

AUG 14 2023

SPECIAL

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AN ORDINANCE REQUESTING PERMISSION TO
 AMEND CHAPTER 128, FILMING, TO: INCREASE ALL
 PERMIT FEES, RESTRICT STREET CLOSURES DURING
 SCHOOL COMMENCEMENT AND DISMISSAL, ADD SPECIAL
 FILMING FEES FOR STUDENTS AND INCREASE FINES
 AND PENALTIES IN THE FOLLOWING SECTIONS:
 128-1B, 128-3, -128-4, A AND 128-8

WHEREAS, by letter dated August 2, 2023, City Clerk, Tanesia M. Walters has requested permission to amend chapter 128, Filming, to: increase all permit fees, restrict street closures during school commencement and dismissal, add special Filming fees for students and increase fines and penalties in the following sections: 128-1b, 128-3, -128-4, A and 128-8; NOW, THEREFORE,

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Section 1 of Chapter 128 of the Code of the City of Mount Vernon, entitled "Filming" is hereby amended as follows:

§ 128-1 **Permit required; application.**

A.

No person, persons, organization, corporation or group of any kind shall film a commercial, movie, documentary, television program or any other presentation upon the streets, sidewalks or any other property within the limits of the City of Mount Vernon without first obtaining a permit for such activity.

[Amended 9-14-2016, approved 9-16-2016]

B.

Any person, persons, organization, corporation or group desiring a permit for the aforesaid purpose shall make an application therefore on a form to be obtained from the office of the City Clerk. Said application shall contain the name and address of the applicant; the name and address of the organization, group or corporation, if applicable; the proposed location of the filming; and the date(s) and time the permit is intended to cover.

1: Application Process

1.1 Submission Timeline: All film production applications must be submitted no less than ten (10) business days prior to the first day of filming.

Section 2: Application Fees

2.1 Private Property Filming:

2.1.1 An application fee of one thousand dollars (\$1,000.00) shall be required for film productions shot on private property.

2.1.2 The application fee is subject to permit fees as outlined in subsequent sections.

2.2 Public Property Filming:

2.2.1 An application fee of two hundred fifty dollars (\$250.00) shall be required for film productions shot on public property.

2.2.2 The application fee is subject to permit fees as outlined in subsequent sections.

Section 3: Expedited Services

3.1 Expedited Application Services:

3.1.1 In cases where applications are submitted less than ten (10) days before the filming date, expedited services may be requested.

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3.1.2 The fee for expedited services shall be fifty percent (50%) of the total permit fee, as calculated including application and permit fees.

Section 4: Permit Fees

4.1 Calculation of Permit Fees:

4.1.1 The total permit fee shall be calculated by adding the application fee to the appropriate filming location fee (private property or public property).

4.1.2 For expedited services, the total permit fee shall include the expedited service fee in addition to the application and location fees.

Section 6: Severability

6.1 If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

This ordinance is enacted to ensure the orderly and efficient management of film productions within the city. It is intended to strike a balance between facilitating the film industry and preserving the interests of the city and its residents.

C.

The application fee shall be \$750. However, this fee will be waived for applicants filming on City property who are required to pay the daily permit fee.

[Added 9-14-2016, approved 9-16-2016]

§ 128-2 Insurance requirements.

[Amended 9-13-2000, approved 9-14-2000]

Every application for a filming permit shall include proof of a public liability insurance policy, to be approved by the Corporation Counsel, covering the City of Mount Vernon as an additional insured, in the amount of \$1,000,000 single limit, for the duration of the filming. The applicant shall also agree to assume all liability for and will indemnify and hold the City of Mount Vernon harmless of and free from any and all damage that occur to persons or property by reason of said filming.

§ 128-3 Approval; closing of streets.

A.

Event application for a filming permit must be approved by the Commissioner of Public Safety or his designee, as the Department of Public Safety shall be responsible for any street closing and/or temporary traffic regulations necessary during filming. Approval of said Commissioner shall be conditioned upon the applicant's agreeing to provide, at his or her own expense, any security officers the Commissioner or his designee deems necessary for the protection of the citizens or for the direction of traffic during said filming.

B.

No public street shall be closed as a public thoroughfare under the authority of this chapter for more than three hours on any given day.

C. Intermittent Closure Hours:

Intermittent street closures for non-emergency purposes shall be restricted between the hours of 7:30AM, and 3:00 PM and 4:00PM so that traffic is not disrupted during rush hours.

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Applicability: This provision applies to all types of street closures, whether for filming, construction, events, or any other purposes, that involve intermittent closures of streets.

