

## **Chapter 61A – Film Production Ordinance**

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### **61A.1. SHORT TITLE.**

This Chapter may be known and may be cited as the City of Troy “Film Production Ordinance”.

### **61A.2. PURPOSE.**

This Chapter sets forth rules and regulations to govern and authorize individuals and film companies to conduct filming activities in the City without unreasonably impacting the peace and comfort of the residents of the community; to assure that such activities are consistent with considerations of the public health, safety, and general welfare; to ensure the protection of property; and to provide a streamlined process for issuing film production permits. The requirements provided in this Chapter shall be separate and in addition to those provisions of the City of Troy Code of Ordinances, and/or other codes adopted by reference, regarding business regulation and licensing. Any and all fees provided in Chapter 60 are intended to cover the cost of investigation and processing permits for filming, and for recovery of costs to the City for use of City personnel, equipment and/or supplies as specified herein, and shall be in addition to all other applicable licenses and/or permits.

### **61A.3. DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) Day: Any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
- (B) Base Camp: The location in the City established as the headquarters or command center for the permittee’s filming activities.
- (C) Film: Single media or multimedia entertainment content for distribution or exhibition to the general public by any means and media in any digital media format, film, or videotape, including, but not limited to, a motion picture, documentary, television series, television miniseries, television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games, commercials, internet programming, internet video, sound recording, video, digital animation, or interactive website. The use of the words “film”, “filming” or “filming production” in this Chapter shall include all types of media set out in this definition.
- (D) Filming: The act(s) of undertaking, producing, or creating a film regardless of the intended viewing audience. The term also includes the setup and dismantling of all related equipment.
- (E) News Media: The filming for the purpose of spontaneous, unplanned, or “on scene” television news broadcasting by reporters, photographers, or camera operators, but not including magazine or documentary programs filmed, edited, and prepared for commercial purposes.
- (F) Personal Film: A film for private or family use, including, but not limited to, family event filming or a film of security footage.

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- (G) Student Film: A film production by a student of a public or private school or college where the production is for school or college credit and from which no profit is taken.

### **61A.4. PERMIT REQUIRED.**

Except as otherwise provided in this Chapter, it is unlawful for any person to engage in the business or activity of filming at any place within the City of Troy without a film production permit from the City, other than in a motion picture or television studio in an appropriate zoning district with no outside storage of filming equipment. Any person interested in filming within the City shall complete, in full, a film production permit application that shall be submitted with the required application fees to the City Clerk. A film production permit does not constitute or grant permission to use or occupy property not owned, leased or controlled by the City if such filming activity is deemed by the City of Troy to impact public safety and/or be in the public interest.

### **61A.5. EXEMPTIONS.**

- (A) The City has chosen to exempt certain film productions from the permitting requirement of this Ordinance for productions which are not likely to interfere in any substantial way with the health, safety or welfare of the public. The City reserves the right to require specific conditions, including, but not limited to, proof of insurance approved by the City, if the City, in its sole discretion, determines those conditions are necessary to protect the public or property even though there is no film production permit requirement. All individuals and entities, whether required to get a film production permit or exempt, shall comply with all other Troy Ordinances, and federal and state law.
- (B) The provisions of this Chapter shall not apply to:
1. The creation of a personal film;
  2. The creation of news media;
  3. The filming of motion pictures for use in a criminal investigation, civil proceeding, or emergencies such as fires, floods, or police actions;
  4. The filming of motion pictures and activities associated therewith which occur upon commercial property which is owned or leased for more than 3 months by the enterprise or individual conducting the filming and none of the activities are open to view by the general public. To be eligible for this exemption, all trailers, vans for personnel, equipment, displays, sets, and storage of other types of equipment or materials shall not be visible from any public or private roadway whether within the City of Troy or a neighboring community and the activities do not interfere in any way with the public right-of-way or impact neighboring private property. Further, this exemption shall not be construed to authorize the violation of any laws, including the City of Troy's Code of Ordinances;

