



Communications Office

The City of Morgantown

389 Spruce Street, Room 16
Morgantown, West Virginia 26505
(304) 284-7426 Fax: (304) 284-7430
ssullivan@cityofmorgantown.org

August 1, 2012

City Council Considers Motion Picture Photography Ordinance

The permitting process will help to regulate videography in public places.

MORGANTOWN – A potential new permitting process was introduced at the July 31 Committee of the Whole meeting that will ensure that filming will go smoothly for moviemakers in Morgantown

The Communications Office introduced the Motion Picture Photography Ordinance at Tuesday night's meeting. It includes a cover letter for filmmakers and a detailed application that outlines the scope, budget, and plans for the potential project.



Currently, there is not any kind of regulations as far as filming within City Limits. Those companies or film makers who approached the City of Morgantown in the past were led to fill out a Special Event permit. Many who wanted to make a video simply did so without asking about filming regulations, which occasionally has, in the past, led to image issues for the City. Now, there could be a permitting process that would help inform all City departments about film projects going on in town.

“This new Motion Picture Photography ordinance is exciting to bring to City Council,” said Public Communications Manager Susan Sullivan. “Not only is it the Communications Office’s first ordinance, but it really shows that Morgantown is ready to work with filmmakers on any scale – from student projects to big-budget Hollywood blockbusters.”

The application only applies to those who are filming on public property for non-personal use: any commercial filming, or filming done with the intent to share and/or distribute (including student projects) are encouraged to apply. The permit does not regulate personal use videos (like those taken on cell phones) or the news and sports media in any way. It is also not intended to regulate those video production companies who regularly shoot commercials for specific businesses.

Any party (business OR individual) interested in filming on public or City-owned property can pick up an application packet in the City Manager’s or Communications Offices. It will be available on MorgantownWV.gov as well after it is adopted. Inside, filmmakers are informed of the guidelines to filming within City Limits and are asked to provide details like Film Company and crew information, what locations will be used, whether roads would be blocked, if pyrotechnics are used, and insurance information. However, it’s not all required information – this application applies to any scale project.

“Our goal is to be able to use the knowledge of movies and videos being made here to really show the potential for our city,” said Sullivan. “If more people knew what a scenic, lively city Morgantown was thanks to the videos made here, we could really attract some major film projects.”

It is required to be turned in 30 days before the start of filming so that it has time to be seen, examined, and approved by Public Works & Engineering, the Fire Marshal, the Fire Department, and finally by the City Manager.

City Council unanimously voted to move the item to an agenda in August, pending changes.

If you have questions, please contact the Communications Office at 304-284-7426 or ssullivan@cityofmorgantown.org.

Attachments:

Motion Picture Photography Permit Cover Letter

Motion Picture photography Permit Application

Motion Picture Photography Permit

Motion Picture Photography Ordinance



AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION , WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEVEAORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.

The City of Morgantown hereby ordains that a new Article 769 is added to the Business and Taxation Code which reads as follows:

ARTICLE 769
MOTION PHOTOGRAPHY PRODUCTION

769.01 PURPOSE.

The purpose of this Article is to establish a permitting process for motion photography production endeavors on public property owned or controlled by or under the jurisdiction of the City of Morgantown. This Article does not exempt an applicant from other City Code Provisions that may pertain to the motion photography production endeavor.

769.02 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "City" means the City of Morgantown.
- (b) "City equipment" means any tangible property, other than real property, purchased by public funds and utilized in the normal course and scope of providing governmental service by the City.
- (c) "City facility" means any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the city to include, but not limited to, city parks and recreation facilities, city hall, the police station, central communications center, all fire stations, central services warehouse.
- (d) "Motion photography" means the commercial, non-personal taking or making of a motion picture, television, videotape, or film production utilizing city equipment or utilizing city facilities. This term shall include, and a production permit shall be required for, such productions on private property, not a studio, involving the erection of tents or other temporary structures or involving the use of pyrotechnics, explosives, or other incendiary devices. This term shall not include the shooting of film at studios constructed for such purpose where no city equipment or city facilities are involved and shall not include any news, news feature, or documentary production.
- (e) "Person" means an individual, corporation, partnership or any other group acting as a unit.
- (f) "Production Permit" (also referred to herein as "Permit") means the permit required by this Article.

