CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

BY FINANCE/ EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES BY: ADDING A SUBSECTION (10) TO SECTION 2-190 (b) TO CREATE A CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT IN THE OFFICE OF THE MAYOR; AND ADDING A NEW SECTION 2-200 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT; AND MODIFYING CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV ENTITLED "ENTERTAINMENT FILMING ORDINANCE"; AND ESTABLISHING A PROCESS FOR USE OF CITY PROPERTY, USE OF CITY INTELLECTUAL PROPERTY, FILM PERMITTING, AND THE COLLECTION OF FEES FROM SUCH USE AND PERMITS, THE ALLOCATION OF A FUND FOR MANAGEMENT BY THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT, AND THE ESTABLISHMENT OF A BOARD OF ADVISORS TO ADVISE THE MAYOR ON THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT, ON ACTIVITIES OF THE ENTERTAINMENT INDUSTRY AND FOR OTHER PURPOSES.

WHEREAS, the Georgia state legislature signed into law the Georgia Entertainment Investment Act ("GEIA") to increase the state tax credit to thirty percent (30%) for qualified production of motion picture projects, television series, commercials, music videos, video games, online promotions, and certain digital media projects and further bolster spending in the State of Georgia (the "State") and the City of Atlanta (the "City") by those various parts of the entertainment industry (the "Industry"); and

WHEREAS, in Fiscal Year 2011, the State has estimated the fiscal impact of the Industry at more than Two Billion Four Hundred Million Dollars ($2,400,000,000.00) (the "Economic Impact"), the majority of this Economic Impact positively effects the City; and

WHEREAS, the Industry has made a substantial contribution to the economic well-being of the City; yet, many policies and practices of City agencies make it more difficult for the Industry to undertake and complete projects without a centralized office to expedite cooperation; and

WHEREAS, the State has estimated that the Industry and the GEIA has resulted in the creation of more than thirty six thousand (36,000) full time equivalent jobs, many of which have been or will be created in the City; and

WHEREAS, many other major metropolitan cities generate significant revenue from licensing their intellectual property for money; and

WHEREAS, the financial impact of the Industry in the City is estimated to be many millions of dollars with the growth of high paying jobs and infrastructure to support the needs of the Industry, as well as, use of numerous restaurants and hotels, and the leasing of unused property and parking lots for support of the Industry's production activities in the City; and

WHEREAS, the Industry is currently thriving and growing in the State and in the City, thereby boosting the economy, employing thousands of Georgians in the Industry and its ancillary services, and fostering a creative cultural demographic within the State and specifically in the City; and

WHEREAS, the City openly welcomes film, television, music, and digital media through the State's attractive incentives and the urban environment and cityscapes of the City and wishes to further enhance the reputation of the City as a production friendly environment for the Industry; and

WHEREAS, the City is committed to meeting the needs of the Industry, while simultaneously sustaining the quality of life of its citizens in the neighborhoods and business districts impacted by the Industry; and

WHEREAS, the City continues to innovate the services available to the Industry to better attract the Industry to the City and the ease of production in the City and property allocation resources to support Industry activity, which includes use of City property, its intellectual property, fire and police, which results in income for the City; and

WHEREAS, it is important that the City have adequate notice of Industry production events so that it can determine the resources and services that should be provided by the City and/or the producer to better sustain the quality of life for its citizens and better protect its intellectual property and environment, such as security, solid waste disposal, traffic control, and notification of impacted neighborhoods; and

WHEREAS, it is in the best interest of the City to establish the CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT (the "AFTMDMD") in the Mayor's Office that is dedicated to meeting the needs of the Industry and the needs of the City's citizens and businesses, to better attract the Industry to operate in the City and improve the availability and streamline the process of obtaining the services available to the Industry, to market such services to further attract the Industry, to better protect the management of City property and rights, and fostering the long term growth of the Industry by allocating a special revenue fund to maintain operations; and

WHEREAS, the AFTMDMD will be responsible for the initiation and implementation of programs aimed at stimulating employment opportunities in the City by facilitating the promotion and production of film, television, music, and digital media.

WHEREAS, it is in the best interest of the City to establish a Board of Advisors, served by longstanding leaders in the Industry, to advise the Mayor and the City of Atlanta Film Commissioner (the "CAFC"), improve operations and procedures, advise the Mayor and CAFC on issues surrounding the Industry and how to resolve those issues to better meet the needs of the Industry while balancing the interests of the residents of the City, while overall increasing the growth of the Industry in the City.

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 Office of the Mayor, shall be amended by adding a number (10) that states "Office of Film, Television, Music and Digital Media Development". 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; and
- (10) Office of film, television, music and digital media development

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 Office of Film, Television, Music and Digital Media Development; Special Revenue Fund.

(a) The functions and duties of the Office of Film, Television, Music and Digital Media Development shall be to administer the Entertainment Filming Ordinance, as it may be amended from time to time. Duties of the office include responsibility for attracting, marketing and servicing film, television and digital media related business to the City of Atlanta for the purposes of creating job opportunities and economic development. The office will serve as a coordinator for commercial film, television and digital media development permits in the City of Atlanta. The office will be responsible for providing premier customer service and assistance to productions companies with all production needs.

(b) Revenues received shall be restricted for the following purposes when expended:

(i) marketing and outreach related to supporting the growth of and attracting the Industry to the City and related travel expenses; and

(ii) expenses related to participation in panels, conferences and the creation and distribution of marketing materials to disseminate to organizations and individuals within the Industry and at public functions; and

(iii) production and marketing of programming for broadcast content through the Public Access Channel, Educational Access Channel and Government access Channel related to attracting the Industry to the City; and

(iv) production and marketing of programming for broadcast content through the Public Access Channel, Educational Access Channel and Government access Channel related to public outreach explaining the operations of the office to the general public; and

(v) payment for individuals providing training and education related to industry practices for staff and to the general public for the purpose of increasing the employment opportunities for citizens.

(vi) Contributions to support non-profit entities related to Filming in the City of Atlanta.

(c) The fees to be charged by the Office of Film, Television, Music and Digital Media Development are set forth in Part II, Chapter 46, Article IV, Section 46-109 of the Atlanta Code of Ordinances.

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:

AFRD means the Atlanta Fire Rescue Department.

AFTMDMD means the CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT.

APD means the Atlanta Police Department.