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5. The filming of motion pictures and activities associated therewith, which occur upon residential property which is owned or leased for more than 3 months by the enterprise or individual conducting the filming and none of the activities are open to view by the general public. To be eligible for this exemption, all trailers, vans for personnel, equipment, displays, sets, and storage of other types of equipment or materials shall not be visible from any public or private roadway whether within the City of Troy or a neighboring community and the activities do not interfere in any way with the public right-of-way or impact neighboring private property. Further, this exemption shall not be construed to authorize the violation of any laws, including the City of Troy's Code of Ordinances;
6. A film or multimedia broadcast or transmission on screen monitors of a live performance within a live entertainment venue or for training purposes, but only if the transmission is not filmed simultaneously for distribution by any method to the general public;
7. Education, government, and public access and local origination programs for cable television systems franchised within the City;
8. Filming done by a church, school or civic organization for broadcast to its membership and/or students;
9. Filming by the City, including, but not limited to, filming of a sewer line or preparation of promotional films, or training of employees;
10. The filming of competitive athletic events, parades, or other similar events of a public nature, when in attendance as a member of the public and a spectator;
11. The creation of a student film, unless the filming activities utilize or adversely impact public ways or are conducted outdoors in residential or commercial areas;
12. Local commercials (film or still photography) produced entirely on private property for purposes of advertising local businesses and merchants, so long as the equipment, personnel, and subject connected with the commercials do not interfere in any way with the public right-of-way or impact neighboring private property, or use pyrotechnics or other hazardous special effects;
13. Still photographers, who are photographing in a public area, and who do not encroach upon the public right-of-way with equipment or personnel;
14. Films produced entirely for training of employees or personnel that are produced within the employer's property and do not utilize or adversely impact any public ways and are not produced outdoors in residential or commercial areas; and
15. Any other activity not deemed to impact public safety and/or be in the public interest by the City Manager or his/her designee.

**61A.6. MANDATORY PRE-APPLICATION MEETING; APPLICATION.**

- (A) Pre-Application Meeting. Any person desiring to conduct film production activities shall meet with the City Manager or his/her designee to communicate to the City of Troy its intentions and to determine if it is exempt from obtaining a filming permit. Preliminary information concerning pre-application meetings and permit procedures may be found on the City of Troy's website: [www.troymi.gov](http://www.troymi.gov), including any revisions, or at the City Manager's Office.
- (B) Application. Any person determined by the City of Troy to be non-exempt from obtaining a filming permit at a pre-application meeting shall make application to the City Clerk on the appropriate form provided by the City Clerk. The form must be fully completed, signed and accompanied by the required administrative fee(s) and any other documentation required by this Chapter, including but not limited to, plans as required under Section 61A.7, an executed hold harmless agreement, and valid insurance certificate, before it will be processed. The permit applicant shall supply the following information on the application:
1. Name, permanent street address, and telephone numbers of applicant, including mobile phone and email addresses and the names, addresses, and telephone numbers, including mobile phone numbers, of the person(s) in charge of the location and responsible for the applicant's and applicant's employees' conduct. Individuals, partnerships, corporations, and limited liability companies shall be required to submit all information designated on the official application form and shall submit any requested documents as indicated on the form;
  2. Name, address and twenty-four (24) hour telephone numbers, including mobile phone numbers, email addresses, and local addresses of a least two (2) persons to be contacted in the event of emergency situations;
  3. Name (or working title) of the film or project, and the nature of the proposed motion picture, television production, or photographic production;
  4. Location(s), date(s), time(s), and activities of the proposed filming, and an estimate of the maximum number of attendees expected at the filming during each day or time. If the proposed filming involves the use of private property, the full name and address of the property owner where the filming is to occur and a signed affidavit from the owner granting permission for the proposed use of the property in question shall be provided. If, in the discretion of the City Manger or his/her designee it appears that the peace and tranquility of neighboring property owners may be disturbed by the filming, the City may send notice of the filming to the neighboring property owners who are within a 300-foot radius of filming site;
  5. The maximum number of individuals in the cast and crew anticipated at any one filming site within the City;

