal injury;
  - (l) Use of large or any other equipment that has a reasonable likelihood of causing damage to Public Property;
  - (m) Filming in a City park; and
  - (n) Use of wild animals controlled under Federal, State, or County law and/or ordinances.

#### **Sec. 46-106 Processing of Permit Applications**

A Producer that wishes to perform Filming must submit to the CAOEO a completed Application and the Application Fee set forth in Code Section 46-110 below. Where the Producer is an organization, corporation or other entity, the Application must be signed and submitted by an individual authorized to bind the Producer. The CAOEO will process the Applications and the Director will make Permit determinations in accordance with this Article IV.

- (1) The Application shall include, but not be limited to, the following:
  - (a) The Filming project name;
  - (b) The name and contact information of the Applicant, including postal address, email address, and telephone number;
  - (c) A valid photo identification of the Applicant;
  - (d) The name and contact information of the Producer (if the Applicant is not the Producer);
  - (e) The dates, times and locations of the Filming for which a Permit is being requested, and a general description of the Filming activity that will occur at each location;
  - (f) A description of any Elements that may be performed during the Filming, including the dates, times and locations of each;
  - (g) A description of any aspects of the Filming, other than the Elements, that may require City services;



- (h) A description of any assistance the Producer may need from the CAO E, and/or concerns that the Producer wants the CAO E to be aware of; and
  - (i) Where the Producer is a student, an official letter or document from her/his school confirming that s/he is currently enrolled there. In addition, the student must appear in person at the CAO E and present her/his current student identification card and a valid driver's license. Where the student does not have a driver's license, s/he may present a different form of identification that includes her/his photo.
- (2) When more than one Application is received for Filming at substantially the same place and time, and the Director reasonably determines that the Filming cannot logistically and/or safely occur together, the earlier or earliest of the Applications that is received by the CAO E in a substantially completed form, which includes submission of the requisite Application Fee, shall be given priority as to the time and place requested. The CAO E shall make reasonable efforts to consult with the other Applicant(s) in an attempt to find alternative times and/or locations that are acceptable.
- (3) There is no deadline by which a Filming Permit Application must be submitted to the CAO E; however, where a Filming Permit Application includes a request for a street closure, the street closure portion of the Application will not be approved unless it is received at least five business days prior to the closure.
- (4) The CAO E and the Departments of Purview shall compile and maintain rules and guidelines applicable to the use of Public Property for Filming, including the Elements that are part of the Filming, and shall apply those rules and guidelines equally regardless of the subject matter of the Filming and/or the content of the speech therein.
- (5) In the event that permission to perform an Element is denied pursuant to subsection 46-105(2) above, the CAO E will process the remainder of the Permit and grant all other aspects of the Filming for which the requirements have been met.
- (6) The CAO E may deny an Application only if the Director reasonably determines that one or more of the below-listed conditions exists. Prior to denial, the CAO E shall make reasonable efforts to consult with the Producer in an attempt to resolve issues of concern and/or find alternative ways to accommodate the Producer's Filming needs, as described in subsections 46-106 (7), (8), (9) and (10) below.
- (a) the Filming poses an unreasonable risk of personal injury or property damage to people or property not associated with the Filming;
  - (b) the Filming poses an unreasonable risk of damage to Public Property that could not be quickly and/or fully remediated;



