

**CHARTER TOWNSHIP OF WEST BLOOMFIELD**

**ORDINANCE NO. C-757**

**FILM ACTIVITY PERMIT ORDINANCE**

An Ordinance to require permits for film activities in the Township.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

**Section 1 of Ordinance**

The West Bloomfield Charter Township Code is hereby amended by adding a new Article V, Film Activities, to Chapter 6, Amusements and Entertainments, to read as follows:

**ARTICLE V. FILM ACTIVITIES**

**Sec. 6-201. Permit required.**

(a) No person shall use any public right-of-way, or any public or private property, facility or residence for "film activity", which for purposes of this article, means producing, recording or filming any motion picture, documentary, television, radio or other photographic, video and/or audio production or content, unless a permit for the activity is first obtained as provided in this article.

(b) The provisions of this article shall not apply to the following:

(1) Current news productions, which includes reporters, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events.

(2) Productions by township or school public, education or government access organizations, or by or at the direction of the township.

(3) Productions which are conducted within legally established commercial motion picture/television/radio/ photography studios.

(4) Private events filmed or photographed for noncommercial purposes, such as private parties or weddings.

**Sec. 6-202. Permit application.**

At least 15 township business days in advance, a person desiring to conduct a film activity in the township shall apply for a permit to the township community development department by furnishing all information required in this article. Failure to submit a timely application does not prevent the township from issuing a permit if all requirements are satisfied. The application shall be on a form provided by that department and will not be processed unless it is signed and accompanied by the required fee, insurance certificate(s) and hold harmless agreement required by this article.

**Sec. 6-203. Application contents.**

The permit application shall include the following information:

- (a) The names, mailing addresses, email addresses and phone numbers of the production company responsible for the film activity, the person making the application, and the location manager that will have on-site responsibility for the proposed film activity.
- (b) The addresses, legal descriptions and proof of ownership of all sites at which the proposed film activity is to be conducted. Where the applicant does not own the site, an affidavit from the owner(s) consenting to the proposed film activity shall be provided.
- (c) A statement of the kind, character and type of proposed film activity for each site and date, specifically including special effects such as gunfire, explosives, pyrotechnics, fire, aircraft and motor vehicle collisions or operations.
- (d) The dates and hours during which the proposed film activity is to be conducted.
- (e) A description of the number and positions of people, the number and types of vehicles, equipment and machinery, and the types of scenes and any special effects, that will be involved in the proposed film activity.
- (f) A description of proposed street closures and any emergency or public safety services being requested for the proposed film activity.
- (g) A description of the security, traffic, parking and crowd control, and other measures that will be provided for the proposed film activity.
- (h) A description of any intended alteration of land or construction or alteration, including demolition, of existing or new permanent or temporary buildings, structures or sets, and plans for obtaining required electrical and other utility services, sufficient for a determination to be made regarding required building, electrical, mechanical and other permits.
- (i) A description of all other governmental permits or approvals that have been applied for or obtained for the proposed film activity, with copies of the permits and applications.
- (j) A proposed notice for use in satisfying the requirements in section 6-208(b).

**Sec. 6-204. Application fees.**

Each application shall be accompanied by a nonrefundable application fee, and such other fees in connection with the review, processing, issuance and administration of the requested permit in amounts established by resolution of the Township Board.

**Sec. 6-205. Insurance.**

- (a) Each application shall be accompanied by insurance certificates confirming the existence of the coverage specified in this section for all dates of proposed film activity.

(b) Commercial general liability insurance of at least \$1,000,000.00 to protect the township as an added insured against claims of third persons for personal injury, wrongful death and property damage and to indemnify the township for damage to township property arising out of the film activity. The minimum insurance amount shall be increased to \$5,000,000.00 if motor vehicles, aircraft, helicopters, explosives or pyrotechnics will be used in the activity.

(c) Statutorily required automobile insurance for all motor vehicles to be used, and workers compensation insurance for all production company personnel to be involved, in the film activity.