Applicant means any individual, organization, corporation, or other entity applying for City approval to perform a Commercial Filming Activity.

Application means the new project account document prepared by the AFTMDMD that must be completed by an Applicant in order to obtain one or more permits to perform a Commercial Filming Activity. Submission of the complete Application does not guarantee that a Permit(s) will be issued.

Application Fee means the non-refundable fee paid in connection with the filing of the Application for a Permit.

Board means the Board of Advisors of the AFTMDMD.

Chair shall mean the Chair of the Board.

City means the City of Atlanta.

City Council means the City of Atlanta City Council.

City of Atlanta Film Commissioner or *CAFC* means the City employee that is the head of the AFTMDMD.

Code means the Atlanta, Georgia Code of Ordinances.

Commercial Filming Activity means Filming, as defined herein, and all other activities required for the preparation or production of motion pictures, television, music and digital media for cinematographic purposes outside of a studio or film laboratory, and includes the production of commercials and music videos but does not include such activities when applied to documenting current affairs, producing newscasts, or home movies.

Department of Purview means the department that recommends to the AFTMDMD to allow a Filming based upon its operational responsibilities.

DPRCA means the Department of Parks, Recreation, and Cultural Affairs.

DPW means the Department of Public Works.

DWM means the Department of Watershed Management.

Element means an activity that is a part of a Commercial Filming Activity that requires a Permit pursuant to this Article.

Entertainment Events means special events associated with movie premiers and other similar events held in respect to films, television commercials and radio remotes.

Equipment shall include, but is not limited to, television, photographic, film or video cameras or transmitting television equipment, including radio remotes, props, sets, lights, electric and grip equipment, dolly tracks, screens, or microphone devices, and any and all production related materials. Equipment shall not include Hand-held Devices, defined herein, and vehicles that are used solely to transport a person or persons while engaged in the activity of filming or photography from within such vehicle, operated in compliance with relevant traffic laws and rules.

Filming means Scouting, Rigging, the taking of motion pictures, the taking of still photography or the use and operation of television cameras or transmitting television equipment, including radio remotes and any preparatory activity associated therewith, within the limits of the City and/or on property owned by the City and/or on property for which the City is a lessee, and includes, but is not limited to, the making of feature or documentary films, television serials, webcasts, simulcasts or specials, so called "b-roll" on Public Property or using one of the Elements listed in Sec. 46-103.

Film Monitor or Film Attendant means a City employee (full or part time), working in an off-duty capacity with the Producer regarding non-public-safety issues for Commercial Filming Activities that require services beyond the normal scope of duties of a City employee or that involves the Elements listed in Sec. 46-103(2) (a), (b), or (c) and Sec. 46-103(3) (a), (b), (c), (e), (f), (g), or (i), throughout the time that a Permit is in effect.

Film School means any educational institution public or private which provides coursework or instruction under which a student is allowed or required to undertake activities that would otherwise be classified as Commercial Filming Activities.

Handheld Devices means film, still or television cameras, video cameras or other equipment, which are held in the photographer's or filmmaker's hand and carried at all times with the photographer or filmmaker during the course of filming, or tripods used to support film, still, television cameras or video cameras. Handheld Devices do not include cables or any other item or equipment not carried by the photographer or filmmaker at all times during the course of photography, filming, or transmission.

Holder means an Organization that has obtained a Permit for a Filming.

Individual means a person acting on behalf of himself/herself, and not on behalf of an organization, corporation or any other entity.

Low Budget Productions means pre-production and/or post production of film, video or digital media projects that are recorded in the City and are intended for multimarket commercial distribution outside of the State who are eligible for discounted application coordination fees if they include a credit in the end credits which states "Filmed in the City of Atlanta" the size and placement of this credit shall be at the discretion of the Producer but shall not be less favorable than any other geographical credit in the end titles, if any.

Mayor means the Mayor of the City of Atlanta, Georgia.

OEAM means the Office of Enterprise Assets Management.

OOB means the Office of Buildings.

Optional Permit means a Permit that is not a Required Permit because the Production Activities do not include Commercial Filming Activities and are not those set forth under Sec. 46-101(1).

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

Permit shall mean a permit validly issued by the AFTMDMD that authorizes a Commercial Filming Activity and/or Elements contained therein. As used in this Article, "Permit" shall mean a "Required Permit", unless specific designation is otherwise made for an "Optional Permit" or "Premier Permit".

Photography shall mean the taking of moving or still images.

Premier Permit means a Permit issued by the AFTMDMD in connection with certain indoor Entertainment Events held in the City which may have an outdoor "red carpet" component which affects Public Property. These include special events associated with movie premiers and other similar events held in respect to films, television commercials, radio productions and radio remotes.

Producer means the organization that is ultimately responsible for the Filming project.

Production Activity or Production Activities means all activities associated with motion pictures, television, music, and digital media, including Scouting and Rigging.

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.

Required Permit means a Permit that rises to the specifications and restrictions requiring a Required Permit under Sec. 46-101(1).

Rigging/de-rigging shall mean the loading in or loading out, loading or unloading, of any shooting or production related equipment, including, but not limited to accessories related to production, sets, electric and grip equipment, at any location, time and date where a Commercial Film Activity is occurring.

Scouting shall mean the act of viewing, assessing and photographing locations for filming or photography during pre-production or production for, including, but limited to, still photography, feature films, television series, mini-series or specials.

Temporary Structure shall mean a building or structure that is created solely as a part of the set or used as an accessory structure for Commercial Filming Activities.

Sec. 46-101 Permits for Commercial Filming Activities

(1) Commercial Filming Activities conducted on Public Property must obtain a Permit from the AFTMDMD where the Commercial Filming Activities include one or more of the following:

(a) One or more Elements listed in Sec. 46-103 that occurs on Public Property;
(b) Use of intellectual property owned by the City;
(c) Scouting and Rigging;
(d) Photography; and
(e) Production Activities.

(2) Obtaining such Permit does not obviate the need to comply with other applicable laws, rules or case law also governing such activity, unless mentioned herein.

(3) A Permit which allows the use of advertising or other commercial speech to be erected on Public Property for any length of time is solely for the purpose of allowing the use of Commercial Filming Activities and is not intended to allow the Public Property currently Permitted for such use or other Public Property to be used for the dissemination of any commercial message which may be otherwise displayed as an incidental part of the Commercial Filming Activities.