769.03 PERMIT AUTHORIZATION.

The City Manager or his/her designee is hereby authorized to act as the agent for the City in the receipt and processing of applications for production permits. After review and approval by appropriate City Administration, including the Fire Marshal, the Police Chief, and the City Manager, the City Manager or his/her designee shall issue the permit.

The permit authorized in this Article will not eliminate the need to acquire permits that are required in different Sections of the City Code, including NFPA 140, the city and state's code standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations. All applicants will be expected to be familiar with this code and apply for permits accordingly. Examples of additional permits that may be required include, but are not limited to, permits for pyrotechnics, explosives, or other incendiary devices, grading, and building and construction.

769.04 PERMIT REQUIRED; SUSPENSION OR REVOCATION.

- (a) No person shall advertise, engage in, participate in, or start any motion photography production unless a production permit shall have been obtained from the City Manager or his/her designee.
- (b) Failure to comply with the terms and conditions of the production permit once issued shall be grounds for immediate suspension of the production until such time as the noncompliance is remedied. The suspension shall be initially communicated orally, followed by a written suspension order. Continued failure to comply with the terms and conditions of the production permit may result in revocation of the permit. Revocation or suspension procedure will be carried out by the City Manager or his/her designee. No person shall continue production in violation of the suspension or revocation.

769.05 APPLICATION FOR PERMIT.

- (a) Any person seeking the issuance of a production permit shall file an application in the Office of the City Manager on forms provided by the City. Said application shall be filed not more than 180 days before, and not less than thirty working days before the commencement of production. The application shall be signed, under oath, by an authorized representative of the applicant.
- (b) The application shall contain the following information:
 - (1) Locations of the production.
 - (2) Duration and type of production.
 - (3) Proof of policy of liability insurance, or bond, in which the City is named as an additional insured for a combined single limit of \$1,000,000.
 - (4) Special effects to be utilized, especially incendiary or explosive devices, with proof of \$5,000,000 liability insurance therefore. In addition, the application shall list the person in charge of such

special effects together with his/her qualifications and licensing by applicable federal and state agencies.

- (5) An Agreement to indemnify and hold harmless the City of Morgantown will also be required.
- (6) Proposed utilization of City equipment.
- (7) Necessity for closures of public streets or sidewalks and for what duration.
- (8) A written summary or explanation of the portion of the production to be shot within the City.
- (9) Number and type of vehicles or equipment and number of personnel to be on location with the production.
- (10) An agreement to pay for any extraordinary services provided by the City.
- (11) Certificate signed under oath that the footage shot on public property shall not contain nudity and will not be pornographic in nature.
- (12) Any additional information that shall be reasonably deemed necessary by the City Manager or his/her designee.

769.06 RESTORATION.

If some or all of a motion photography production is to take place on public property and the production involves the erection of temporary structures or temporary modification of an existing structure or the introduction of an object or substance onto the property, the applicant for the production permit shall be required to restore the property to the condition existing prior to the production. In addition, the City may require that the applicant provide a performance bond in an amount to be determined by the City, to insure such restoration.

769.07 COSTS FOR EXTRAORDINARY SERVICES.

The City shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include, but not be limited to, charges for personnel and equipment committed in support of the production which are outside the normal scope of government services. Based on the information contained in the permit application, an estimate of these costs will be provided to the applicant prior to issuance of the permit. The City may require prepayment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the City or paid by the applicant, respectively. The City is under no obligation to provide City personnel or equipment, and such will be provided only if the City Manager or his/her designee approves.

769.08 PERMIT FEE.

Upon filing an application for a production permit, the applicant shall pay a sum of five dollars (\$5.00), and the payment of such sum shall be a prerequisite to the processing of the permit application.

769.09 VIOLATION PENALTIES.

- (a) It shall be in violation of this ordinance to film, tape, or act out on or near any City facility any act or acts that would portray exploding body parts or the dismemberment of bodies or body parts of humans or animals.
- (b) It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Article. Any person who shall violate a provision of this Article, or fail to comply therewith, or with any of the requirements thereof, shall be fined not more than five hundred dollars (\$500.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Article is committed or continued.
- (c) The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action or proceeding to prevent the continuation of activity that is in violation of this Article.