- (c) the date and time requested for a particular Filming location conflicts with previously-issued permits or permissions for Filming, Outdoor Events, or other activities;
  - (d) use of the Filming location, or use of the location during the date or time requested, would unreasonably interfere with the operation of City functions;
  - (e) use of the Filming location or the proposed activity at the location would violate a law, ordinance, statute or regulation, regardless of whether the illegal activity is part of the message or content of the Filming. A Permit shall not be denied based upon simulation of an illegal activity where the actual illegal activity is not being performed;
  - (f) the Producer owes an outstanding debt to the City;
  - (g) the Producer previously caused significant damage to Public Property and, at the time of submitting the Application under consideration, failed to adequately repair the damage or pay in full the City's invoice for damage repair and restoration services;
  - (h) the Producer previously violated this Entertainment Filming Ordinance on two or more occasions, including without limitation by violating a material condition and/or restriction of a Permit;
  - (i) on two or more occasions, the Producer's Entertainment Industry Work in the City violated a City ordinance or other applicable law; and
  - (j) the Applicant made a material misrepresentation or gave incorrect material information on the Application.
- (7) Prior to denying an Application, if the CAOЕ determines that the requested Filming includes one or more of the conditions described in subsections 46-106(6)(a), (b), (c), or (d) above, the CAOЕ shall employ reasonable efforts to identify alternative Filming locations, times and/or dates that eliminate the unacceptable condition(s) and that are mutually acceptable to the Producer and the City. The Producer shall modify the Application to incorporate any agreed-upon alternatives.
- (8) Prior to denying an Application, if the CAOЕ determines that the requested Filming or related activity creates a violation as described in subsection 46-106(6)(e) above, the CAOЕ shall allow the Producer to revise the Application so that the Filming activities comply with applicable law.
- (9) Prior to denying an Application pursuant to subsections 46-106(6)(f) or (g) above, the CAOЕ shall notify the Producer of the potential denial and allow her/him to remedy the conditions described in those subsections. The CAOЕ shall process the Application after such repair, restoration or payment is complete, and may require the Producer to obtain a



refundable sanitation bond for the Filming Permit in an amount equivalent to the cost of the repair, restoration or debt.

- (10) Prior to denying an Application pursuant to subsections 46-106(6)(h), (i) or (j) above, the CAO E shall provide the Applicant an opportunity to present documents or other evidence that refutes the Director's finding of previous Permit violations, of previous violations of the law, or of misrepresentation or misinformation on the Application, as applicable.
- (11) Where the Director has complied with subsections 46-106(7), (8), (9) and/or (10) above and reasonably determines that one or more of the conditions set forth in subsection 46-106(6) continues to exist and that the Application should therefore be denied, the Director shall issue a written communication to the Applicant that includes a detailed explanation for the denial. Nothing in this subsection shall preclude the Director from also notifying the Applicant orally.
- (12) If the Director denies an Application, the Applicant shall have the right to appeal the decision to the Chief of Staff or her/his designee, provided that a written request for such appeal is made to the Chief of Staff within three business days after the Applicant's receipt of the Director's determination. The person considering the appeal must be impartial, and must have had no involvement in the Director's decision. The appeal shall be heard or considered within three business days after the City receives the Applicant's request, and shall be decided *de novo*. The person considering the appeal shall evaluate the Application and the Director's decision in accordance with the criteria of this Article IV.
- (13) The person considering the appeal may issue her/his decision verbally, and shall issue a written decision within three business days of receiving written evidence from the Applicant and/or meeting with the Applicant, whichever is later. The written decision shall be the final decision of the City regarding the Application. The Applicant or Producer may appeal the decision by Writ of Certiorari to the Superior Court of Fulton County pursuant to the procedures set forth by Georgia law.
- (14) In no event shall the Director's or any City employee's evaluation of whether to grant or deny the Application, including any of the Elements, include consideration of: a) the race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, political affiliation or associational relationships of the Applicant, Producer or any person associated with the Filming; or b) the message or content of the Filming.

#### **Sec. 46-107 Modification, Suspension or Cancellation of a Permit**

- (1) After receiving a Permit, the Producer may request a material modification of the Permit at any time by submitting to the CAO E a Change Request and Change Fee as set forth in Code Section 46-110. The CAO E's ability to process the Change Request shall be determined pursuant to the provisions established for processing Applications, as set



forth in subsections 46-106(2) and (3) above. The Director's decision of whether to grant or deny the modification request shall be determined as set forth in subsections 46-106(4) through 46-106(14). Submission of a Change Request will not impact the validity of the Permit already issued, except upon written request of the Producer.