(4) The AFTMDMD shall have the authority to issue a Permit which confirms that activities being undertaken in connection with Commercial Filming Activities taking place on Public Property and/or involving the use of any City owned or maintained facilities or equipment and/or the use of intellectual property owned by the City have been approved and that the AFTMDMD has reviewed the application concerning such activities with a Department of Purview and obtained the required approvals.

(5) The CAFC is authorized as a part of approving a Permit to assist the Department of Purview with the determination of the costs which the Department of Purview may have to bear in connection with a Commercial Filming Activity and/or an Element included therein.

(6) The issuance of a Permit does not guarantee that reasonable public health, safety and welfare concerns will not cause the City to require that the terms of the Permit be changed without notice. While it is the intent of the City to honor each Permit, the issuance of such Permit shall not vest a property right in the Holder for the use of Public Property. The issuance of a Permit shall not convey any property interest to the Holder other than a limited license for Filming trademarks and other intellectual property owned by the City.

(7) A stop work order may be issued by the APD, AFRD or the Department of Purview when activities not listed in the Permit are being undertaken.

(8) Where a Permit has been validly obtained, such Permit shall prevent the stoppage of activities listed on the Permit until the Permit's expiration (unless the Permit requires work stoppage during certain times) unless public health and safety are in jeopardy or under any other provision herein.

(9) Where the APD, AFRD or the Department of Purview has issued a stop work order to cause a Commercial Filming Activity to cease, the agency issuing such order shall also notify the CAFC and be available for consultation with the AFTMDMD within two (2) hours of the issuance.

(10) Notwithstanding any other part of this Code, the sole penalty for the failure to obtain a Permit for Commercial Filming Activities shall be the issuance of a stop work order. Violation of the stop work order in a manner which violates any other part of the Code may be prosecuted in the same manner as any other commercial activity which would be guilty of a similar offense. In the event that the violation of some other part of the Code shall occur, no section of this Article shall be included as a separate offense.

(11) Persons who are engaged in Commercial Filming Activities and are not otherwise required to obtain a Permit may request and be issued an Optional Permit pursuant to the procedures set forth in Section 46-104 below.

Sec. 46-102 Permits not required for news gathering, for public expression of opinion, or for personal photography or filming and recording.

(1) The City recognizes the importance of free speech and the right to assemble and as such provides an explicit exemption from the requirement that any Permit be obtained to undertake any of the following activities:

(a) Filming, recording or photographing any rally, protest or demonstration whether permitted or unpermitted except when the same is staged as a part of Commercial Filming Activities and is intended solely to convey a message which is related to such commercial use.

(b) Filming an Outdoor Event that is authorized by a City-issued Outdoor Event Permit, as defined in Part II, Chapter 142 of the Code, unless the same is staged as a part of Commercial Filming Activities and is intended solely to convey a message which is related to such commercial use.

(c) Any activity that would be authorized in connection with uses permitted under press passes issued pursuant to Part II, Chapter 98, Article II (Department of Police), Division 1 (Generally), Sec. 98-48 (Issuance and revocation of press or media identification cards).

(d) Filming, recording or photographing being undertaken by private citizens for personal non-commercial purposes.

(e) Standing on a street, walkway of a bridge, sidewalk, or other pedestrian passageway while using a Handheld Device and not asserting exclusive use by any means.

(f) Any filming, recording or photographing occurring in a fully enclosed building or entirely on private property as a part of a use permitted by Part III, Part 16 (Zoning) of the Code. If the use of Public Property or personal property for which a Permit would otherwise be required is involved in the Commercial Filming Activities and the Commercial Filming Activities are occurring on Public Property or private property, then the Commercial Filming Activities must be listed on a validly issued Permit.

Sec. 46-103 Filming Elements.

(1) Each Applicant shall indicate on his/her Application which of the Elements below will be included in the Filming.

(2) The AFTMDMD shall make the final decision on approval of an Application with advice and counsel from the applicable Department of Purview where the Application includes one or more of the following activities:

(a) Uses aerial shoots from Public Property.

(b) Requires night time filming with the use of outdoor lighting in residential areas or Public Property.

(c) Uses Public Property including buildings owned by the City, except for properties or facilities under the purview of the DWM.

(d) Includes constructed set pieces or Temporary Structures that require approval under Sec. 46-110.

(e) Requires an exemption from the Atlanta Noise Ordinance pursuant to Part II, Chapter 74 (Environment), Article IV (Noise Control) of the Code.

(f) Uses intellectual property owned by the City.

(g) Uses Public Property as a platform for Filming, recording or photographing involved with Commercial Filming.

(h) Any other Production Activities not listed in this Sec. 46-103.

(3) With respect to the following Elements, the final decision on approval of an Application shall be made by the Department of Purview with the advice and counsel of AFTMDMD:

(a) Requires closure of a street, lane and/or sidewalk.

(b) Uses pyrotechnics or other explosives.

(c) Uses smoke effects, water effects, or flame effects on Public Property.

(d) Uses public display of real or artificial fire arms, grenades, or other weapons that would cause the public to fear violence.

(e) Contains vehicle chases and/or vehicle crashes on Public Property.

(f) Includes stunts that involve or are located on Public Property and that have a reasonable likelihood to cause personal injury.

(g) Uses large or any other equipment on Public Property that has a reasonable likelihood of causing damage to Public Property.

(h) Includes Filming in a City park.

(i) Uses wild animals controlled under Federal, State, or County law.

(j) Includes Filming on a property or facility owned or maintained by the DWM or its successor department or office.

(4) The AFTMDMD and the Department of Purview shall compile and maintain rules applicable to the use of Public Property for Commercial Filming Activities, including the Elements contained therein. Where an Application includes a request that is not covered by the operational rules already compiled or otherwise governed by this Code, the AFTMDMD shall work with a Department of Purview to develop criteria to be applied to the request and shall attach such criteria to the application. The development of criteria shall not be considered to be approval of the Application.

Sec. 46-104 Processing of Permit Applications.

A submission of an Application to the AFTMDMD shall be made on a form prescribed by the AFTMDMD to obtain a Required Permit and Optional Permit and such Application shall conform to the standards, rules, definitions, and processes provided herein.