Limited to weekdays: The restrictions outlined in this subsection shall only apply to weekdays, Monday through Friday.

Exceptions: The City, at its discretion, may grant exceptions to these restrictions in cases of emergency or critical utility work. Requests for exceptions must be submitted to the relevant City department or authority.

§ 128-4 **Filming on public property not under supervision of Commissioner of Recreation; fees.**

[Amended 9-13-2000, approved 9-14-2000]

A.

If said filming is to be done on any public street or sidewalk or on any other public property not under the supervision of the Commissioner of Recreation, the following requirements shall also be met:

(1)

Said application shall be approved by the Commissioner of Public Works.

(2)

Said application shall be accompanied by an administrative fee of \$2,000 per day for filming in the following zoned districts; CB Commercial Business District, DB Downtown Business District, NB Neighborhood Business District, and OF Office Business District; \$1,500 per day for all other zoning districts; and after the 7th day, fee shall be \$1,000 per day. For the purpose of determining the applicable administrative fee under this subsection, a day shall be deemed to begin. For film shoots that include multiple locations, a location fee of \$1,000 shall be charged for each additional location. [Amended 11-13-2013, approved 11-14-2013; 9-14-2016, approved 9-16-2016; 7-14-2017, approved 7-14-2017]

(a) Permit Requirements and Fees: Any filming activity on private property that necessitates the use of City Streets or sidewalks for loading, unloading filming equipment, or parking production vehicles shall require a permit fee. The following permit fees shall apply:

- i. \$4,000 per day for filming in business districts
- ii. \$3,000 per day for filming in non-business districts
- iii. \$2,500 per day for each additional filming location
- iv. \$1,000 per day for filming at an intersection

(b) Additional Categories and Fees:

- i. Student non-profit and not-for-profit organizations shall be subject to this chapter and its associated permit fees. The following fees shall apply:
 - Application fee for students: \$50
 - Permit fee for students: \$75
 - Application fee for other eligible organizations: \$100
 - Permit fee for other eligible organizations: 10% of their budget

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- ii. Eligible organizations, as described in subsection b. i., shall provide the City Clerk with financial statements for the prior fiscal year and current operating budgets. The permit fee for these organizations shall be calculated as 10% of their budget.
- iii. Hardship Fees: Applicants who demonstrate financial limitations may apply for hardship fees. Hardship applicants shall submit proof of their financial hardship along with their application. The City Council shall review and determine the appropriate fee on a case-by-case basis.

(3)

Subject to the discretion of the City Clerk, certain City-owned properties will require additional rental and permit fees to be determined by the City Clerk based upon the time, usage, and operations of such filming, within, near and about said City-owned properties.

(4)

Additional permit fees for public properties must be paid pursuant to Chapter **170** of the Code of the City of Mount Vernon.

B.

The Commissioner of Public Works shall be responsible for supervision of the area during the duration of the filming. Prior to the issuance of a permit herein, the applicant shall be required to make a deposit by cash, certified check or money order with the City Clerk in an amount to be determined by the Commissioner of Public Works. Said deposit shall be utilized by the City to reimburse the City for the costs it incurs in the cleaning and sanitation at and about the location of such filming. The Commissioner of Public Works shall certify to the City Clerk the total amount of the costs incurred by the City in the cleaning and sanitation at and about the location of such filming, which costs shall be deducted from such deposit and paid to the City. In the event such costs exceed said deposit, the applicant shall pay the difference to the City Clerk upon demand. In the event the deposit exceeds such costs, the City Clerk shall return the difference, without interest thereon, to the applicant. In the event the City incurs no costs for the cleaning and sanitation at and about the location of such filming, then in that event, the applicant's deposit, without interest thereon, shall be returned to the applicant by the City Clerk. The Commissioner of Public Works, in his sole discretion, shall determine the necessity and costs for said cleaning and sanitation services at and about the location of such filming.

§ 128-5 Filming on public property under supervision of Commissioner of Recreation; fees.

[Amended 9-13-2000, approved 9-14-2000]

A.

If said filming is to be done on any public property under the supervision of the Commissioner of Recreation, the following requirements shall also be met:

(1)

Said application shall be approved by the Commissioner of Recreation, after consultation and coordination with the City Clerk, who has lead responsibility in processing and administering all film permit requests on behalf of the City.

[Amended 5-14-2014, approved 5-15-2014]

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(2)

Said application shall be accompanied by an administrative fee of:

(a)

One thousand five hundred dollars per day for any one day, or a portion thereof, of filming and \$1,500 per day for each additional day or any portion thereof. For purposes of this section, "day" shall be defined as any period of time on any given date occurring between 12:01 a.m. and 12:00 midnight.