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6. The maximum number of vehicles and other equipment, including, but not limited to, vehicles and equipment used during the filming and cast and crew private vehicles that are anticipated at any one filming site within the City, a parking plan as set out in Chapter 61A.7. If overnight parking and locations are needed at one or more locations, the applicant should provide a plan for that overnight parking as set out in Chapter 61A.7;
7. Any requests for special assistance from the City at any location, including, but not limited to, street closure, traffic control, crowd control and emergency or standby services;
8. A statement of intent to use animals or reptiles, chemicals, explosives, special effects or fire, or to engage in any other hazardous activity and a description of such use or activities with specificity;
9. Special conditions or requests by the applicant;
10. Expiration date for the permit, which is the estimated date that all filming, restoration and clean-up will be completed. The actual expiration date of the permit will be determined by the City;
11. A sworn statement as to the truth of the statements in the application. If the applicant is a corporation, limited liability company or business, the application shall be signed by one (1) principal officer of the corporation company or business;
12. In addition to the requirements of this Chapter, any applicant who engages in any activity that requires compliance with any federal, state, or local regulations, including additional licenses or permits, shall present evidence of satisfactory compliance with such regulations; and
13. Each application shall be accompanied by the administrative fee(s). Before the issuance of a film production permit, the applicant may be required to submit a cost deposit for City services and a cash bond, as set out in Chapter 61A.8.
14. Attachment of the valid certificates of insurance and executed hold harmless agreement documents.

### **61A.7 APPLICATION – PLANS SUBMITTAL.**

Each applicant for a film production permit shall digitally submit as part of its application a detailed explanation, including drawings and diagrams, where applicable, of the following:

- (A) A sketch or sketches of the filming site with dimensions showing the following:
  1. Traffic and parking control plans for the base camp, if any, and each location showing traffic patterns, right-of-ways to be closed or intruded upon and any on-street or off-street parking locations for work trucks, vehicles to be used in the

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- film, crew parking, sanitary facilities, catering, and non-essential production vehicles;
2. A list of the anticipated duration of the proposed activities and daily hours of operation for each location;
  3. A plan for cleanup and waste disposal for each location;

### **61A.8. FEES, COST DEPOSITS AND CASH BOND.**

- (A) Fees, Cost Deposit and Cash Bond. The applicant shall be required to provide information on the application to be used to determine the amount of the administrative fee(s), cost deposit and cash bond. Administrative fee(s), cost deposit and cash bonds, may include the following:
1. Application Fee. A processing fee in an amount as set out in Chapter 60 to reimburse the City for the estimated personnel costs required to evaluate the application and establish conditions of approval. The application fees are non-refundable.
  2. Public Property Use Fee. A fee in an amount established as set out in Chapter 60 to compensate the City for the use of public property. Additional costs and cash bonds may be required as set out in this Ordinance.
  3. Hazardous Materials/Pyrotechnical Fees. A separate permit fee for use of hazardous materials or pyrotechnics.
  4. Cost Deposit for Special Conditions. Estimated costs assessed by the City Manager or his/her designee for the implementation of special conditions as requested by the applicant in the application. Before a film production permit is issued, the applicant shall be required to pay in advance the approximate total costs as determined by the City Manager or his/her designee.
  5. Cost Deposit for Use of City Personnel, Equipment and Supplies. Estimated costs assessed by the City Manager or his/her designee to provide City personnel, whether requested by applicant/permittee or required by the City for protection of the public health, safety, and welfare, including, but not limited to, inspections by City personnel of the filming site, the presence of “stand-by” personnel before, during or after filming, and/or the setting up of equipment and providing for traffic or crowd control. Costs shall include, but not be limited to, employee wages including overtime, fringe benefits, supervision, administrative overhead and the hourly cost for the use of equipment and supplies. Before a film production permit is issued, the applicant shall be required to pay in advance the approximate total costs as determined by the City Manager or his/her designee.
  6. Cash Bond. A cash bond shall be required prior to the issuance of a film production permit in an amount to include the estimated cost deposit, equipment,

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supplies and special conditions, and for the restoration and clean-up of any film location(s) used by permittee. The cash bond may be waived by the City Manager (?), or his/her designee, if an acceptable alternative method of providing financial protection to the City of Troy is provided for damages and/or clean up at the close of filming. After a film production permit is issued, if at any time it is determined that additional personnel, equipment, supplies or special conditions are needed or the City will incur additional costs not covered by the cost deposit and cash bond, the permittee shall immediately deposit with the City additional money as part of either its cost deposit or cash bond. Failure to do so will result in a revocation of the film production permit. If, and only if, all of the City's costs for any service, administrative fee or expense have been paid in full, the portion of the remaining cost deposit and cash bond will be returned in full as set out in Section 8 below.