(1) The Application shall include, but not be limited to, the following:

(a) Filming project name; and

(b) The name of the Producer; and

(c) A postal address (but not a post office box), an email address, a telephone number and a facsimile number and any other contact information for purposes of receiving notifications from the AFTMDMD; and

(d) A valid photo identification of the Applicant or, if the Applicant is not an Individual acting on behalf of himself/herself, a valid photo identification of the Individual authorized by the Applicant to act on its behalf; and

(e) The dates and times of Scouting, Rigging or shooting and location of Filming, and any special circumstances including, but not limited to, information regarding whether the activity involves special parking requests, traffic control issues, special effects, and/or any of the Elements listed in Sec. 46-103; and

(f) Film School students shall provide a letter from the student's school confirming insurance coverage, and the student's current enrollment; and

(g) The Applicant shall provide a letter from the Applicant's producing/financing entity verifying the project by name and identifying the Producer who is acting on behalf of the Applicant; and

(h) The Applicant shall provide official documents from the applicable state of incorporation evidencing incorporation of the entity which is the Applicant, if applicable; and

(i) Any Application Fee pursuant to Sec. 46-109; and

(j) A copy of a current City business tax certificate pursuant to Part II, Chapter 30 (Businesses), Article III (Occupation Tax) of the Code; and

(k) Information concerning any insurance as required by Sec. 46-108, including a copy of the declaration page for such insurance; and

(l) Other information the AFTMDMD may reasonably request as part of its data collection and any information required by City, County, State or Federal Law.

(2) All Applications will be processed on a "first come, first served" basis.

(3) Upon request by an Applicant for a Permit, the AFTMDMD will place a pre-approval reserve on the location(s) identified in the Application. The Applicant can request such pre-approval reserve no more than sixty (60) days in advance of the Filming, but only upon a need demonstrated in writing by the Applicant. The CAFC may grant a greater period of time.

(4) If two (2) or more Applicants request the same date and the same location, the Application received first shall be first eligible for approval; provided however, the CAFC shall make reasonable efforts to accommodate both requests.

(5) Following receipt of an Application, the AFTMDMD will make one or more of the following determinations:

(a) issuance of the Permit with or without conditions; or

(b) written notification that more information is needed before the AFTMDMD can make a determination as to a particular Application; or

(c) written notification that the particular Application has been denied and a statement of the reason or reasons pursuant to Sec. 46-104(6) for such denial.

(6) The AFTMDMD may deny an Application if any one or more of the following issues exists:

(a) the activities for which the Permit is requested pose an unreasonable risk of personal injury or property damage to participants, onlookers, or the general public, including, but not limited to, a complete City street closure without any adequate ingress or egress for police or emergency vehicles or adequate plan to address an emergency situation; and/or

(b) conditions exist that pose an unreasonable danger of threat of damage to Public Property where the damage cannot be quickly and fully remediated; and/or

(b) the location sought is not suitable because the proposed use cannot reasonably be accommodated in the proposed location; and/or

(c) the date and time requested for a particular location is not available because (i) a Permit has previously been issued for such date and time, or (ii) the Permit request is the subject of a new Application, as provided in Sec. 46-104(3), or (iii) another City agency has issued a permit for such date and time; and/or

(d) the Applicant previously caused significant damage to Public Property and, at the time of submitting a new Application, failed to adequately repair the damage or failed to pay for restoration services in full; and/or

(e) the request was denied by a Department of Purview pursuant to Sec. 46-103(3) ; and/or

(f) use of the location or the proposed activity at the location would otherwise violate any law, ordinance, statute or regulation regardless of whether the illegal activity is part of the message or content of the Filming. Simulation of illegal activity, without actually performing the illegal activity, shall not be an issue for denial; and/or

(g) use of the location would unreasonably interfere with the operation of City functions.

(7) If the Permit has been denied pursuant to Sec. 46-104(6) (a), (b), (c), (e) or (g) (with respect to the location) of this Section, the AFTMDMD shall employ reasonable efforts to offer the Applicant suitable alternative locations and/or times and/or dates for the proposed Filming.

(8) If the Permit has been denied pursuant to Sec. 46-104(6) (d) or (f), the AFTMDMD may consider whether special conditions may be placed or whether additional steps can be taken to address its concern about previous non-compliance by the Applicant.

(9) The denial of an Application shall be in writing, and shall contain an explanation for the denial, and information about the right to appeal such denial, unless the Applicant, in its Application, authorizes the AFTMDMD to issue an oral determination in connection with the filing of the Application. Where an Applicant waives a written determination, the AFTMDMD may provide Applicant with an oral determination immediately upon finalizing its decision, but the AFTMDMD shall provide a written determination to Applicant pursuant to the requirements of Sec. 46-104(6) within three (3) business days of providing the oral decision and Applicant's time for an appeal shall commence on the date of receipt of this written response.

(10) In no event shall the AFTMDMD's consideration of the grant or denial of an Application include consideration of race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, gender identity, or the message or content of the product of the Filming.

Sec. 46-105 Appeal of Denial, Suspension, Modification or Cancellation of an Application

(1) After an Application is denied, pursuant to Sec. 46-104, the Applicant may appeal a written determination by written request with any supporting documentation filed with the Mayor or accepted by a designee who may reverse, affirm, or modify the original determination and provide a written explanation of his or her finding. The Mayor may delegate his or her authority to decide such appeals to the Chief Operating Officer.

(2) If an Application is denied more than thirty (30) days prior to the proposed Filming, the Applicant shall have ten (10) days from the date that such denial is rendered to appeal such denial. The Mayor shall render a decision on such appeal within ten (10) days of receipt of such appeal.

(3) If an Application is denied more than ten (10) days and less than thirty (30) days prior to the proposed Filming, the Applicant shall have five (5) days from the date such denial is rendered to appeal such denial. The Mayor shall render a decision on such appeal within five (5) days of receipt of such appeal.

(4) If an Application is denied ten (10) days or less prior to the proposed Filming, the Applicant shall have one (1) day from the date such denial is rendered to appeal such denial. The Mayor shall render a decision on such appeal as soon as is reasonably practicable.

(5) The written determination of the Mayor shall be the final decision of the City in the matter, and shall be subject to review by the Superior Court of Fulton County by a petition for certiorari pursuant to OCGA Sec. 5-4-1 *et seq.*

Sec. 46-106 Responsibilities of Holders of Required and Optional Permits.

(1) All Holders are subject to the rules of the AFTMDMD, the specific terms and conditions of the Permit, and all applicable city, state, and federal laws or rules. Nothing herein is intended to authorize activities that are illegal under any applicable city, state, or federal law or rule.