**Sec. 6-206. Hold harmless agreement.**

An authorized official of the production company responsible for the film activity shall execute a hold harmless agreement that provides substantially as follows.

“The undersigned company being permitted to film in the Charter Township of West Bloomfield, agrees to defend, indemnify and hold harmless the Charter Township of West Bloomfield, its Board, and its agents, officials, and employees, from and against any and all claims, loss, liability, damages, costs, expenses, and legal fees incurred, including, but not limited to, any and all liability for damage to property and/or any and all liability for personal injury or death as a result of the activity, event, or use provided for which the Township issued a film activity permit, and/or as a result of participation in or attendance at the activity, event, or use allowed by that permit, caused by the negligent acts, errors or omissions of the company, its agents, subcontractors, or employees, or others, except to the extent such claim, loss, liability, damage, cost, or expense is solely caused by the negligence or willful misconduct of the township.”

**Sec. 6-207. Application review and investigation.**

Upon receipt of the completed permit application, the community development department shall forward copies to the police chief, fire chief, and other township departments and officials as deemed necessary based on the proposed film activity. Such officers, departments and officials shall review and investigate matters relevant to the application and provide their findings and recommendations in written form to the director of the community development department or his or her designee.

**Sec. 6-208. Permit approval standards and conditions.**

Reviews and recommendations on an application for a film activity permit under this article shall be to assure that the following standards, which will be conditions of every permit issued, are satisfied:

(a) *Security personnel.* A sufficient number of trained and qualified security personnel shall be provided at all locations and for all dates of the film activity, with this determination to be by the police chief or his/her designee.

(b) *Notification.* All residents, occupants and businesses adjoining or within the same subdivision or development of film activity locations, or whose ingress/egress may be affected, shall be notified in advance of filming in a manner approved by the planning division, with the notification to include the dates, times, location and nature of film activities, including information on planned special effects, road and lane closures, parking restrictions, and other disruptions to normal activities in the area.



(c) *Access.* Film activity and vehicles and equipment used may not block, obstruct or interfere with parking lot access drives, fire hydrants, or fire lanes, and must allow a minimum of twenty (20) feet of clearance between vehicles parked on either side of the road for emergency response vehicles to pass.

(d) *Base camps.* Base camps for persons involved in the film activity may not be located on a public street and only production vehicles necessary to actual filming may be parked on a public street. Crew parking, catering, and other vehicles and equipment shall be at a predetermined and lawful location.

(e) *Fire protection.* Adequate steps and measures as determined by the fire chief to ensure fire protection and compliance with applicable fire codes shall be provided.

(f) *Police protection.* Adequate steps and measures as determined by the police chief for traffic safety, crowd control and compliance with applicable police enforced laws and ordinances shall be provided.

(g) *Other permits and approvals.* All other required township and governmental permits have been or will be obtained and all conditions of and fees for such permits will be satisfied.

(h) *Other conditions.* Other conditions reasonably calculated to ensure compliance with the requirements of this article and to protect the health, safety, welfare and property of attendants or of citizens of the township, including limitations on the duration and locations of the film activities.

#### **Sec. 6-209. Required findings.**

In processing a permit application required by this article, the director of the community development department shall find that:

(a) Adequate advance notice of any street closure or right of way disruption shall be given, and a permit obtained in accordance with the provisions of Chapter 20, Article III, Division 2 of this Code.

(b) The conduct of such activity will not unduly interfere with normal governmental or township operations, threaten to result in damage or detriment to public or private property, or result in the township incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.

(c) The film activity will not constitute a fire hazard or any other type of hazard and all property safety precautions will be taken as determined by the police and fire chiefs and other applicable township department heads or their designees.

(d) All other governmental permits or approvals have been or will be obtained and complied with.

(e) If township owned or controlled property will be used, the film activity will not include obscene matter, an obscene performance, or require that individually identifiable records be created and maintained for every performer as provided in 18 USC 2557.