7. Additional Fees and/or Costs. This Ordinance shall not limit the City's ability to assess additional fees and/or costs for situations not provided for in the Ordinance if those situations have an impact on public resources or public safety.
8. Within sixty (60) days of the expiration of the permit or an extension of the permit, the City Clerk or Manager or his/her designee shall send the permittee by mail or other method agreed to in writing by the permittee and the City, a final invoice of all of the City's outstanding costs with credit for the cost deposit and cash bond. The permittee shall have thirty (30) days from the date of the invoice to submit payment for the full invoice amount to the City by cash or a check sent to: City Clerk, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084. In the event the permittee fails to fully reimburse the City within the thirty (30) day time frame, the City shall deduct the full amount of any unpaid fees or costs amounts from the cost deposit and cash bond held on behalf of the permittee and deposit those funds in the City accounts. Those funds shall become the property of the City and are not refundable to the permittee, its heirs, successors or assigns. If there are any funds remaining from the cost deposit and cash bond after deductions by the City, that amount shall be refunded to permittee. The procedure set out herein for deduction of monies owed to the City from permittee's cost deposit and cash bond, does not waive in any way the City's right to take any legal action against the permittee to collect any unpaid fees or costs incurred by the City as a result of permittee's activities. By signing the application for film production permit, applicant/permittee is agreeing to the deduction of the City's cost from the cost deposit and cash bond as set out herein.

(B) Extensions of Permit; City's Determination of Need for Personnel Services; Extraordinary Costs for Investigation; Waiver of Administrative Fee(s).

1. In the event that weather conditions or other circumstances beyond the control of the permittee require that the date(s) or time(s) of the proposed filming need to be altered, no additional fees shall be required as long as the City Clerk or his/her designee is given at least one (1) day notice of the alteration; however,

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additional fee(s) as determined by the City Manager or his/her designee and as set out in Chapter 60 may be charged if changes or additions or extensions to the original film production permit are requested which are not beyond the control of the permittee. A change or addition to the original film production permit request must be filed with the City Clerk prior to the activities proposed by the change or addition. Failure to file for a change or addition prior to the activity requested shall be considered a violation of this Ordinance. A request for extension shall be filed within three (3) business days prior to the expiration of the original permit. The City Manager or his/her designee shall have the absolute discretion to deny a request for alteration or extension of a permit if, after reviewing the reason for the request for alteration or extension of a permit, no good cause for the alteration or extension exists.

2. If the City Manager or his/her designee determines that any potential danger to the public health, safety or general welfare, or to property would be minimized by the presence of police or fire protection at the site of the filming, the City Clerk may grant the film production permit with the condition that the permittee pay in advance to the City the anticipated costs of such police or fire protection or presence.
3. For film production permits that require the City to provide personnel services to the permittee in addition to police or fire protection, service costs shall be imposed for the same. Such costs will be determined by the City Manager or his/her designee for the services provided and shall be based on the actual cost incurred by the City in providing such services. Such service costs shall include, but not be limited to, employee wages including overtime, fringe benefits, and supervision, administrative overhead, and the hourly costs for the use of any City equipment and supplies.
4. For all fees set out herein, additional charges may be imposed to cover the cost of extraordinary film production permit investigation and/or staff costs, if the City Manager or his/her designee deems the collection of such costs is necessary to prevent the absorption of any costs by the City and/or its taxpayers.
5. The administrative fee(s) and the property use fee may be waived by the City Manager or his/her designee for productions conducted by a cable television company operating under a franchise granted by the City when such productions are not conducted on public property, do not interfere with public right-of-way, and which involve fewer than two (2) motor vehicles. Any applicants whose administrative fee(s) are waived still remain subject to the other provisions of this Ordinance.