(2) All Holders shall have the Permit in their possession on location at the time and site of the Filming, as well as any other Permits required by the AFTMDMD or any other governmental agency, and shall make such Permit available for inspection at the request of an employee of the AFTMDMD, APD, or other government agency.

(3) All Holders shall confine their activities to the locations and times specified in the Permit. The AFTMDMD may establish specific guidelines or conditions to address conditions that exist at certain designated locations and the use of vehicles and equipment at locations based on, among other considerations, safety, the time of day, weather conditions, season, location, and day of the week.

(4) A Required Permit and an Optional Permit are not transferable.

(5) All Holders are responsible for cleaning and restoring the location after the Filming. The cost of any City employee time incurred because of a Holder's failure to clean and/or restore the location following the Filming will be borne by the Holder.

(6) Should there be any injuries, accidents, other health incidents or damage to private or City property at a Permitted Filming, the Holder shall notify the AFTMDMD immediately.

(7) Parking shall be regulated and conform to the standards defined in Part II, Chapter 150 (Traffic and Vehicles), Article IV (Stopping, Standing, and Parking) of the Code.

(8) No dolly track or other Equipment may be laid across a street or block a fire lane without prior approval of the AFTMDMD.

(9) If determined by the AFTMDMD to be appropriate, the Holder shall submit a mitigation plan for minimizing the potential inconvenience to residents and/or businesses caused by the Filming.

(10) There shall be no sit-down catered meals permitted on public streets or sidewalks. Any catering or food services for Filming shall be conducted on properly Permitted property.

(11) The AFTMDMD shall issue a location Rules of Conduct that addresses the importance of considerate behavior on the set of all Filming activities. A copy of the Rules of Conduct shall be given to the Holder of the Required Permit and Optional Permit. The Holder and Producer is responsible for signing the Rules of Conduct and providing a copy of the Rules of Conduct to the cast and crew of each Filming. Holders shall be required to encourage participants in the Filming to act in accordance with such Rules of Conduct.

(12) All Holders shall be responsible for obtaining any licenses to copy, publish or make any other use of an artist's or author's intellectual property which is on Public Property, but is not owned by the City.

(13) Holders shall not display any trademark owned by the City in a manner that implies the delegation of authority of the government of the City, the City Council or the Mayor, to the Holder or implies endorsement of the Holder or Holder's Production Activities.

(14) Holders are required to include the City in the credits of any Filming on Public Property and are requested to include the City in the credits of any Filming on private property.

Sec. 46-107 Modifications to or Suspension of Required or Optional Permit.

(1) If a Holder seeks to modify the Permit, it shall submit an addendum to its original Application, which will be governed by the same timetable as provided in Sec. 46-104(5).

(2) If the AFTMDMD determines that modifications should be made to the terms or conditions of the Permit, or that a Permit should be revoked because of the manner in which the Commercial Film Activity is being conducted, the CAFC may do so, based upon the same reasons for which a denial could be given. A Permit Holder shall be given notice and opportunity to meet with the CAFC prior to revocation or modification provided however that such opportunity shall not prevent stopping of any activity that endangers the public health, safety or welfare.

(3) If the AFTMDMD revokes the Permit prior to the date of the Filming, the Holder may appeal the revocation, subject to the time limitations set forth in Sec. 46-105.

(4) During the course of the Filming, the AFTMDMD or the APD may suspend any Permit where public health or safety risks are found or where exigent circumstances warrant such action. Where a suspension lasting longer than six (6) hours occurs, Holders shall be given notice and an opportunity to be heard on an expedited basis within twenty-four (24) hours or within ten (10) days after the suspension if no exigent circumstances exist and such appeal shall be otherwise governed by Sec. 46-105.

Sec. 46-108 Indemnification and Insurance.

(1) By accepting a Permit, a Holder agrees to protect all persons and property from damage, loss or injury arising from any of the operations performed by or on behalf of the Holder, to indemnify and hold harmless the City, to the fullest extent permitted by law, from all claims, losses and expenses, including attorneys' fees, that may result therefrom.

(2) Every Holder of a Required Permit shall maintain, during the entire course of its operations, liability insurance with a limit of at least Five Million U.S. Dollars ($5,000,000.00 US) per occurrence. Such insurance shall include a policy endorsement naming the City as an additional insured. The Applicant shall provide proof of such insurance prior to the issuance of the Permit in the form of an original certificate of insurance to which a copy of the required endorsement is

attached. For currently enrolled Film Students, proof of insurance though their school and the student's current attendance shall satisfy this requirement under Sec. 46-108(2).

(3) If the AFTMDMD determines, in light of the activity for which a Permit is sought, that such activity may increase the potential for injury to individuals an/or damage to property, and that minimum limit of insurance should be higher than Five Million U.S. Dollars ($5,000,000.00 US) per occurrence, the AFTMDMD, after consultation with the City's Risk Manager, shall determine what higher minimum limit is to be required and inform the Applicant of such higher limit. Factors to be considered by the AFTMDMD may include, but shall not be limited to, the number of people involved, the location of the activity, the nature of the activity, and the risk of injury or damage to property and/or person. The Applicant shall thereafter provide proof of such insurance in accordance with Sec. 46-108 (2).

(4) The AFTMDMD, after consultation with the City's Risk Manager, shall have the authority to waive the insurance required by Sec. 46-108(2) where the Applicant is able to demonstrate that such insurance cannot be obtained without imposing an unreasonable hardship on the Applicant. Any request for a waiver of the insurance required by Sec. 46-108(2) shall be included by the Applicant in the Application submitted for the Filming. The burden of demonstrating unreasonable hardship shall be on the Applicant, and may be demonstrated by a showing, for example, that the cost of obtaining insurance for the Permitted activity exceeds twenty-five percent (25%) of the Applicant's budget for such activity that is the subject of the Application. The AFTMDMD shall take into consideration the Applicant's projections of the budget as well as the budget projections for comparable productions of similar size and duration in determining whether the cost of obtaining insurance exceeds twenty-five percent (25%) of the budget. The AFTMDMD may also take into consideration its determination that the Permitted activity may increase the potential for injury to individuals and/or damage to property. In the event that the AFTMDMD denies a waiver of the insurance requirement, the Applicant may thereafter respond to the denial and appeal such denial pursuant to the provisions of Sec. 46-105.