[Amended 5-14-2014, approved 5-15-2014]

(b)

Additional permit fees for public properties must be paid pursuant to Chapter 170 of the Code of the City of Mount Vernon.

(c)

If City-operated lighting is required, the applicant must pay an additional fee as determined by the Commissioner of Recreation based upon the time, usage and operation of such City-operated lighting.

(3)

If an applicant desires to extend the permit beyond the date(s) set out in the original application, he or she may do so by paying the additional administrative fee as calculated in Subsection A(2) above, provided that such request for the extension is made within 14 days of the last date set out in the permit or the last extension granted thereto, and further provided that the insurance policy, as required by § 128-2, is extended to cover the period of extension.

B.

The Commissioner of Recreation shall be responsible for supervision of the area for the duration of the filming.

§ 128-6 **Payment of fees.**

[Amended 9-13-2000, approved 9-14-2000]

Any administration fee collected under this chapter shall be paid either in cash, money order or certified check made payable to the City of Mount Vernon.

§ 128-7 **Issuance of permit; availability of copies.**

A.

Upon completion of the application procedure by the applicant, said application shall be countersigned by the Mayor and the City Clerk, and a permit shall issue.

B.

Said filming permit shall issue from and be signed by the City Clerk and shall set forth the name of the Filmer and the location, date and time for such filming.

C.

A copy of said permit shall be forwarded to the Fire Commissioner by the City Clerk.

D.

A copy of said permit shall be available for inspection by the Commissioner of Public Safety, Commissioner of Public Works or Commissioner of Recreation, or their designees, at the site of the filming and throughout the duration of said filming.

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§ 128-8 Cancellation or modification of permit.

[Amended 9-13-2000, approved 9-14-2000; 7-14-2017, approved 7-14-2017]

Should the applicant choose to cancel or modify any provision of his or her permit prior to use, notice of such intent must be given to the City Clerk by 9:30 a.m. [two] three (3) business days prior to the first day named on said permit; the City Clerk shall immediately notify all affected departments. Should this date fall on a holiday or a weekend, notice shall be given to the City Clerk by 9:30 a.m. of the next business day.

A.

Failure to so notify the City Clerk with regard to a cancellation will result in the forfeiture of \$250 of the administrative fee. Full refund shall be made to the applicant if proper notice is received.

B.

Failure to notify the City Clerk with regard to a modification will result in the imposition of an additional administrative fee of \$250. No charge shall be made to modify said permit as to time or place of filming if proper notice is received.

§ 128-9 Waiver of provisions.

A.

The provisions of this chapter pertaining to insurance and payment of fees shall not apply to any department of the City of Mount Vernon, to any group sponsored by the Board of Education of the Mount Vernon School District or to any concern filming by reason of a duly executed contract between itself and the City of Mount Vernon or any department thereof.

B.

Application for a waiver of these provisions may be made to the City Council, prior to filming, by any nonprofit organization desiring to obtain a permit under these provisions.

§ 128-10 Penalties for offenses.

[Amended 9-13-2000, approved 9-14-2000]

Any person, persons, organization, corporation or group not complying with any provision of this chapter shall be guilty of a violation punishable by a fine of not more than \$1,000 per day or imprisonment not to exceed 15 days, or both such fine and imprisonment.

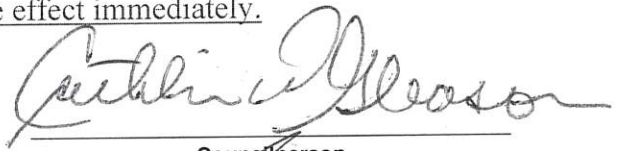
Section 6: This ordinance shall take effect immediately.

New Matter is underlined

Deleted Matter []

APPROVED AS TO FORM


Assistant Corporation Counsel


Councilperson

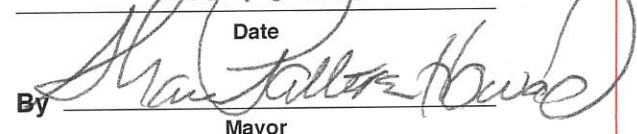
THIS ORDINANCE
ADOPTED BY CITY COUNCIL


President

ATTEST:


City Clerk

APPROVED
AUG 15 2023


Date
Mayor

APPROVED

Dept. _____

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Vote Taken As Follows: 8/14/2023 special
Copeland: Absent Gleason: Yea
Potat: Yea Thompson: Yea
Browne: Yea Ordinance Adopted