### **61A.9. LIABILITY PROVISIONS.**

The requirements of this section are applicable whenever a permittee's operation will utilize or impact City facilities or property as determined by the City Manager or his/her designee.

- (A) Liability Insurance. Before a permit is issued a certificate of insurance must be submitted evidencing that has permittee insurance in an amount not less than one (1)



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million dollars per occurrence for automobile liability and one (1) million dollars per occurrence for general liability insurance. Cancellation of the insurance shall be considered a material breach of the conditions of the permit, and the permit shall become null and void unless proof of renewal of continuous coverage is immediately provided to the City Clerk. All insurance carriers shall be licensed and admitted to do business in the State of Michigan and acceptable to the City Manager or his/her designee. In the event the use of pyrotechnics or any other potentially hazardous activity is contemplated, the permittee will be required to submit evidence that it has insurance which will cover said use or activities in an amount and form acceptable to the City Manager or his/her designee. An endorsement to any liability policy shall name the City of Troy, its elected and appointed officials, employees, agents, representatives, volunteers, and others working on behalf of the City as additional insureds.

- (B) Indemnification and hold harmless. To the fullest extent permitted by law, permittee agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Troy, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy against any and all claims, demands, suits, or loss (including all costs connected therewith), and for any damages which may be asserted, claimed or recovered against or from the City of Troy, its elected and appointed officials, employees, agents, representatives, volunteers and others working on behalf of the City of Troy. This provision includes, but is not limited to claims of personal injury (including bodily injury or death) and/or property damage which arises out of or is in any way connected or associated with the execution of activities by permittee set out in the application for permit and under the provisions and/or conditions of the permit.

### **61A.10. INVESTIGATION OF APPLICANT AND PROCESSING TIME.**

- (A) Upon receipt by the City Clerk, copies of the application for a permit required by this Chapter shall be forwarded to City Administration who shall review and investigate matters relevant to the application and within ten (10) business days of receipt thereof shall report their findings and recommendation to the City Clerk.
- (B) The Police Department and the Fire Department shall investigate each application for a film production permit. If during the course of such investigation, the City desires additional information to assist with determining whether or not such a permit should be issued, the City is authorized to require the applicant to furnish such additional information.
- (C) By filing the application for a film production permit, the applicant/permittee agrees to allow for site inspections by the City Administration for purposes of ensuring compliance with this Chapter, all conditions of the permit, and all applicable State and Federal laws and the City of Troy's Code of Ordinances, including but not limited to, fire codes, building codes and referenced standards.
- (D) If the application satisfies the criteria of this Chapter, the City Clerk shall issue the permit within ten (10) business days of submission of the film production permit application.

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- (E) A film production permit may not be transferred or assigned to another individual or entity.
- (F) The film production permit must be posted in public view at the filming location at all times. If posting is not possible due to the location or circumstances of the filming, the permit shall be produced within a reasonable time upon request by any City official.

### 61A.11. SPECIFIC CIRCUMSTANCES.

In addition to the criteria listed in this Chapter, the City Manager or his/her designee may also investigate the application with respect to public health, safety and welfare issues, including, but not limited to, the following special circumstances and may impose further conditions on the issuance of a film production permit if warranted:

