

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2018-19

AN ORDINANCE ADDING ARTICLE 6.07 TO CITY CODE OF ORDINANCES ENACTING GUIDELINES FOR FILMING WITHIN THE CITY LIMITS; EMPOWERING THE CITY ADMINISTRATOR TO ISSUE FILM PERMITS PURSUANT TO THOSE GUIDELINES; PROVIDING FOR: ENACTMENT; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the Dripping Springs City Council (“Council”) aims to promote economic development in and around the City of Dripping Springs (“City”); and

WHEREAS, the natural scenic beauty of the area in and around the City offers a desirable location for filmmaking; and

WHEREAS, the Council believes that attracting filmmakers to the area will contribute to the City’s economic development goals; and

WHEREAS, and the Council seeks to prevent filmmaking activities from impeding traffic on public roads, creating fire hazards, or otherwise inconveniencing or infringing on the rights of City residents; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt an ordinance governing filmmaking within and around the City;

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Article 6.06 of the City of Dripping Springs Code of Ordinances is hereby established so to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this

Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

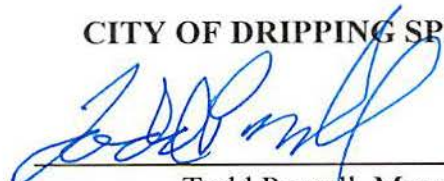
This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 21st day of August 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:

Andrea Cunningham
Andrea Cunningham, City Secretary



City of Dripping Springs

CODE OF ORDINANCES

CHAPTER 6: BUSINESS REGULATIONS

ARTICLE 6.06 FILM PERMIT GUIDELINES

Sec. 6.06.001 Purpose

- (a) The Guidelines contained in this article are intended to create a program for promoting economic development activity within the City of Dripping Springs and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights Dripping Springs residents and businesses, and to promote the public health, safety and welfare. The City Administrator reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Administrator.
- (b) These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

Sec. 6.06.002 City Authorizations

- (a) The City Administrator may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Administrator may require that any or all of the standards, requirements, and/or fees herein and as specified on the application be met as a prerequisite to that use.
- (b) The City of Dripping Springs shall have exclusive authority to grant film permit applicants the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate 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 in order to promote the public health, safety or welfare.
- (c) City departments shall be allowed to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City

Administrator.

Sec. 6.06.003 Permit Requirements

- (a) Before filing an application for filming in Dripping Springs, the City Administrator must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Dripping Springs.
- (b) Any film producer who desires to undertake a production in Dripping Springs is required to complete and return the application for filming to the City Administrator, within the time frames below:
- Commercials, episodic television, or short films: a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
 - Feature films: a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.
- (c) With the application, the Permit Applicant shall supply written permission from each property owner on whose property the applicant plans to film.

Sec. 6.06.004 Application Fee

- (a) An application processing fee of \$25.00 should accompany each application for filming in Dripping Springs.
- (b) The City Administrator may waive this fee upon proof of an organization's non-profit status.

Sec. 6.06.005 Use of City Equipment and Personnel

- (a) The Permit Applicant shall pay for all costs of any Public Works or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, will be established on a case-by-case basis as determined by the City Administrator. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Administrator may, at the administrator's discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.
- (b) The City Administrator, in consultation with the Emergency Services District or the Hays County Sheriff's Office, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.
- (c) The Permit Applicant may be required to hire off-duty police officers and firefighters to be paid by the production company at a rate no less than one and one-half times their hourly rate.

Sec. 6.06.006 Use of City Property

- (a) The City Administrator may authorize the use of any street, right-of-way, park or public building, and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Administrator may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Administrator.
- (b) The City Council may authorize the use of the City of Dripping Springs logo.
- (b) The Permit Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

<u>Activity</u>	<u>Cost per calendar day maximum of hours/day</u>
<u>Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area</u>	<u>\$500 per day</u>
<u>Partial, non-disruptive use of a public building, park, right-of-way, or public area</u>	<u>\$250 per day</u>
<u>Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking</u>	<u>\$50 per block, per day</u>
<u>Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking</u>	<u>\$25 per block, per day</u>
<u>Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)</u>	<u>\$50 per block or lot, per day</u>

- (c) The City of Dripping Springs, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City 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 activity in order to promote the public health, safety and/or welfare of the community.

Sec. 6.06.007 Vehicles and Equipment

- (a) The Permit Applicant shall provide a 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. The Permit Applicant shall seek approval for each location from the City Administrator. On-street parking or use of public parking lots is subject to City approval.

(b) The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Administrator.

Sec. 6.06.008 Hours of Filming

(a) Unless express written permission has been obtained from the City Administrator in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 p.m.

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 p.m.

Sec. 6.06.009 Notification of Neighbors

The Permit Applicant shall provide a short written description, approved by the City Administrator, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Administrator, the City Administrator may grant or deny the filming application.

Sec. 6.06.010 Certificate of Insurance

The Permit Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of Dripping Springs and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

Sec. 6.06.011 Damage to Public or Private Property

The Permit Applicant shall pay in full, within ten (10) days of 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 production, and restore the property to its original condition prior to the production, or to better than original condition.

Sec. 6.06.012 Hold Harmless Agreement

The Permit Applicant shall sign a Hold Harmless Agreement provided by the City prior to any filming.

San Marcos Publishing, LP
Wimberley View • Century News
P.O. Box 49, Wimberley, Texas 78676
(512) 847-2202

State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Dalton Sweat, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the General Manager, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 week on the following dates:

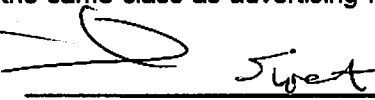
August 30, 2018

----- 2018

_____ 2018

_____ 2018

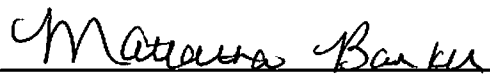
The said General Manager, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.



Signature of Affiant

Subscribed and Sworn to me, by the said General Manager Dalton Sweat this 29th day of August, 2018 to certify which witness my hand and seal of office.





NOTARY PUBLIC in and for Hays County, Texas

Ord 2018-2019

AN ORDINANCE AMENDING ARTICLE 6.07
TO CITY CODE OF ORDINANCES EN-
ACTING GUIDELINES FOR FILMING
WITHIN THE CITY LIMITS; EMPOWERING
THE CITY ADMINISTRATOR TO ISSUE
FILM PERMITS PURSUANT TO THOSE
GUIDELINES; PROVIDING FOR:
ENACTMENT; REPEALER; SEVERABIL-
ITY; AND PROPER NOTICE AND
MEETING.

ORDINANCE NO. 2018-19

The City Council of the City of Dripping
Springs passed and approved Ordina-
nce No. 2018-19 on August 22, 2018,
to be effective upon publication.