

AN ORDINANCE

Repealing Chapter 53, Article VII, Section 53-208 “Motion Picture Event”; Amending the City Code of Ordinances Chapter 36, Parks, Recreation, Cultural and Leisure Time Activities by adding Article III, Procedures, Guidelines and Fees for Commercial Filming; Establishing the Corpus Christi Film Commission; Providing for severance; Providing for penalty; Providing for an effective date; and Providing for publication.

WHEREAS, the State of Texas, through the Texas Film Commission, provides incentives for qualified production of motion pictures, television series, commercials, music videos, interactive games and animation in the State; and

WHEREAS, the City of Corpus Christi benefits 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

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 in the best interest of the City to utilize the Corpus Christi Film Commission at the Corpus Christi Convention and Visitors Bureau, which will be dedicated to meeting the needs of the Entertainment Industry and coordinating for the related needs of Corpus Christi’s citizens and businesses; and

WHEREAS, the City of Corpus Christi desires to amend the City of Corpus Christi Code of Ordinances Chapter 36, Parks, Recreation, Cultural and Leisure Time Activities, to establish procedures, guidelines and fees for commercial filming, which involves City property, equipment or personnel;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That Chapter 53, Article VII, Section 53-208 Code of Ordinances is amended as follows:

Sec. 53-208. Reserved. ~~Motion picture event.~~

~~The city manager may authorize temporary closure of a street for producing a historical, cultural, documentary, promotional, or other similar motion picture, or for conducting a comparable event, which will promote the city. In addition to the application fee required for a parade, march and street event permit, before the permit is issued, the sponsor shall pay the same occupancy charges that would be required by section 53-195 for a contractor occupying public right-of-way during erection,~~

~~construction or repair of a building. If the city manager finds that producing the motion picture or conducting the event in the city will provide sufficient favorable publicity and economic benefits to justify waiver, the city manager may waive the payment of said occupancy charges and parade, march and street event permit cost and fees.~~

SECTION 2. That the Code of Ordinances of the City of Corpus Christi is amended by adding Chapter 36, Article III “Procedures, Guidelines and Fees for Commercial Filming” to read as follows:

“ARTICLE III. Procedures, Guidelines and Fees for Commercial Filming

Sec. 36-80. Definitions.

“Applicant” means the entity coordinating locations for the Production Company, who acts as the representative of the Production Company for the locations.

“City Manager” means the City Manager or his/her designee, the City’s Special Events Coordinator.

“Element” means an activity involving or item of City of Corpus Christi property to be used during the filming.

“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.

“Film Commission” means the Corpus Christi Film Commission Office at the Corpus Christi Convention and Visitors Bureau.

“Local Film Maker” means any film maker that resides in the following counties: Nueces, Kleberg, Jim Wells, San Patricio, Live Oak, Bee, Refugio, Goliad, Victoria and Aransas.

“Project” means the entire scope of work associated with the Filming Permit.

Sec. 36-81. Purpose and Scope.

The City Council recognizes there is a need to allow for commercial film-making activities in the City in a manner that protects the health, safety and welfare of the public by establishing guidelines and procedures pertinent to filming, which involves city property, equipment and personnel.

These procedures govern requests for commercial use of city property (streets, right-of-ways, parks, and public facilities), commercial use of private property which may affect adjacent public or private property, and the use of city equipment and personnel in the

filming of movies, TV shows, commercials, and related activities. To the extent that this Article is inconsistent with or conflicts with any provision of the Code of Ordinances, this Article supersedes any such provision (i.e., sections regarding use of city rights-of-way, temporary street closures, and any other provisions inconsistent with this Article).

This Article does not apply to the filming of a public access program, the filming of a public meeting (as "meeting" is defined by Chapter 551 of the Texas Government Code), or filming conducted by an educational institution.

Sec. 36-82. City and City Manager Authority.

The Applicant agrees that the City shall have full control over the use of the city streets, parks, facilities and property of the City while being used in the filming, as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming if determined to be detrimental to the public health, safety and welfare.

The Applicant agrees to allow the respective City Departments (i.e., Police, Fire, Development Services, Risk Management, Parks and Recreation) to inspect all structures and/or devices and equipment to be used in connection with the filming and taping if required by the City Manager.

Sec. 36-83. Corpus Christi Film Commission

The Corpus Christi Film Commission at the Corpus Christi Convention and Visitors Bureau is designated as the City's agent for the Filming Permit. The Film Commission will be the first point of contact for the Filming Industry and will administer the Filming Permit process in conjunction with the City Manager's designee.