- (A) Hours. Filming is permitted in residentially-zoned neighborhoods between the hours of 7:00 a.m. and 10:00 p.m. on Monday through Friday; 8:00 a.m. and 10:00 p.m. on Saturdays, and between 9:00 a.m. and 10:00 p.m. on Sundays and legal holidays unless the City approves filming during hours other than those set out herein.
- (B) Noise. Filming activities which produce unusual noise such as gunfire, sirens, public address systems, bull horns, or any other loud noises may be restricted to mitigate the effects of the activity. Chapter 88, Nuisances, of the City of Troy Code of Ordinances will be enforced by City Administration.
- (C) Aircraft. Helicopter landings or filming from the air are not permitted without explicit written permission from the City Clerk or his/her designee. The request for written authorization shall be filed with the application, with a detailed explanation of what activities are anticipated, when and where.
- (D) Public safety personnel. Police and/or fire personnel requirements shall be determined by those departments and any such personnel shall be at the permittee's expense. Permittee can request additional public safety employees, at its own expense with the application. The Police Chief or his/her designee may approve the use of additional police personnel or may require the applicant to contract with a private security firm. At all times, all police employees approved by the Police Chief or his/her designee shall constitute and remain City employees and shall be required to enforce all State and Federal laws and the City of Troy's Code of Ordinances. City public safety personnel shall not be employees of the permittee at any time while assigned by the Police Chief or the Fire Chief or their designee as public safety personnel.
- (E) Rights-of-Ways. No person shall close or impose upon any right-of-way in the City unless first obtaining permission from the City Manager or his/her designee. The permittee must obtain permission from the City Manager or his/her designee to string cable across streets, sidewalks or from a generator to a service point.
- (F) Traffic Control and Parking. For any filming that would impair traffic flow or parking in any manner or for any duration, the permittee shall comply with all traffic control and parking requirements deemed necessary by the City or private security personnel,

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subject to the approval of the City. The use of City police officers, in addition to being approved and funded as described in this Chapter, shall depend on the location of filming since the possible location sites within the City may fall within the jurisdiction of Oakland County or the State of Michigan.

- (G) Adult entertainment. No adult entertainment filming shall be conducted within the City which depicts nudity, sexual intercourse, simulated sex acts, or other displays prohibited by State law or the City of Troy's Code of Ordinances which could be observed by member of the general public. Applicants which have as their primary purpose the display of such acts for distribution to an adult entertainment market or video provider shall not be granted a permit for filming. A permit issued under this Chapter does not authorize the production of a film that in any manner requires the use of property owned by or under the control of the City in violation of Public Act 84 of 2008, MCL 123.1191, et.seq., which prohibits the production of films that include obscene matter. A permit issued under this Chapter does not authorize the production of a film on City owned property or property under the control of the City that requires that individually identifiable records be created and maintained for every performer pursuant to 18 U.S.C.A. 2557. Film studios engaged in adult entertainment must be licensed in compliance with Chapter 76 of the City of Troy's Code of Ordinances.
- (H) Pyrotechnics and special effects. The applicant/permittee shall obtain written permission from the Fire Chief, or his/her designee, for the use of any hazardous materials, pyrotechnics or similar special effects. The Fire Chief or his/her designee shall have the discretion to determine if a separate permit for these types of activities is required under Federal or State law or the City of Troy's Code of Ordinance. The applicant/permittee is responsible for payment of any permit fees under this section.
- (I) Vegetation. The City may impose restrictions on filming in areas with native vegetation, natural areas, wetlands and similar locations.
- (J) Crew size. The City may impose maximum capacity requirements for cast and crew size for filming operations at a filming location.
- (K) Refueling. The City may impose restrictions on refueling operations.
- (L) Boundaries. The City may impose requirements concerning the posting of the outer boundaries of the filming area.
- (M) Uniforms/badges. The City may impose restrictions concerning the covering of police, fire, and other uniforms and/or badges worn by actors when they are not being filmed.
- (N) Logos, Insignia. The City may impose conditions and/or restrictions on the use of City and other public agencies' logos, insignias, badges, or decals for filming purposes.
- (O) Acknowledgements. The City may require that the permittee properly acknowledge the assistance of the City in the final film credits.

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- (P) Access. The City Manager or his/her designee may request access to behind the scenes production of any filming activity for purposes of creating promotional videos for the City. However, the City will honor all conditions of the production company regarding material that may be disclosed to the public prior to release of the final film or production.
- (Q) Clean-up and Restoration. All clean-up and restoration of a film site shall be completed on the last day of filming at that location. If not completed, the City may issue a Municipal civil infraction citation pursuant to Chapter 100, Municipal Civil Infractions, of the Troy Code of Ordinances and proceed to get a court order to complete the clean-up and/or restoration and deduct the costs for the full amount of the clean-up and/or restoration from the cash bond held by the City on behalf of the permittee. Those funds shall be deposited in a City account and shall become the property of the City and are not refundable to the permittee, its heirs, successors or assigns

