

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 14 of the Lincoln Municipal Code relating to
2 Public Property and Public Ways by adding a new Chapter 14.34 entitled “Film Permits” to create
3 an efficient process for issuing permits for filming operations within the City of Lincoln.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Title 14 of the Lincoln Municipal Code be amended by adding a new
6 section numbered 14.34.010 to read as follows:

7 **14.34.010 Purpose.**

8 The purpose of this ordinance is to regulate the temporary and exclusive use of public space
9 by persons desiring to conduct filming projects within the Lincoln city limits.

10 Section 2. That Title 14 of the Lincoln Municipal Code be amended by adding a new
11 section numbered 14.34.020 to read as follows:

12 **14.34.020 Definitions.**

13 Commercial filming shall mean the use of motion picture, videotaping, sound recording,
14 or other moving image or audio recording equipment on public space that involves the advertisement
15 of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props,
16 but not including activities associated with broadcasts for news programs.

17 Product for sale shall mean a film, videotape, television broadcast, or documentary.

18 Public space shall mean a street, sidewalk, or other outdoor public area, under the ownership
19 or control of the City, held open for use by the general public, including parks, as defined in Section
20 12.08.010 of this code, and skywalks as defined in Section 14.100.010 of this code.

21 Section 3. That Title 14 of the Lincoln Municipal Code be amended by adding a new
22 section numbered 14.34.030 to read as follows:

1 **14.34.030** **Permit Required.**

2 A permit is required for all commercial filming activities on public space.

3 Section 4. That Title 14 of the Lincoln Municipal Code be amended by adding a new
4 section numbered 14.34.040 to read as follows:

5 **14.34.040** **Application for Film Permit; Hold Harmless.**

6 Any person desiring to conduct a commercial filming project shall file an application with
7 the City Clerk, on a form furnished by the City, which application shall set forth the following:

8 (a) The name, address, and telephone number of the person responsible for the filming
9 project. If the project involves a sponsoring organization or corporation of any kind, the applicant
10 shall provide the name and address of the person within the sponsoring organization who will be
11 responsible for the filming project requested as well as the name, address, and telephone number of
12 the organization;

13 (b) The nature of the proposed filming project;

14 (c) The dates, hours, and locations requested;

15 (d) An agreement to save and keep the City free and harmless from any and all loss or
16 damages or claims for damages, including attorney's fees and litigation costs, arising from or out of
17 the filming project;

18 (e) An agreement to comply with all related municipal ordinances, rules, regulations, and
19 other applicable laws; and

20 (f) Such other pertinent information as may be requested.

21 Section 5. That Title 14 of the Lincoln Municipal Code be amended by adding a new
22 section numbered 14.34.050 to read as follows:

23 **14.34.050** **Permit Fee; Payment Required.**

24 The applicant for any filming permit shall, at the time of making application, pay to the City
25 a permit fee of \$45.00 for each permit, which filming permit fee shall be used to defray the costs

1 related to the issuance of such permit and which shall be in addition to such further and additional
2 fees as may be imposed pursuant to Section 14.34.080 of this chapter.

3 Section 6. That Title 14 of the Lincoln Municipal Code be amended by adding a new
4 section numbered 14.34.060 to read as follows:

5 **14.34.060 Application; Review; Requirements.**

6 (a) Upon receipt of an application, the City Clerk shall forward the same to the Mayor
7 for review. No filming permit shall be issued if the Mayor finds that the proposed filming project:

8 (1) May cause damage to the public space that either cannot be mitigated or has
9 not been bonded for;

10 (2) Would cause an unreasonable disruption of the public's use and enjoyment
11 of the public space beyond short-term interruption of use of the space;

12 (3) Poses health or safety risks to the public that cannot be mitigated;

13 (4) Conflicts with a prior permit or a prior application that is likely to be granted
14 for the same public space at the same time;

15 (5) Will involve such a number of persons or activities as will exceed the
16 reasonable capacity of the public space requested;

17 (6) Will interfere with the provision of proper fire and police protection to the
18 area adjacent to the public space requested;

19 (7) Will adversely affect adjacent or neighboring properties by causing excessive
20 noise or creating a nuisance;

21 (8) Will unreasonably interfere with the safe, orderly, and expeditious movement
22 of vehicular or pedestrian traffic;

23 (9) Will fail to comply in any respect with the provisions of this chapter or any
24 other applicable law.

1 (b) No permit shall be issued to any applicant that has unpaid or past due fees under this
2 chapter for any prior filming project.

3 (c) No permit shall be issued for any filming project to be held on any arterial street
4 between the hours of 7:00 a.m. and 9:00 a.m.; 11:30 a.m. to 1:00 p.m.; and 3:30 p.m. to 6:30 p.m.,
5 Monday through Friday, without provision being made for an adequate number of police officers
6 to provide for the safe, orderly, and expeditious movement of vehicular and pedestrian traffic.

7 (d) In determining whether an application should be approved, the Mayor may consider:

8 (1) Whether, in conducting any previous filming projects, the applicant has
9 conformed to all permit requirements and the provisions of this chapter;

10 (2) The financial and practical ability of the applicant to conduct the proposed
11 filming project in conformance with the provisions of the permit and this chapter.