Additionally, the Corpus Christi Film Commission shall be responsible for marketing Corpus Christi, in association with the Texas Film Commission, to the Entertainment Industry and maintaining a database of local resources for entertainment production.

Sec. 36-84. Permit Requirements.

(1) Prior to filming that requires the prescribed use of public property (city street, right-of-way, park facility, equipment or personnel), a Filming Permit must be obtained. No Filming Permit is required by the City unless the Entertainment Industry Work is performed on Public Property.

(2) Filming Permits shall be issued by the Film Commission. Permits shall be issued to the Applicant and will specify the filming that may occur at a particular location at a particular time.

(3) The Filming Permit Application will be evaluated by the Film Commission and City staff, and the elements requested will be considered for approval. The Filming Permit will

authorize the element(s) to be performed as part of the filming.

(4) In the event that permission to perform an element is denied by the City Manager or the Film Commission, the remainder of the Filming Permit can be granted for all other aspects of the Filming for which the requirements have been met.

(5) An Applicant that receives a Filming Permit is responsible for knowing and complying with all local, state and federal 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, and the signs and/or displays must be removed upon the expiration of the Filming Permit.

(7) Notwithstanding any other part of this code, any Applicant that performs filming without receiving a Filming Permit, violates the material terms of a Filming Permit, or is otherwise in violation of this Entertainment Filming Ordinance, shall be subject to penalties as provided in Section 1-6 of the Code of Ordinances.

(8) The issuance of a permit shall not grant the Applicant a constitutionally protected property interest. All applications for permits shall be in the form prescribed and shall contain the information and exhibits required by this Article. All applications for permits shall be signed by the Applicant or some representative of the Applicant having due and legal authority to enter into contracts binding upon the Applicant.

(9) When more than one application is received for filming at substantially the same place and time, and the Film Commission reasonably determines that both filmings cannot logistically and/or safely occur together, the earlier or earliest of the applications that is received by the Film Commission 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 Corpus Christi Film Commission may make reasonable efforts to consult with the other applicant(s) in an attempt to find alternative times and/or locations that are acceptable.

Sec. 36-85. Processing of Filming Permit Applications.

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

(a) Filming Project Name;

(b) Applicant Name, Contact Information including a valid phone number and email address, and Photo Identification;

(c) Producer (or Designee's) Name and Contact Information;

(d) Dates, Times and Locations of Preproduction, Filming and Wrap Activity;

(e) Description of Filming Activity at each Location; Supplemental script pages, Treatments or Storyboards may be required as part of this component

(f) Description of any elements that may be performed during the filming, including the dates, times and locations of each;

(g) Description of any aspects of the filming, other than the elements, that may require

City services:

- (h) Description of any assistance the Applicant may need from the Film Commission, and/or concerns the Applicant wants the Film Commission to be aware of;
- (i) Evidence of insurance as required in section 36-87 of this code;
- (j) Identification of adequate restroom facilities, waste disposal facilities and a sufficient supply of potable water to accommodate the participants during the filming activity;
- (k) Report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City so as to maintain traffic safety. On-street parking or use of public parking lots is subject to City approval. The use of exterior lighting, power generators, or any other noise or light-producing equipment requires on-site approval of the City Manager.

(2) Application Time - A Filming Permit Application must be submitted to the Film Commission within the time frames below:

- (i) Commercials or Episodic Television. A minimum of 3 business days before the filming, or any substantial activity related to the project, begins.
- (ii) Feature Films. A minimum of 5 business days before the filming, or any substantial activity related to the project, begins.

(3) Application Fee - All applications for Filming Permits shall be accompanied by a filing fee of twenty five dollars (\$25.00). The City Manager may waive this fee upon proof of an organization's non-profit status. The Application Fee is waived for Local Film Makers if they are registered filmmakers with the Film Commission. Other fees may apply (i.e. Public Right-of-Way Blockage Permit per section 53-195 of the Code of Ordinances).

Sec. 36-86. Use of City Property, Equipment and Services.

(1) Required Use of City Equipment and Personnel.

In completing the Filming Permit Application, the Applicant will indicate additional City Equipment or Services necessary for the public safety, health and welfare of the City. The Applicant is responsible for paying the costs incurred as a result of the production activity for use of any Police, Fire, Traffic Engineering or other City Personnel assigned to the Project (whether specifically requested by the production or not). The Film Commission will facilitate contracting for use of off-duty city personnel (police, fire or other city personnel) directly. Rates for the use of any of city equipment, including police vehicles and fire equipment, will be provided at the time of application. The City Manager may, at his/her discretion, require an advance deposit for the use of city equipment through the offices of the Film Commission. Permit Fees will be due before a Filming Permit is issued.