### **61A.12. GRANT OR DENIAL OF PERMIT; ADMINISTRATIVE POLICIES.**

- (A) The City Clerk, City Manager or his/her designee may deny a permit, if after investigation, City Administration finds that the activities regulated by this Chapter or the proposed location of such filming will not comport with the public welfare; or that it will tend to create a nuisance; or that the character or reputation of the applicant, its officers, or employees is one of untruthfulness and indecency, or an investigation of the applicant, its officers, or employees indicates a failure to pay debts at previous filming venues whether in the City or in another location, or he/she/it has failed to comply with permit requirements, including, but not limited to, failure to restore and/or clean up locations or failure to pay the City in full for city services or for failure to pay any other governmental entity.
- (B) The City Administration may promulgate administrative policies and procedures governing the form, time, and location of any filming activity within the City. Even though time frames for issuance of permits are set out in this Chapter, the City of Troy may not always be able to comply with those time lines due to limited, public holidays or other unanticipated events. Time limits for extensions and appeals will always apply. Such policies and procedures shall be on file with the City Clerk and the City Manager's office for review by the public and they shall have the force and effect of law as if fully set forth in this Chapter. In addition to any City policies and procedures, all decisions concerning the issuance of any film production permit and/or the conditions imposed thereon shall be made after consideration of the following factors:
1. The health and safety of the public;
  2. Disruption of activities of businesses or persons within the affected area;
  3. The safety of property within the City;
  4. Traffic congestion at particular locations within the City; and
  5. The effect on the personnel resources and/or finances of the City.

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### **61A.13. APPEAL.**

Any person aggrieved by the decision of the City shall have the right to a written appeal of the approval, conditional approval, or a denial of a film production permit to the City Council. The appeal shall be filed with the City Clerk within ten (10) business days after notice of the decision is mailed or transmitted to the applicant. The City Council shall decide the appeal at the next available regular City Council meeting. The decision of the City Council shall be final.

### **61A.14 . REVOCATION OF PERMIT.**

(A) Any film production permit may be revoked under the following circumstances:

1. Where it has been determined that the permittee has violated or has failed to comply with any of the terms or conditions of the film production permit;
2. Where it has been determined that the permittee has violated or has failed to comply with any ordinance, resolution, or applicable regulation;
3. Where it has been determined that the film production permit was granted pursuant to false or fraudulent information contained in the film production permit application or verbally provided to the City;
4. Where it has subsequently been determined that filming activity will fail to meet the criteria enumerated in this Chapter for granting a film production permit; or
5. Where it has been determined that the preservation of the public health, safety and general welfare demand revocation of the film production permit.

(B) A notice of revocation shall be mailed to the permittee by the City Clerk, by mail, or personally delivered, stating the grounds for revocation and advising the permittee of the appeal rights afforded by this Chapter.

### **61A.15. VIOLATIONS PUNISHABLE AS MISDEMEANORS; NUISANCE PER SE.**

(A) Violations of any of the provisions of this Chapter or any of the terms and conditions of a film production permit is a misdemeanor, punishable by a fine up to \$500.00 and costs and/or a jail term of up to ninety (90) days. It shall also be a misdemeanor to:

1. Provide false or fraudulent information to the City during the permit application process;
2. Provide any false or fraudulent information to the City after the permit has been issued, including, but not limited to, the possession or existence of consent or permission from property owners when required; or
3. Failure or refusal to cease any film activities when ordered to do so by City Administration due to violations of any City of Troy Code or Ordinance, including this Chapter, State law or Federal law.

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- (B) Any filming or related activity conducted contrary to the provisions of this Chapter shall be and is hereby declared to be an unlawful action and a public nuisance. The City Council may authorize the commencement of an action at law or in equity in the name of the City of Troy in any court of competent jurisdiction against the permittee to ensure compliance with the terms of this Chapter. All remedies prescribed herein will be cumulative and the use of any one or more remedies by the City shall not preclude the use of any other remedy for the purpose of enforcing the provisions of this Chapter, nor shall the City's delay or failure to exercise any remedy result in a waiver of that remedy.