Sec. 46-109 Fee Schedule

(1) The AFTMDMD shall collect all applicable fees arising pursuant to this Article. These fees are set forth below in this Section 46-109, and in other sections of the Atlanta Code of Ordinances pertaining to the cost of services or goods provided by other City departments. Where the CAFC receives funds that are attributable to services performed by another City department, such funds shall be paid to the department providing services. Where the determination of the cost for the use of Public Property or City personal property is not otherwise already determined herein or in the Code, the CAFC shall consult with the Department of Purview and shall develop the fee to be imposed.

(a) Administrative Fees

Item	**Fee**	**Description**
New Applicant Account Coordination - Filming	$450	One location.

Application Coordination – Filming	$300	Fee for each additional day of Filming.
Application Coordination – Still Photography	$75	Fee applies for up to 15 cast and crew members. If there are more than 15 cast and crew members, then the fee will increase to the Filming Application Coordination fee.
Discount Application Coordination	$200	Discounted per day fee when 10 coordination requests are submitted at one time.
Rush Coordination Fee	$300	Less than 24 hours account coordination request.
Change Fee	$100	
Deposit Cancellation Fee	$300	Where a Holder cancels less than 48 hours prior to scheduled start time of the Commercial Filming Activity.

(b) Fees Associated with New Account Coordination wherein the total budget for the Commercial Filming Activity is less than $450,000 in the City**.

Item	**Fee**	**Description**
New Applicant Account Coordination	$315	
Application Coordination	$210	Each additional day.
Discount Application Coordination	$140	Discounted per day fee when 10 coordination requests are submitted at one time.

(c) The following fees may be utilized for up to 10 locations and 14 days of Filiming for Film Students and Non-Profit Corporations:

Item	**Fee**	**Description**
New Application Account Coordination – Non-Profit Organization	$50	
New Application Account Coordination – Film Student	$100	Film Students and street lane, sidewalk closures, community or city notifications needed.
New Application Account Coordination – Film Student	$50	Film Students and no requests for street lane, sidewalk closures, notifications needed.

(d) Miscellaneous Fees

Item	**Fee**	**Description**
Scouting Coordination	$250	For up to 5 locations.

Filming Notification Fee	$155 / per location	Within a 500 foot radius.
Still Photography Notification Fee	$105/ per location	Within a 300 foot radius.
Delivery Fee	$60/ per 30 miles	As measured from the AFTMDMD office.
Film Attendant	$30/ per hour for first eight (8) hours (minimum 2 hours, weekday); time and a half up to 12 hours, double time after 12 hours.	Film Attendants will be scheduled on an as needed basis. Use will vary based on filming request(s). Saturday, Sunday and Holidays are double time fees.
Film Monitor	$60/ per hour for first eight (8) hours (minimum 2 hours). Time and a half up to 12 hours, double time after 12 hours.	Film Monitors will be scheduled on an as needed basis. Use will vary based on filming request(s). Saturday, Sunday and Holidays are double time fees.
Guided Scouting Trips, Guided Site Tours, Pre-shoot meetings	$50/ per hour (2 hour minimum)	

**Low Budget Productions who receive the discount application coordination fee agree to include the City promotional logo in the qualified finished feature film, television series, music video or video game project at the beginning of the Film.

(e) Any Application that includes a request for closing, occupying, blocking or otherwise using sidewalks or streets for a Commercial Filming Activity shall pay to the City a per block closure permit fee as follows:

Type of Closure	**Fee**	**Description**
Lane closure	$95 per block per day per lane	Includes sidewalk closure if requested.
Local Street closure	$285 per block per day	
Collector Street closure	$380 per block per day	
Arterial Street closure	$570 per block per day	
Sidewalk closure	$95 per block per day per sidewalk	Applicable when there is sidewalk on both sides of the street and the request is to close only one side.
Sidewalk closure	$380 per block per day	Applicable when there is sidewalk on both sides of the street and the request is to close both sides.
Parking meters	$17 per day per meter	

(f) Fees for Commercial Filming Activities on property under the purview of the DWM are as follows:

Day Type	**FEE**	**Description**
Scouting	No Cost	Recon trips no more than 3 hours. Recon trips shall not require more than 5 staff members. Executed form Indemnity Agreement and form Individual Waivers required.
Prep	$500 per day	
Hold	$500 per day	
Filming	Variable fee. $1000 per day outside of quarry pit or $1500 per day within quarry pit or within 10 feet of rim of quarry pit (regardless of crew size)	
Minimum Fee (Except Scouting)	$10,000 per 33 day period.	

Labor Costs

City Pay Grade	**Fee**	**Description**
City pay grade 23 and below	$40 per hour.	Office support staff or field staff including but not limited to "Inspector", "Field Engineer", "Administrative Assistant", etc.
City pay grade 24 through 30	$80 per hour	Mid-level office staff or senior field staff including but not limited to: "Project Manager", "Watershed Manager", "Engineer", etc.
City pay grade 31 and above	$120 per hour	Senior office staff including but not limited to "Attorney", "Assistant City Attorney", "Director", "Senior Manager", etc.

(g) Fees for a Premier Permit are as follows:

Type of Event	Fee	Description
Extra Large Event	$24,000.00	
Large Event	$14,000.00	
Medium Event	$5,000.00	
Small Event	$2,750.00	
Extra Small Event	$450.00	

Sec. 46-110 Temporary Structures

(1) Temporary Structures as defined in this Article may be built on Public Property to the standards required by the Code and inspected by the OOB or as allowed by O.C.G.A.§ 8-2-26(g)(1) but no permit application shall be required prior to commencing construction.

(2) Any Temporary Structure shall be removed within five (5) days of the completion of Filming under the Permit or within one hundred eighty (180) days from the Effective Date of the Permit being issued, whichever is greater.

(3) No Temporary Structure shall be constructed in a manner that unreasonably interferes with the property rights of adjacent private property owners.

Sec. 46-111 Board of Advisors

The purpose of the Board of the AFTMDMD shall be to establish a meaningful dialogue between the Mayor's Office and the Industry in the City and abroad, and to facilitate and coordinate the functions of the organizations serving the Industry; to work in concert with the Mayor's Office and the City Council, government agencies, nonprofit organizations and private industries to generate and promote new trade and cultural opportunities for private and public businesses, academic institutions and individuals based in the City that are relevant to the Industry; to encourage the implementation of economic trade and development initiatives between private and public businesses, academic institutions and individuals based in the City that are relevant to the Industry; to work to increase the City's visibility in the international arena with regard to the Industry; to increase and support international economic development initiatives within the Industry resulting in new investment, job growth, and economic impacts in the City.