(2) Police and Fire.

The Chief of Police and/or Fire Chief shall have the authority to stipulate additional Police or Fire requirements and level of staffing at any time during the Project, if it is determined

to be in the best interest of public safety, health and welfare of the City. The cost of additional staff will be borne by the applicant.

(3) Traffic Engineering.

It shall be the duty of each Applicant to make provisions for the safe crossing of pedestrians and the orderly movement of vehicular traffic in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD). If a street closure or traffic control is required, the Applicant shall be responsible for paying occupancy charges required by section 53-195. Traffic control plans must be obtained from a Professional Engineer licensed in the State of Texas and submitted to the City for approval. A review fee of one hundred dollars (\$100.00) will be charged for the required review of traffic control plans submitted by an Applicant's consultant professional engineer. The Applicant is responsible for obtaining services for traffic control devices.

(2) Use of City Property.

The City Manager may authorize the use of any of city streets, rights-of-way, parks, facilities, the use of the City of Corpus Christi name, trademark or logo and/or the use of city equipment and/or personnel for commercial uses in the production of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions as specified on the Filming Permit Application be met as a prerequisite to that use.

(3) Fees for Use of City Property.

Depending upon the extent of the use of city property, the Applicant agrees to reimburse the Film Commission for costs incurred when using City property.

(4) Notification of Neighbors.

The Applicant shall provide a short written description of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood (as defined by boundaries set by the City Manager). The Applicant, or his or her designee, shall make a demonstrated effort to notify each owner, tenant and resident of all such property 24 hours prior to filming.

Sec. 36-87. Insurance Requirements, Save Harmless and Limitation of Liability.

(1) Insurance Requirements.

These insurance requirements follow the Texas Film Commission's insurance requirements. The producer shall furnish the City with a certificate of insurance, naming the City of Corpus Christi and the Corpus Christi Film Commission as an additional insured, in the amounts required by the City's Risk Manager, which includes an amount not less than

\$1,000,000.00 general liability, including bodily injury and property damage; automobile liability (if applicable) in an amount not less than \$500,000.00 including bodily injury and property damage; worker's compensation to include all participants utilized in connection with filming and related activities; and employer's liability. Any City employee who is considered by the City to be in an off-duty status and who sustains injury/illness will be covered by the Applicant's workers' compensation coverage. The City of Corpus Christi reserves the right to determine and modify insurance requirements on a case-by-case basis, taking into consideration other risk factors involved in the filming activities, including but not limited to, for example, involvement or use of alcoholic beverages, car pursuits, stunts, aircraft and/or pyrotechnics. Local film makers should contact the Corpus Christi Film Commission for information about insurance requirements.

(2) Save Harmless Agreement.

Applicant is required to provide a save harmless agreement in which applicant agrees to defend with counsel approved by City, pay and save harmless the City, its officers and employees from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the filming; excepting any claims arising solely out of the negligent acts of the City, its officers and employees.

The Applicant agrees to pay in full, within 30 days upon receipt of an invoice, the costs of repair for any and all damage to public or private property resulting from or in connection with the filming activities and film production, and to restore the property to its original, or better than original, condition prior to the production. Film Producer/Applicant will be responsible for any and all damage to equipment used regardless if owned, rented, leased or borrowed.

(3) Limitation of Liability.

This ordinance shall not be construed as imposing upon the City or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permits have been issued. The City and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit or the approval of any use of the right-of-way.

Sec. 36-88. Sanitation and Clean-up.

A Filming Permit may be issued only after adequate waste disposal facilities have been identified and obtained by applicant. Applicant may be required to utilize City signage addressing litter and recycling. Such signage must be returned to the City at the end of the event. Applicant will clean the right-of-way of rubbish and debris, returning it to its pre-activity condition, within 24 hours of the conclusion of the filming activity. If the applicant fails to clean up such refuse, such clean up shall be arranged by the City and the cost charged to applicant."

SECTION 3. That the Corpus Christi Convention and Visitors Bureau is declared to be the Corpus Christi Film Commission, effective immediately.

SECTION 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

SECTION 5. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 6. Penalties are as provided in Section 1-6 of the Code of Ordinances.

SECTION 7. This ordinance takes effect 30 days after official publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2015, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2015, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED, this the _____ day of _____, 2015.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor