

AN ORDINANCE OF THE City Of Cornelia, GEORGIA ADDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE City Of Cornelia CREATING A New Ordinance Entitles Motion Picture, Television, and Photographic Production; To Provide For Codification; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Purposes.

IN THE CITY OF CORNELIA, GEORGIA

Ordinance No. 07-12-01

WHEREAS, the duly elected governing authority of the City Of Cornelia, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect the public health, safety, and welfare of the citizens of the City Of Cornelia, Georgia; and

WHEREAS, the duly elected governing authority of the City of Cornelia, Georgia is the Mayor and City Commission therefore; and

WHEREAS, the governing authority desires to adopt certain regulatory provisions in regard motion picture, television, and photographic production in the City Of Cornelia, Georgia.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF CORNELIA, GEORGIA HEREBY ORDAINS:

Section 33 - 1: Motion picture, television, and photographic production ordinance.

A. Permit Required

1. No person shall use any public or private property, building, facility, or residence for producing, taking, or making any motion picture, television production, or photographic production without first applying for and receiving a City filming permit issued pursuant to the provisions of this article.

B. Exceptions

1. Regulations by this article shall not apply to:
  - a. Amateur photographers
  - b. Reporters or cameramen in the employ of a newspaper, news service, radio, or television broadcasting station engaged in on-the-spot broadcasting, reporting, or photographing of news of general public interest. The exception is not to include magazine or documentary programs.
  - c. Productions which are conducted by the City or any City board or commission.

C. Permit Administrator

1. The City Manager is hereby appointed as the permit administrator and shall issue permits as provided for in this article.

D. Application for permit

1. Any person desiring a permit under the provisions of this article shall make application on the approved form provided by the city. The form must be signed and accompanied by all required fees, deposits, hold harmless agreement and insurance certificates required by this article before any permit will be considered for approval.
2. Filming permit applications shall be submitted at least five (5) working days prior to the date on which such person desires to conduct an activity for which a permit is required.

E. Issuance of permits; conditions; appeals

1. The City Manager shall issue a permit as provided for in this article, when, from a consideration of the application and from such other information as may be otherwise obtained, he finds that:
  - a. The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Seventy-two (72) hours advance notice of any street closure request shall be provided.
  - b. The conduct of such activity will not unduly interfere with normal government or city operations, threaten to result in damage or detriment to public property, or result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.
  - c. At the determination of the City Manager that such activity will not constitute a fire hazard or any other type of hazard and all safety precautions will be taken as determined necessary by the City Manager.
2. The decision of the City Manager to issue, conditionally issue, or deny a permit shall be final unless appealed in writing within five (5) working days of the decision to the City Commission.
3. The City Commission shall render a decision to issue, conditionally issue, or uphold the denial of a permit at the next regularly scheduled meeting of the City Commission. The decision of the City Commission will be final.

F. Bond, issuance, hold harmless, and indemnification

1. As a condition of issuing such a permit, the applicant shall furnish a bond, insurance or both in the amount to be determined by the City Manager, but in no event an amount less than five hundred thousand dollars (\$500,000), to protect the city against claims of third persons for personal injury, wrongful death and property damage and to indemnify the city for damage to city property arising out of the permittee's activities.
2. A minimum of five million dollars (\$5,000,000) of such bond, general liability insurance coverage or both shall be required in the event aircraft, helicopters, pyrotechnics or automobile chase scenes are used in activity. Such insurance shall be evidenced by the standard general liability special endorsement from mandated by this article. The city shall be listed as additional insured and the applicant shall have primary coverage.
3. The applicant shall execute an indemnity and hold harmless agreement as provided by the city prior to the issuance of any permit that shall hold the city harmless against any claims, liability or judgments arising out of the permittee's activities.

G. Suspension or revocation of permit

1. The City Manager shall have the authority, after notice and an opportunity for a hearing, to suspend or revoke any permit issued hereunder where the terms and conditions of said permit have been violated or ignored, including the timely payment of all required fees and deposits, or suspend or revoke any permit where the public safety or welfare is endangered by the permitted activity. Provided, however, that whenever there is an imminent danger to the public health, safety or welfare from activities conducted by the permittee to the extent that immediate action is necessary to protect the public, the City Manager shall have the authority to suspend a permit pending a hearing.