- (2) Where a Producer has obtained a Permit and abides by the material requirements thereof, the Permit shall prevent the City's stoppage of activities that are authorized by the Permit, except as otherwise set forth in subsection 46-107(3) below or as a result of applicable law.
- (3) In the event that the Atlanta Police Department, Atlanta Fire Rescue Department and/or other Department of Purview identifies a substantial public health or safety risk arising from or caused by the Filming, and the Producer is in material compliance with the Permit, the following shall occur:
  - (a) Where the substantial risk is identified prior to the commencement of the Filming, the Director and applicable Department of Purview shall employ reasonable efforts to consult with the Producer and identify Permit changes that are mutually acceptable to the Producer and the City, and that remedy the health/safety issue(s). Where such efforts are unsuccessful, the Director shall modify the Permit in a manner that minimizes disruption of the Filming as determined at the Director's reasonable discretion, and that eliminates the substantial risk as reasonably determined by the Department of Purview.
  - (b) Where the substantial risk is not imminent and is identified after the commencement of the Filming, the Director and applicable Department of Purview shall employ reasonable efforts to consult with the Producer and identify Permit changes that are mutually acceptable to the Producer and the City, and that remedy the health/safety issue(s). Where such efforts are unsuccessful, the Director shall modify the Permit in a manner that minimizes disruption of the Filming as determined at the Director's reasonable discretion, and that eliminates the substantial risk as reasonably determined by the Department of Purview.
  - (c) Where the substantial risk is imminent as reasonably determined by the Department of Purview and is identified after the commencement of Filming, said Department may place a stop work order on the Filming if it finds that the order will likely alleviate the substantial risk. The stop work order may be issued without advance notice where the Department of Purview deems that a delay of the order will jeopardize public health and safety, and shall be lifted as quickly as possible after the risk is eliminated. The Department of Purview shall notify the Director of the stop work order within two hours of its issuance. The Director and applicable Department of Purview shall employ reasonable efforts to consult with the Producer and identify Permit changes that are mutually acceptable to the Producer and the City, that will minimize the length and impact of the stop work order as decided by the Producer, and that remedy the health/safety issue(s) as determined by the Department of Purview.



(d) Changes made to the Permit pursuant to this subsection 46-107(3) shall not require payment of a Change Fee.

- (4) Where the Director, or a Department of Purview in consultation with the Director, determines that the Producer is violating material term(s) of the Permit, the Director shall decide the appropriate remedial actions after consulting with the Department of Purview and the Producer. If the Director and/or Department of Purview finds that a substantial public health or safety risk is arising from or caused by the material violation, the Department of Purview in consultation with the Director may place an immediate stop work order on the Filming without prior notice to the Producer, and consultation with the Producer shall occur after the work stoppage. The consultation between the Director, Department of Purview and Producer shall evaluate the nature and severity of the violation, whether the violation was intentional, whether Permit modifications should be made, whether the stop work order should be lifted (where applicable), and what other actions should be taken (if any). Where the violation creates a substantial public health and/or safety risk, the remedial actions decided by the Director will not be deemed final until the Department of Purview reviews the remedial actions and confirms that they will eliminate the health and safety risks.

#### **Sec. 46-108 Responsibilities of a Producer once a Permit is Obtained**

- (1) A Producer or Producer's designee must have the Permit on site at the time and location of the Filming, and must also have on site any other permits required for that location by the CAO E or any other governmental agency.
- (2) A Producer must confine Filming to the locations, times, guidelines and conditions specified in the Permit and must abide by all other material terms of the Permit.
- (3) Permits are not transferable.
- (4) A Producer must clean and repair the Filming location, and restore it to the condition it was in immediately prior to the Filming, unless otherwise agreed upon in writing by the Director and the Producer. The CAO E will inspect the Filming location after the Filming is completed to ascertain whether this requirement has been met. Where a Producer fails to fulfill this requirement, the Director will bill the Producer for the cleaning, repair and/or restoration costs borne by the City, and the Producer must pay the invoice in full within thirty (30) days of receipt.
- (5) Permits shall require the Producer to notify the CAO E within three hours or sooner of learning of any emergency event regarding or arising from the Filming that involves the media, the police or fire departments or emergency medical services.
- (6) A Producer is responsible for: (a) knowing and complying with all City ordinances and other laws applicable to the Filming and to the other activities arising from the Producer's Permit; and (b) requiring and using commercially reasonable efforts to