769.10 PERIOD OF VALIDITY; RENEWALS

Any Production Permit issued under the provisions of this Article shall be valid for a period of six months from and after the date it is issued. If the motion photography production has not been completed within six months from the date of such permit, the same may be renewed for an additional period of six months without assessment of any fee therefore. If any motion photography production is not actually begun within six months after the date of the original permit therefore, no renewal permit shall be granted, but a new application therefore shall be made and an additional fee paid.

769.11 SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

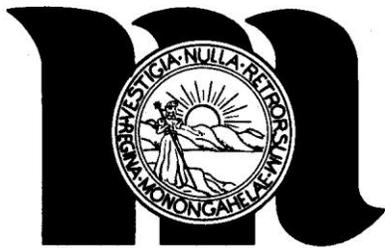
MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



Communications Office

The City of Morgantown

Susan Sullivan, PCM
389 Spruce Street, Room 16
Morgantown, West Virginia 26505
(304) 284-7426 Fax: (304) 284-7430
ssullivan@cityofmorgantown.org

Application for Motion Photography Production Permit

Thank you for choosing the City of Morgantown for your film or video project! We have a multifaceted city with many diverse neighborhoods that can serve a variety of scene settings for your project. We've been the setting for several prominent films in the past, and we're happy to expand that repertoire with yours.

We do ask that you follow proper procedure to get your project permitted for work here within city limits. Please fill out the attached form and return it to the Public Communications Office at least 30 days prior to the start date to ensure that City Officials have ample time to review and approve this permit. It is the responsibility of project organizers, directors, and/or producers to take this into consideration and submit your forms in a timely manner. You may also be called to review your application. The City is willing to work with producers to achieve a best situation for both you and the residents and businesses involved.

Any last minute changes can be submitted up to 48 business hours before shooting starts to the Public Communications Manager. The City Manager's office must sign off on these changes.

Please read Steps 4 and 5 closely. It is the responsibility of project organizers, directors, and/or producers to know and understand these rules. An infraction of any of these rules could be categorized as either a criminal, arrestable offense or an infractionary ticketable offense by either the Morgantown Police Department or the Morgantown Fire Marshal's office.

If you have any questions during your time working with the City of Morgantown, please contact the Public Communications Office at (304) 284-7426 or the City Manager's Office at (304) 284-7405.

Thanks for your interest, and we look forward to working with you!

Sincerely,

Susan Sullivan
Public Communications Manager



Project Locations

List where you plan to shoot within the City. (Please include both public areas and private locations, streets and sidewalks, and if and how long you require closure.)

Please attach additional pages for additional locations.

Total Project Duration

Projected Start Date	
Projected End Date	

If the project runs through Saturday and Sunday, do you plan to work through the weekend?	Yes	No
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Additional Details

Number of Cast and Crew		
Number of Trucks over 24'		
Number of Trucks under 24'		
Studio/Stage work within City?	Yes	No
Post Production work within City?	Yes	No
Will roads/streets be blocked?	Yes	No

Please note that the presence of a police officer may be required if roads need blocked.

Do you plan to use pyrotechnics?	Yes	No
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Please note that use of pyrotechnics requires a state permit under NFPA 140.

...open flames?	Yes	No
...welding?	Yes	No
...flammable or combustible liquids or gases?		
...aircraft?	Yes	No

Please note that use of open flames, welding, flammable or combustible liquids or gases, or aircraft may require the presence of a Fire Marshal and standby fire personnel. Information on fees associated with a fire or police presence is available in the cover letter.

Do you plan to use any type of weapon?	Yes	No
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Please note that use of any weapons, real or makeshift, may require the presence of a police officer.

Do you plan to use a motor vehicle inside a building?	Yes	No
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Do you require portable, mobile, or stationary power-generating equipment?	Yes	No
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Are your locations near bodies of water or where water may gather?	Yes	No
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Do you require the use of city equipment?	Yes	No
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Please note that there may be a service charge if city equipment is required.

Step 4: Insurance

The City Manager's Office requires that insurance certificates for your project be on file with our office prior to applying for a permit.