H. Fees and costs of additional services

1. Each application shall be accompanied by the following non-refundable fees:
  - a. A processing fee in the amount of one hundred fifty dollars (\$150) will be submitted to the city at the time of application.
  - b. Upon approval of an application for a city filming permit, the City Manager shall provide the applicant with a statement of estimated cost of providing police, public works, and other city employees and services for public safety for the production. The cost of such services shall be paid to the city prior to the conducting of a production. The amount of such fees shall be based on the city's actual cost of providing the required number of police and other city employees

and services necessary to ensure the safety of both the participants of the production and the community.

- c. If the actual cost of public services for the production is less than the estimated cost pursuant to subsection (H)(1)b. of this section, the permittee shall promptly be refunded the difference by the city. If the actual cost for public services is more than the estimated cost pursuant to subsection (H)(1)b. of this section the difference shall become due and payable to the city immediately upon the permittee's receipt of a statement of actual costs by the city.
  - d. All fees may be waived by the City Manager for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly. Tax exempt and nonprofit organizations must qualify under Section 501(c)(3) of the United States Internal Revenue Code and proof of such status must be provided to the city in order for said fees to be waived by the city.
- I. Regulations and conditions
1. The applicant shall:
    - a. Maintain a copy of the production permit on-site at all times.
    - b. Comply with any and all conditions or restrictions the city may impose as a condition to issuing a permit. No changes to the conditions or restrictions shall be made without the written approval of the City Manager.
    - c. Have nonexclusive use of facilities and public right-of-way unless otherwise granted in writing.
    - d. Provide advanced notification of forty-eight (48) hours in a form approved by the City Manager to adjacent properties for any production.
    - e. Comply with the City of Cornelia Noise Ordinance.
  2. The City Manager may promulgate and enforce additional regulations as necessary and appropriate in the implementation and enforcement of this article.
- J. Filming on private property
1. An applicant is required to obtain the property owner's permission, consent, and/or lease for the use of property not owned or controlled by the city. Written permission of the property owner must be presented at the time of the permit application.
  2. An applicant is required to minimize interference with the normal activities of a neighborhood or commercial area, including access to private or public property.

K. Filming at City facilities or on the public right-of-way

1. In the event that the applicant desires to locate their production event at a facility owned or managed by the city or on the public right-of-way, the city shall charge a daily fee in an amount determined by the City Manager not to exceed one thousand dollars (\$1,000) per day. If an existing facility charge has been established by the city at a facility owned or managed by the city, that fee will be charged to the applicant.

L. Traffic Control

1. The city retains the right and the authority to regulate traffic and require vehicles to be moved or towed at the owner's expense in order to protect the health, safety, and welfare of the community.

M. Faithful performance bond; clean up and restoration

1. To ensure the clean-up and restoration of any site on public property or public right-of-way used by the permittee within the City limits, said permittee may be required to post a refundable faithful performance bond (amount to be determined by the City Manager) at the time the application is submitted. Upon completion of the production and upon the finding by the city that the site has been satisfactorily cleaned up and restored, the bond may be returned to the permittee.

Section 33 - 2: Production or filming for Adult Entertainment

- A. Any production or filming for the purposes of adult entertainment is subject to Chapter 4 of the Municipal Code of the City of Cornelia entitled "Adult Entertainment", and must meet the requirements of said ordinance prior to the issuance of any permit.

Section 33 - 3: This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

Section 33 - 4:

- A. It is hereby declared to be the intention of the City Commission that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are upon their enactment, believed by the City Commission to be fully valid, enforceable and constitutional.
- B. It is hereby declared to be the intention of the City Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this ordinance. It is further declared to be the intention of the City Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or

phrase of this ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this ordinance.

- C. In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Commission that such invalidity, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 33 - 5: Repeal of Conflicting Provisions

- A. Except as otherwise provided herein, all ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 33 - 6: Effective Date

- A. This Ordinance Shall Become Effective Upon its Adoption.

Posted: July 10, 2012

Adopted: August 7, 2012

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James C. Irby, Jr., Mayor  
City Of Cornelia, Georgia

(SEAL)

ATTEST:

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Janie Henderson, Secretary to the Commission  
City Of Cornelia, Georgia