enforce the requirement that any person working for or at the direction of the Producer (including without limitation contractors) complies with all City ordinances and other laws applicable to the Filming and to the other activities arising from the Permit. Applicable City ordinances include without limitation the Atlanta Noise Ordinance, set forth in Chapter 74 Article IV of the Atlanta Code of Ordinances.

- (7) The requirements of number (6) above shall include without limitation that the Producer is responsible for obtaining any and all permissions, licenses or other required authorizations for use of intellectual property, including intellectual property which is on Public Property but is not owned by the City.
- (8) Permits must prohibit a Producer from acting as a representative or agent of the City, and from indicating City endorsement of the Filming, except as otherwise agreed to in writing by the Director. This provision shall not prohibit the Producer's use of the City logo in the Filming credits.
- (9) The CAO E shall require that notification be given to residents and businesses within a three-block radius of a location for which a Filming Permit has been issued. The CAO E may provide the notification, may require the Producer to provide the notification, or may utilize a different mechanism for providing notification. The notification must state that a Filming Permit has been issued, and must include the date(s), time(s), location(s) and activities that are authorized by the Permit. Additionally, the CAO E shall require that notification be given to the councilmember representing the district in which the Filming will occur. The CAO E shall determine the most effective means and timing of notification based upon factors such as the type of impact that the Filming will have on the neighborhood, the time between receipt of the Application and commencement of the Filming, the Producer's budget and previous communications from a neighborhood regarding notification preferences.

#### **Sec. 46-109 Other Permit Requirements**

After a Permit has been approved by the Director, it will be issued once the following have occurred:

- (1) The Producer signs an indemnification provision on the Permit whereby the Producer agrees to indemnify the City and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the Permit and any of the activities performed pursuant to the Permit by, on behalf of, or at the direction of the Producer, except to the extent that that claims, losses and/or expenses are caused by the negligence or intentional misconduct of the City, its officials and/or employees;
- (2) The Producer signs a provision agreeing to comply with all applicable environmental laws, including an agreement not to allow legally-prohibited contaminants from entering the sewage and stormwater drainage systems serving the area where the Filming will occur. The Producer must sign a separate indemnification clause, such as the one described in number (1) immediately above, that pertains specifically to environmental



breaches and includes without limitation the fines and clean-up costs associated therewith;

- (3) The Producer obtains insurance coverage in an amount determined by the City's Risk Manager, covers the City as an additional insured on the policy, and provides proof of the coverage in a manner established by the City's Risk Manager. In no event shall the Risk Manager base any decisions regarding the Filming on the criteria set forth in subsection 46-106(14) above; and
- (4) The Producer pays the Permit Fee and any other applicable fees set forth in Section 46-110 below.

### **Sec. 46-110 Fee Schedule**

The CAOЕ shall collect all applicable fees arising pursuant to this Article. These fees are set forth below in this Section 46-110, and in other sections of the Code pertaining to the cost of services or goods provided by other City departments. Where the CAOЕ receives funds that are attributable to services performed by another City department, such funds shall be paid to the department providing those services where prescribed by the Code.

#### **(1) Non-Refundable Application Fee**

A Filming Permit Application must be accompanied by a non-refundable Application fee in the amount set forth below. A Filming Permit Application shall not be deemed complete until the Application Fee is received by the CAOЕ.

- (a) \$100.00, except for students
- (b) \$ 25.00 for students

#### **(2) Filming Permit Fee**

A Filming Permit authorizes all Filming for a particular Filming project during a calendar month, regardless of the number of Filming locations. A Filming Permit is valid through the last day of the calendar month and may be renewed for additional calendar months.