(1) The Board shall consist of the Mayor or her/his designee; and

(2) one member of the Board shall be appointed as the Chair; and

(3) the Mayor may elect the members to the Board at her/his own discretion or may delegate such authority to the Chair; and

(4) each member appointed to the Board shall be an individual who has displayed an interest or an ability in one of the various fields of the arts or humanities and/or has been active in the furtherance of the arts or humanities in the City and/or is a part of the Industry within the City; and

(5) members shall be appointed to ensure that they are representative of all the various geographic areas and neighborhoods within the City; and

(6) the Mayor shall have the sole authority to remove members without cause and may delegate such authority from time to time to the Chair; and

(7) the sole authority of the Board is limited to the advisement on Industry issues in the City and abroad as defined in this Sec. 46-111 and shall in no way represent any authority to vote on or enact nor reject any laws; and

(8) the Board shall establish its own bylaws and provide a written report each year to the Mayor; and

(9) the CAFC may allocate funds from the AFTMDMD budget for the activities and programs of the Board; and

(10) members of the Board shall serve without compensation, but shall be entitled to receive, in accordance with applicable City regulations, reimbursement for expenses incurred while actually performing duties vested in the Board.

Sec. 46-112 Marketing and Outreach

(1) The AFTMDMD shall be the public representative for the City to the Industry; and

(2) the AFTMDMD shall conduct any and all marketing related to attracting the Industry to the City by attending and hosting functions and events related to the Industry, including, but not limited to, film festivals within the United States and abroad, Industry panels, and conferences; and

(3) the AFTMDMD shall create and distribute marketing materials to disseminate to organizations within the Industry and at public functions, including, but not limited to the events as described in Sec. 46-112(2) herein.

Sec. 46-113 Television Broadcast

(1) The AFTMDMD shall be authorized to broadcast content through the Public Access Channel, Educational Access Channel, and Government Access Channel as defined under Part II, Chapter 34 (Cable Communications Regulations), Section 34-2 (Definitions) of the Code.

Sec. 46-114 Amendment of Part II, Chapter 150 (Traffic and Vehicles), Article VIII (Miscellaneous Rules) Section 150-293(b) of the Code

(1) An Application can include a request for Filming on arterial streets during peak traffic hours as defined in Sec. 150-293(b), which shall be reviewed and approved by the DPW.

(2) All such requests for Filming on arterial street during peak traffic hours will be subject to reasonable conditions necessary for the safety of the participants, citizens and community and will be evaluated upon a showing by the Applicant of the following conditions:

(a) Adequate alternate routes are available; and

(b) Adequate access is assured for adjacent businesses and residential areas.

Sec. 46-115 Film Monitors and Film Attendants.

(1) Film Monitors' and Film Attendants' responsibilities include observing activities of the Holder and those working with the Producer on site to facilitate and ensure compliance with the terms and conditions of the Permit. Film Monitors and Film Attendants will also assist the Producer with attaining City services contemplated by the Permit.

(2) Each Film Monitor and Film Attendant is supervised by the CAFC, unless the Film Monitor's or Film Attendant's role is to oversee the interests of a particular City Department, in which case the Film Monitor or Film Attendant shall be supervised by the Commissioner of said Department or her/his designee with the advice and counsel of the CAFC.

(3) The CAFC shall determine the number of Film Monitors and/or Film Attendants that are required for each event issued a Permit pursuant to this Article. This calculation shall include requests by any Department of Purview for oversight of an Element included in the Permit. The number and type of Film Monitors and Film Attendants shall be based upon objective criteria prepared in writing by the CAFC and available to the public upon request.

(4) As a condition of receiving a Permit, CAFC shall require the Holder to pay for the required quantity and type of Film Monitors and Film Attendants. The applicable fees are set forth in Sec. 46-109 above. Where a Film Monitor's or Film Attendant's purpose is to oversee one or more Element(s), the Producer shall select the Film Monitor or Film Attendant from a list of employees qualified for such work. Said list will be prepared and routinely updated by the CAFC and/or the Commissioner of the applicable Department of Purview or her/his designee (which shall not include the APD and AFRD).

(5) All employees acting as Film Monitors and Film Attendants must comply with the City's outside employment policy, as set forth in Part II, Chapter 114 (Personnel), Article IV (Civil Service), Division 15 (Outside Employment), Sec. 114-436 (Definitions and conditions) and 114-437 (Procedure) of the Code. In addition, selected employees must complete all training required by the CAFC before serving as a Film Monitor or Film Attendant.

(6) For public safety issues, where the Chief of the APD or AFRD requires police coverage and/or fire rescue coverage at an event Permitted pursuant to this Article, said Chief or her/his designee shall determine the amount and type of needed coverage and shall require the Producer to hire off duty law enforcement officers, off duty fire marshals or fire inspectors, and/or off duty emergency medical services as a condition of receiving and retaining the Permit. These public safety personnel shall not be Film Monitors or Film Attendants.

(7) Where a Permit authorizes activity in a City park, the provisions of City Code of Ordinances Part II, Chapter 110 (Parks and Recreation), Article I (In General), Sec. 110-3(m) (Park filming fees) shall apply in addition to the other provisions in this Article.

Sec. 46-116 Premier Permit

(1) The AFTMDMD may issue a Premier Permit in connection with certain Entertainment Events held in the City.

(2) Premier Permits for the events defined in this Section may be issued at the discretion of the CAFC and, as indicated herein, may be issued to Individuals and Organizations.

(3) The process for the grant of a Premiere Permit is set out in Sec. 46-104

(4) Premier Permits shall be governed by the provisions set forth for Permits in this Article.

(5) Premier Permits shall be required for the following Entertainment Events:

(a) Extra large events where there is an anticipated attendance of five thousand (5,000) or more people and that have an extensive impact on the surrounding community and/or vehicular/pedestrian traffic, in that they include obstructions or structures such as any temporary platforms, bleachers, reviewing stands, outdoor bandstands or similar structures, or tents or canopies that require an OOB permit. This may involve, but is not limited to, significant coordination by a Department of Purview, including permits required by any other City agency; a large and/or complicated role by the OOB; full closure of streets, and/or sidewalks; and extensive coordination between the AFTMDMD, the APD, the AFRD, and any other applicable Department of Purview.