Large Scale Projects:

The City Manager's Office requires a General Liability policy for at least \$1 million naming "The City of Morgantown" to be in effect for all shooting, scouting, and rigging permits.

The City Manager's Office requires proof of \$5 million liability insurance coverage if special effects such as fire or incendiary or explosive devices are used in this production.

Students:

Student filmmakers can meet liability insurance obligations through coverage under their school's insurance program. If your school has insurance on file with our office, you need to obtain a letter from your school stating your name and dates of the shoot. Permits will only be issued to the student(s) named in the school letter.

Other:

If your project is not large-scale or is not related to school projects, you may still pursue your project, but at a limited range.

For example, you will not be able to get Police Assistance in blocking streets.

The City of Morgantown does not accept liability for any damages or issues that occur during the shoot if roads are blocked and obstructed without specific permission.

Policy Company Name	
Policy Number	

Code of Conduct Agreement

All productions are expected to adhere to the Code of Conduct listed below or face possible revocation of its film permit or other action.

When filming in a residential neighborhood or business district, proper notification is to be provided to each merchant or neighbor who is directly affected by the company (this includes parking, base camps and meal areas) at least 48 hours prior to filming. The filming notice should include:

- name of company
- name of production/phone number of production
- kind of production (e.g. feature film, TV pilot, commercial, etc.)
- type of activity, and duration (i.e., times, dates and number of days, including prep and strike)
- company contact (location manager, unit production manager) name and cell number.

Production vehicles arriving on location in or near a residential neighborhood shall not enter the area before the time stipulated on the permit, turning off engines as soon as possible. Engine idling is prohibited. Permits are never issued before 6 a.m. in residential areas unless filming occurs overnight. Do not park generator trucks or campers with running generators in front of residential buildings if possible.

Crew parking on set is strictly prohibited.

Illegally holding parking on streets not requested on permit is strictly prohibited.

Moving or towing of the public's vehicles is prohibited without the express permission of the City Managers' Office in conjunction with the Morgantown Police Department and/or its requested wrecker company in rotation, managed by MECCA 911, the Monongalia Emergency Centralized Communications Agency.

Catered meals must be served and consumed at interior locations. Sit-down meals are not permitted to occur on city streets or sidewalks. All trash must be disposed of properly upon completion of meal. Production cannot use Allied Waste trash cans or leave trash bags at curbside among residential or business trash.

Cast and crew, including parking PAs (production assistants) shall refrain from the use of rude or inappropriate behavior when interacting with the general public. Crews should be polite and respectful.

Removing, trimming and/or cutting of vegetation or trees without proper authorization is prohibited by the Urban Landscape Commission.

Intermittent holding or redirection of vehicular traffic for picture is to be performed by Morgantown Police officers or Morgantown traffic agents only. Production Assistants and/or crew cannot hold or redirect vehicular traffic. A 13.5 foot emergency traffic lane must be maintained at all times.

The company will comply at all times with the provisions of the filming permit. The Morgantown Police Department and the Morgantown Fire Marshal's Office have the authority to stop production for the day for violations of Morgantown and West Virginia laws and ordinances listed above.

Your Permission

A copy of this directive must be distributed to all production personnel. Failure to comply with the following directives may result in revocation of permit.

Before the shoot

Permit applications and schedules should be submitted to the Public Communications Office no later than 30 business days before the shoot.

Familiarize yourself with the neighborhood in which you're shooting. Be considerate of schools, churches, senior centers, funeral homes, etc.

Assure businesses that you will allow customer access and truck deliveries.

NO PARKING signs shall be posted a minimum of 48 hours in advance. Parking may not be held more than 24 hours in advance.

When used, NO PARKING signs should be posted before the last legal time that someone could have parked.

Use elastic bands or string, NOT tape, when posting resident letters or parking signs on trees.

Provide blackout material to residents' windows for night exterior shoots.

All necessary permissions for government agency-run properties (i.e. Authorized parking, parks, MTA properties, bridges, courthouses, etc.) must be obtained.

During the Shoot

Locations departments and parking production assistants should be sensitive to neighborhood needs while holding parking

in advance. Do not park production vehicles in bike lanes, bus stops, driveways, at fire hydrants, loading docks or in front of active theater marquees.