##### **(a) Standard Permit Fee**

The following fees apply when the completed Filming Permit Application is submitted to the CAOЕ more than three business days prior to the effective date of the Permit:

- (i) \$300.00 for original Filming Permit, except for students
- (ii) \$300.00 for each renewal Filming Permit, except for students
- (iii) \$150.00 for students, valid for length of Filming project. Monthly renewals not required.

##### **(b) Rush Permit Fee**

Where a completed Filming Permit Application is submitted to the CAOЕ three or fewer business days prior to the effective date of the Permit, the Producer must



pay the Standard Permit Fee plus the Rush Fee set forth below in this subsection. Additionally, where a Producer submits an Application more than three business days prior to the effective date of the Permit, the Producer voluntarily may pay the Standard Permit Fee plus the Rush Fee in order to have the Application processed within three or fewer business days.

- (i) \$300.00, except for students
- (ii) \$150.00 for students

(c) Material Changes to Filming Permit

(i) There is no charge for modifying a Filming Permit where the Director reasonably determines that the modification is not material. For purposes of this Article IV, "material" means that processing the requested change will require an expenditure of city staff time or services that is more than *de minimus*.

(ii) There is no charge for a material change to a Filming Permit where a completed Change Request is submitted to the CAOЕ more than three business days prior to the effective date of the Permit. Where a material change is requested after the Permit has taken effect, there will be no charge if the completed Change Request is submitted to the CAOЕ more than three business days prior to the implementation of the requested change.

(iii) Where a Change Request for a material change is submitted to the CAOЕ three or fewer business days prior to the effective date of the Permit or the implementation date of the change, as described in subsection 46-110(2)(c)(ii) above, the Producer must pay the Rush Change Fee set forth below in this subsection. Additionally, where a Producer submits a Change Request more than three business days prior to the implementation of the requested change, the Producer voluntarily may pay the Rush Fee in order to have the Change Request processed within three or fewer business days:

- (A) \$300.00, except for students
- (B) \$150.00 for students

(d) Cancellation Fee

(i) Except as set forth in subsections 46-110 (2)(d)(ii) and (2)(d)(iii) below, a Filming Permit Fee is non-refundable.

(ii) Where the Producer submits a Change Request to the CAOЕ and the change results in cancellation of a Filming Permit for a particular calendar month, the Producer may utilize the Filming Permit Fee for the cancelled month to purchase a new Filming Permit for the same project for a different calendar month. Regardless of whether a new Filming Permit Fee is owed, the CAOЕ shall determine whether a Rush Fee is applicable based upon the timing of the Change Request and the standards set forth in subsection 46-110 (2)(c) above.

(iii) A Filming Permit Fee is refundable if cancellation is required because of extraordinary circumstances for which the Producer is not responsible and which are not within the Producer's control. Inclement weather, except for



declared states of emergency, and common illness shall not be deemed extraordinary circumstances.

(3) On-Site Services Fee

An On-Site Services Fee is assessed for each Public Property location where Filming occurs, as authorized by the Filming Permit, for each day that Filming occurs at that site. Where a Producer Films at more than three locations in a day for the same Filming project, s/he shall be charged an On-Site Services Fee only for the first three locations.

(a) Standard On-Site Services Fee

The following On-Site Services Fee applies when the completed Filming Application or Change Request seeking authorization to Film at the site is submitted to the CAOЕ more than three business days prior to the day of Filming:

- (i) \$100.00 per location per day except for students, not to exceed \$300 per day
- (ii) No Charge for students

(b) Rush On-Site Service Fee

When a completed Filming Application or Change Request seeking authorization to Film at the site is submitted to the CAOЕ three or fewer business days prior to the requested day of Filming, the Producer must pay the Standard On-Site Services Fee plus the Rush Fee set forth below in this subsection. There is no daily maximum regarding this Rush Fee.