(b) Large events where there is an anticipated attendance of fewer than five thousand (5,000) people and that has an extensive impact on the surrounding community and/or vehicular/pedestrian traffic, in that they include obstructions or structures such as any temporary platforms, bleachers, reviewing stands, outdoor bandstands or similar structures, or tents or canopies that require a OOB permit. This may involve, but is not limited to, significant coordination by a Department of Purview, including permits required by any other City agency; full closure of streets, and/or sidewalks;

and coordination between the AFTMDMD and any other applicable Department of Purview.

(c) Medium events where there is an anticipated attendance of fewer than one thousand five hundred (1,500) people and that has an impact on vehicular and/or pedestrian traffic, and may include the presence of an obstruction such as a press riser, stage, table or other structure. Such events require coordination between the AFTMDMD and any other applicable Department of Purview.

(d) Small events where there is an anticipated attendance of fewer than one thousand (1,000) people and that occupies a period of time that does not exceed four (4) hours and has moderate impact on pedestrian and/or vehicular traffic. Such events require some degree of coordination between the AFTMDMD and any other applicable Department of Purview.

(c) Extra small events where there is an anticipated attendance of fewer than five hundred (500) people and occupies a period of time that does not exceed four (4) hours and has low to no impact on pedestrian and/or vehicular traffic. Such events require little or no coordination with the AFTMDMD and any other applicable Department of Purview.

(6) The fees required for a Premier Permit are set forth in Sec. 46-109 in this Article.

Legislative White Paper

Committee of Purview: Finance Executive Committee

Caption: AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES BY: ADDING A SUBSECTION (10) TO SECTION 2-190 (b) TO CREATE A CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT IN THE OFFICE OF THE MAYOR; AND ADDING A NEW SECTION 2-200 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT; AND MODIFYING CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV ENTITLED "ENTERTAINMENT FILMING ORDINANCE"; AND ESTABLISHING A PROCESS FOR USE OF CITY PROPERTY, USE OF CITY INTELLECTUAL PROPERTY, FILM PERMITTING, AND THE COLLECTION OF FEES FROM SUCH USE AND PERMITS, THE ALLOCATION OF A FUND FOR MANAGEMENT BY THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT, AND THE ESTABLISHMENT OF A BOARD OF ADVISORS TO ADVISE THE MAYOR ON THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT, ON ACTIVITIES OF THE ENTERTAINMENT INDUSTRY AND FOR OTHER PURPOSES.

Council Meeting Date: November 7, 2011

Legislation Title: An Ordinance

Requesting Dept.: Mayor's Office

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/
Proposals Received: N/A

Bidders/Proponents: N/A

Justification Statement: The Mayor's Office is dedicated to meeting the needs of the Industry and the needs of the City's citizens and businesses, to better attract the Industry to operate in the City and improve the availability and streamline the process of obtaining the services available to the Industry, to market such services to further attract the Industry, to better protect the management of City property and rights, and fostering the long term growth of the Industry by allocating a special revenue fund to maintain operations. The office will be responsible for the initiation and implementation of programs aimed at stimulating employment opportunities in the City by facilitating the promotion and production of film, television, music, and digital media.

Background: The state legislature signed into law the Georgia Entertainment Investment Act ("GEIA") to increase the state tax credit to thirty percent (30%) for qualified production of motion picture projects, television series, commercials, music videos, video games, online promotions, and certain digital media projects and further bolster spending in the State of Georgia. The estimated fiscal impact to the State as a result is 2.4 billion. The Industry has made a substantial contribution to the economic well-being of the City; yet, many policies and

practices of City agencies make it more difficult for the Industry to undertake and complete projects without a centralized office to expedite cooperation; sustain the quality of life for its citizens and better protect its intellectual property and environment, such as security, solid waste disposal, traffic control, and notification of impacted neighborhoods.

Fund Account Center: **To be determined**

Source of Funds: Sidewalk, lane, street closure requests, various coordination and administrative fees for services provided by the office to the industry, licenses provided for the use of City property for filming including buildings owned and leased by the City, intellectual property owned by the City, fleet, hardware, uniforms, general equipment owned by the City which may be requested for use by the Industry

Fiscal Impact:

Term of Contract: **N/A**

Method of Cost Recovery:
Approvals: blank
DOF:
DOL:

Prepared By: Stacie Johnson

Contact Number: 404-330-6395

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: CANDACE BYRD**

Dept.'s Legislative Liaison: Candace Byrd, ESQ

Contact Number: 404-330-6939

Originating Department: Mayor's Office

Committee(s) of Purview: Finance Executive Committee

Chief of Staff Deadline: September 23, 2011

Anticipated Committee Meeting Date(s): October 12, 2011

Anticipated Full Council Date: November 7, 2011

Legislative Counsel's Signature: Amber Robinson

Commissioner Signature: _____

Chief Information Officer Signature (*for IT Procurements*) _____

Chief Procurement Officer Signature: _____

CAPTION

Mayor's Staff Only

AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES BY: ADDING A SUBSECTION (10) TO SECTION 2-190 (b) TO CREATE A CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT IN THE OFFICE OF THE MAYOR; AND ADDING A NEW SECTION 2-200 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT; AND MODIFYING CHAPTER 46, ENTITLED CIVIC AND CULTURAL AFFAIRS, BY ADDING A NEW ARTICLE IV ENTITLED "ENTERTAINMENT FILMING ORDINANCE"; AND ESTABLISHING A PROCESS FOR USE OF CITY PROPERTY, USE OF CITY INTELLECTUAL PROPERTY, FILM PERMITTING, AND THE COLLECTION OF FEES FROM SUCH USE AND PERMITS, THE ALLOCATION OF A FUND FOR MANAGEMENT BY THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT, AND THE ESTABLISHMENT OF A BOARD OF ADVISORS TO ADVISE THE MAYOR ON THE CITY OF ATLANTA OFFICE OF FILM, TELEVISION, MUSIC AND DIGITAL MEDIA DEVELOPMENT, ON ACTIVITIES OF THE ENTERTAINMENT INDUSTRY AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

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

Received by Mayor's Office: 9.23.11 (date) **Reviewed by:** _____ (date)

Submitted to Council: _____