All crew members, including parking production assistants, must wear and display I.D. badges at all times.

Do not block building or business entrances. Keep equipment in front of buildings that are working directly with the shoot only. Do not trespass onto other neighbors' or merchants' private property, including stoops. Do not stage equipment in front of closed storefronts when you have an early call. Business and residents must be allowed to receive all deliveries.

Ensure safe pedestrian passage through and around your set at all times. Cover cables with mats, keep equipment curbside or in curb lanes, don't allow crew members to congregate in pedestrian passageways. When cameras are not rolling pedestrians must be allowed to walk along any city sidewalk and gain access to any building.

Find nearby lots to park non-essential vehicles if you are going to be at a location for multiple days.

Do not park catering trucks or honeywagons in front of active restaurants. Barbecuing, use of propane or open flames is prohibited on location. Craft service tents are permitted in curb lanes only, not on sidewalks, unless specified on the filming permit.

Campers should be tied-in and powered from one source.

All generators must be baffled with fireproof/non-flammable material.

Productions that film prior to 8:00am and after 10:00pm must keep noise to a minimum. Filming of exterior gunshots must occur between the hours of 9:00am and 9:00pm in residential neighborhoods.

Non-domestic animals on set are required to have permits from the Department of Health and Human Resources and be accompanied by handlers at all times.

Copies of all permits issued must be available on set for general public viewing.

After the Shoot

Clean up after your shoot. Make a clean sweep of the area to ensure that nothing is left behind, including equipment, garbage, all resident letters, NO PARKING signs and hanging materials that your production posted. You have 12 hours to complete this task.

Contact the Public Communications Office for assistance at (304) 284-7426 or by calling the City Managers' Office at (304) 284-7405. After hours, please call the Public Communications Manager at (304) 294-5274.

Initial

I have read and agree with the above directives. I will distribute copies of this document to all cast and crew associated with this production.

I have read and agree with all rules and regulations outlined in the Motion Photography Production Code found in the Morgantown City Code Book, Article 769: Motion Photography Production.

I have read and agree with all rules and regulations outlined in the National Fire Protection Association Code, Article 140: Motion Picture and Television Production Studio Soundstages, Approved Production Facilities and Production Locations, and have already applied for and received all state-issued permits that are required for this production.

I understand that the requirement of Fire Marshals, Police Officers, or Public Works & Engineering Crew are subject to fees in addition to the \$5 permit application fee.

I understand that each production is reviewed on a case-by-case basis, and requisite marshals, officers, or crew may or may not be necessary for all productions.

Full Name	Title	Date
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Witness	Association	Date
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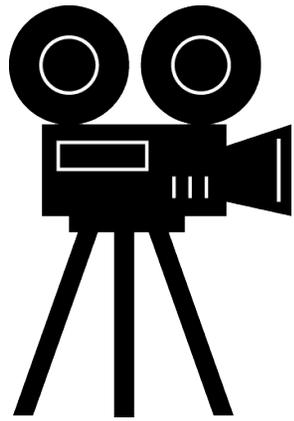
Approval by Public Works & Engineering	Date
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Approval by Morgantown Fire Marshal	Date
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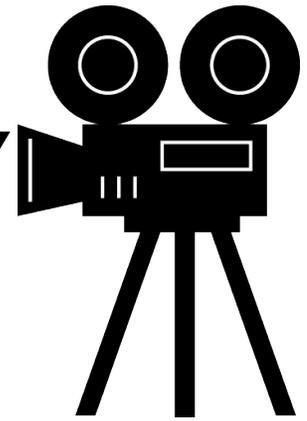
Approval by Morgantown Fire Department	Date
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Final Approval by Morgantown City Manager	Date
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City of Morgantown



MOTION PHOTOGRAPHY



PERMIT ISSUED

**APPROVED APPLICATION TOGETHER WITH ANY PLANS DEEMED NECESSARY OR
REQUIRED BY LAW IS ON FILE IN THE CITY MANAGERS OFFICE**

Location _____

Description of Project _____

Applicant/Production Company _____

Date of Issue _____

Date of Expiration _____

Permit # _____

Communications Office

DISPLAY THIS CARD PROMINENTLY



304-284-7426