- (i) \$300.00, except for students
- (ii) \$150.00 for students

(c) Cancellation Fee

- (i) Except as set forth in subsections 46-110 (3)(c)(ii) and (3)(c)(iii) below, an On-Site Services Fee is non-refundable.
- (ii) Where the Producer submits a Change Request to the CAOЕ that results in cancellation of requested On-Site Services for a particular day, the Producer may utilize the On-Site Services Fee for the cancelled day to pay for On-Site Services for the same project for a day that is within three calendar days of the cancelled day. If the Change Request is submitted three or fewer business days prior to the Filming day requested in the original Application or the Filming day requested in the Change Request, whichever is earlier, a Rush On-Site Service Fee shall be owed.
- (iii) An On-Site Services Fee is refundable if cancellation is required because of extraordinary circumstances for which the Producer is not responsible and which are not within the Producer's control. Inclement weather, except for declared states of emergency, and common illness shall not be deemed extraordinary circumstances.



(4) Scholarship Program

The CAO E may establish a Scholarship Program that encourages development of local talent in the Filming industry. If and when established, this Program will be operated by the CAO E. The CAO E is authorized to award scholarships that waive some or all of the Filming and On-Site Services Fees associated with a Filming project, contingent upon the following:

- (a) The Producer is not a student;
- (b) The Producer has not previously performed a Filming project for commercial release;
- (c) The Producer resides within the corporate limits of the City of Atlanta;
- (d) The Filming is performed entirely in the corporate limits of the City of Atlanta;
- (e) The Filming project budget is less than two hundred thousand dollars (\$200,000);
- (f) The end product of the Filming is not animation;
- (g) The end product of the Filming is not a music video; and
- (h) At least 50% of the total Filming project crew are members of an Atlanta union.

(5) Traffic Control Plans

(a) Entertainment Industry Work performed at certain locations will require a Traffic Control Plan. The CAO E is authorized but not required to offer the service of preparing traffic control plans associated with Entertainment Industry Work. The cost of having the CAO E prepare a Traffic Control Plan is as follows:

(i) For non-students:

- (A) Traffic Control Plan for lane and/or sidewalk closure(s) only: \$150.00
- (B) Traffic Control Plan for street closure(s) only: \$250.00
- (C) Traffic Control Plan for street closure(s) plus lane and/or sidewalk closure(s) (where the lane and/or sidewalk is not part of or abutting the street being closed): \$300.00

(ii) For students: Any type of Traffic Control Plan: \$25

(b) The CAO E's preparation of a Traffic Control Plan will include submitting the Plan to the Atlanta Police Department for review and to the Office of Transportation for approval, and editing the Plan as needed to meet the requirements of the two reviewing departments, all at no additional charge to the Producer.

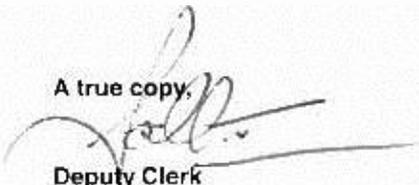
(c) The Producer is not required to have the CAO E prepare the Traffic Control Plan, and there will be no penalty against or differential treatment of any Producer who has the Plan created by a person or entity other than the CAO E.

(6) Street Closures Permits- Minimum Notice

A full street closure will not be permitted unless the Application or Change Request is submitted at least five business days prior to the closure. Rush Fees may not be utilized for full street closure requests."

**SECTION 4:** The fees collected by the City pursuant to Atlanta Code of Ordinances Section 46-110, set forth above in Section 3, shall be deposited into FDOA: 1001.100501.3473004.1515000.

A true copy,

  
Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

JUL 01, 2013  
JUL 03, 2013

RCS# 2878

7/01/13

4:10 PM

Atlanta City Council

13-O-0641

TO CREATE A COA OFFICE OF ENTERTAINMENT  
IN THE DEPARTMENT OF THE MAYOR.

ADOPT

YEAS: 11  
NAYS: 2  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	E Moore	Y Bond
Y Hall	Y Wan	Y Martin	B Watson
Y Young	N Shook	Y Bottoms	Y Willis
Y Winslow	N Adrean	Y Sheperd	NV Mitchell

13-O-0641