12 Section 7. That Title 14 of the Lincoln Municipal Code be amended by adding a new
13 section numbered 14.34.070 to read as follows:

14 **14.34.070 Permit; Issuance.**

15 Upon consideration of the general requirements as set forth in Section 14.34.060, the Mayor
16 may issue a film permit and may, as part of such permit, include such conditions as the Mayor deems
17 necessary for the preservation of the public health, safety, and welfare and for the protection of the
18 public space to be utilized. As part of the permit, the Mayor shall also set forth the special fees, if
19 any, that the Mayor determines to be appropriate for the requested film permit in accordance with
20 the provisions of Section 14.34.080. No permit shall be issued until the certificate of insurance
21 required under this chapter has been filed with the City Clerk. A film permit shall not constitute
22 City endorsement or sponsorship of the film project and no permittee shall represent, advertise,
23 promote, or otherwise publish any claim whatsoever related to City endorsement or sponsorship of
24 the film project.

1 Section 8. That Title 14 of the Lincoln Municipal Code be amended by adding a new
2 section numbered 14.34.080 to read as follows:

3 **14.34.080 Associated Filming Fees.**

4 The Mayor, in approving an application for a film permit, shall determine the reasonable cost
5 of traffic control and in-kind services that the City will be required to provide for such permitted
6 film project, excluding those costs that the City would otherwise incur in the regular performance
7 of its public responsibilities. Such special film permit fees shall include, but shall not be limited to,
8 those costs which the City will reasonably incur as a result of such film project related to the
9 following:

- 10 (a) Fire safety requirements;
- 11 (b) Health and first aid requirements;
- 12 (c) Safety requirements for both participants and the public generally;
- 13 (d) Maintaining public order; and
- 14 (e) Traffic control and barricading.

15 The Mayor shall consider, where applicable, established fees for City-provided equipment
16 and services.

17 Section 9. That Title 14 of the Lincoln Municipal Code be amended by adding a new
18 section numbered 14.34.090 to read as follows:

19 **14.34.090 Associated Filming Fees; Payment**

20 (a) If special film fees are to be charged for a permit under this chapter, the permittee
21 shall prepay the fees not less than one day before the filming begins within the City of Lincoln. The
22 City shall provide the permittee with an itemized written statement of such fees at the time the
23 permit is issued.

24 (b) If the film project involves associated filming fees of \$500.00 or more, or if the
25 Lincoln filming is cancelled, the City shall provide to the permittee an itemized statement of actual

1 costs incurred by the City within thirty days after the end of the Lincoln filming, or after cancellation
2 thereof. If the actual costs exceed the amount prepaid, the permittee shall pay any difference within
3 thirty days after receipt of the itemized statement from the City. If the actual costs are less than the
4 amount prepaid, the City shall refund to the permittee any difference within thirty days after the
5 itemized statement is provided.

6 Section 10. That Title 14 of the Lincoln Municipal Code be amended by adding a
7 new section numbered 14.34.100 to read as follows:

8 **14.34.100 Insurance Requirements.**

9 The permittee shall maintain public liability insurance for the duration of the filming permit
10 in a suitable policy with a minimum combined single limit of \$1,000,000 aggregate for any one
11 occurrence, naming the City as an additional insured. The permittee shall file a certificate of
12 insurance with the City Clerk at the time of making application showing:

13 (a) A valid and effective policy or policies of insurance issued by an insurance company
14 authorized to do business in the State of Nebraska;

15 (b) The limits of each policy;

16 (c) The policy number;

17 (d) The name of the insurer;

18 (e) The effective date and expiration date of each policy;

19 (f) The deductibles or self-insurance retainers of each policy;

20 (g) That the City is named as an additional insured;

21 (h) That the City Clerk will be notified thirty days in advance of cancellation or material
22 change to the insurance for any reason.

23 The City Attorney shall review the insurance coverage and may reject insurance that does
24 not comply with this section. The permittee shall provide the declarations page or a copy of any of
25 its policies, complete with endorsements, upon the request of the City Attorney.

1 Section 11. That Title 14 of the Lincoln Municipal Code be amended by adding a
2 new section numbered 14.34.110 to read as follows:

3 **14.34.110 Permits; Revocation; Authority of Mayor.**

4 (a) The Mayor may revoke any permit issued under this chapter if the Mayor finds that
5 such filming project:

6 (1) Is being conducted in violation of any of the terms and conditions of the
7 permit, the provisions of this chapter, or any applicable law;

8 (2) Is substantially interfering with fire or police protection;

9 (3) Is causing physical damage to persons or property;

10 (4) Is causing a disturbance of the peace;

11 (5) Is causing a health hazard; or

12 (6) Is not being conducted in a manner consistent with the representations set
13 forth in the application therefor.

14 (b) The Mayor may also revoke any permit issued under this chapter if the Mayor finds
15 that the required insurance has lapsed or has been cancelled.

16 Section 12. That Title 14 of the Lincoln Municipal Code be amended by adding a
17 new section numbered 14.34.120 to read as follows:

18 **14.34.120 Denial or Revocation; Notice of Appeal.**

19 If the Mayor denies an application or revokes a film permit, the City Clerk shall notify the
20 applicant or permittee of such denial or revocation in writing, delivered in person or by mail, to the
21 applicant's address stated in the application. Such notice shall include the reasons for the denial or
22 revocation and shall advise the applicant or permittee that the decision may be appealed to the City
23 Council.

24 Section 13. That Title 14 of the Lincoln Municipal Code be amended by adding a
25 new section numbered 14.34.130 to read as follows:

1 **14.34.130 Interference with Film Project; Unlawful.**

2 It shall be unlawful for any person to knowingly or intentionally disrupt or physically
3 interfere with any film project for which a permit has been issued under this chapter.

4 Section 14. That Sections 1 through 13 of this ordinance shall be codified in the
5 Lincoln Municipal Code as Chapter 14.34 entitled Film Permits.

6 Section 15. That this ordinance shall take effect and be in force from and after
7 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
8 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

<p>Approved this ___ day of _____, 2012:</p> <p>_____</p> <p>Mayor</p>
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