**Sec. 6-210. Permit decisions.**

(a) The decision of the community development department director to approve, conditionally approve, or deny a permit shall be final unless appealed in writing within five (5) township business days of the decision by filing with the township clerk, a written request for a hearing before the township board of trustees at its next regular meeting. If conditions are imposed as a prerequisite to the issuance of a permit or if a permit is denied, notice thereof shall be mailed to the applicant within five (5) days of such action. In the case of a permit denial, the reasons therefore shall be stated in the notice.

(b) A film activity permit required by this article, may be denied if:

(1) The applicant fails to comply with all requirements of this article or other applicable provision of state, local, or federal laws, rules, or regulations;

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

**Sec. 6-211. Permit contents, posting and transferability.**

A permit issued under this article shall specify the name and address of the production company, the name, title and contact information for the location manager, the dates, hours, duration, kind and location of the filming activity, the maximum number of attendants permissible, and shall be considered as including and requiring continuing compliance with all requirements and conditions in this article. It shall be posted in a conspicuous place at the location of each filming activity, and shall not be transferred to any other person or location.

**Sec. 6-212. Permit suspension or revocation.**

(a) The community development department director may revoke a film activity permit for a failure, neglect or refusal to fully comply with one or more requirements in this article, permit conditions, or other applicable laws.

(b) A permit and rights to conduct film activities under it shall be deemed automatically suspended if riotous, disorderly, obscene, or otherwise unlawful conduct occurs at a filming location or if an assembly exceeds 125 percent of the allowed attendance. In such instances the film activity location may be closed by the police department and the assembly dispersed.

**Sec. 6-213. Cost of additional township services.**

If deemed necessary by the community development department director, additional police, code enforcement, fire, and other township services shall be provided for the purpose of protecting, assisting, controlling and regulating the permitted film activity. The cost of providing such additional services shall be paid in advance to the township by the applicant.

**Sec. 6-214. Operations, clean-up and restoration.**

The production company shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of all areas used, and the cleanup of trash and

debris on a daily basis. Upon completion of film activity at a location, that location shall be immediately restored to the same or better condition than existed before the film activity, including the repair of all damaged or disrupted areas. If a site is not restored to the township's satisfaction, the township may have the necessary restoration performed and the production company shall immediately pay or reimburse the Township for such work upon receipt of the township's invoice for said work.

**Section 2 of Ordinance**

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**Section 3 of Ordinance**

Violation of a provision of Article V of Chapter 6 of the West Bloomfield Charter Township Code, as added by this Ordinance, is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500.00 as provided in Section 1-10 of the West Bloomfield Charter Township.

**Section 4 of Ordinance**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on November 14 2011.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

November 14, 2011

Date

By:

Catherine Shaughnessy  
Catherine Shaughnessy, Clerk

**CHARTER TOWNSHIP OF WEST BLOOMFIELD**

**RESOLUTION ESTABLISHING FILM ACTIVITY PERMIT FEES**

**RECITALS:**

The Film Activity Permit Ordinance, adopted as Ordinance No. C-257, added a new Article V to Chapter 6 of the Township Ordinance Code titled "Film Activities" and provides in Section 6-204 that, "Each application shall be accompanied by a nonrefundable application fee, and such other fees in connection with the review, processing, issuance and administration of the requested permit in amounts established by resolution of the Township Board.

The Community Development Department has recommended that the Township Board establish the fees contained in this Resolution as provided in Section 6-204 of the Township Ordinance Code.

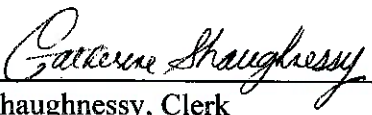
**IT IS THEREFORE RESOLVED** that the following fees are established in connection with Film Activity Permits under Article V of Chapter 6 of the Township Ordinance Code.

Nonrefundable Application Fee	\$100.00
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**CERTIFICATION**

I certify that this Resolution was adopted by the Charter Township of West Bloomfield Board of Trustees at a regular meeting on November 14, 2011.

November 14, 2011  
Date

  
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Catherine Shaughnessy, Clerk