

Commercial Filming Permit Criteria

The City of Highland Park requires individuals and/or organizations to acquire a Commercial Filming Permit under certain circumstances.

Commercial filming is defined as “*the process of recording live action on film, magnetic tape, or any other medium, for the primary purpose of commercial sale or distribution as a movie, television show, music video, advertising commercial, training film, or educational program*” (Section 99).

Per City ordinance, if an individual or organization desires to conduct filming on public or private property, and the scope of filming falls within the definition of commercial filming above, the entity must complete a Commercial Filming Application for consideration of their filming request.

A Commercial Filming Application is included, below, for persons desiring to submit a request for a Commercial Filming Permit.

CITY OF HIGHLAND PARK

COMMERCIAL FILMING

APPLICATION



_____ \$50 Non-Refundable Fee payable

to The City of Highland Park

_____ Additional Fee may apply

DATE APPLICATION RECEIVED: _____

BY WHOM: _____

THE APPLICATION MUST BE COMPLETED AND RETURNED NOT LESS THAN 10 BUSINESS DAYS PRIOR TO YOUR EVENT. RETURN APPLICATION TO:

CITY OF HIGHLAND PARK
CITY MANAGER'S OFFICE
1707 ST. JOHNS AVE.
HIGHLAND PARK, IL 60035

1. NAME OF APPLICANT:

2. ADDRESS OF APPLICANT:

3. TELEPHONE NUMBER OF APPLICANT:

4. ON-LOCATION CONTACT PERSON(S)

5. ON-LOCATION CONTACT PHONE NUMBER(S)

6. NAME OF FILM: _____
7. PROPOSED DATE(S) OF FILMING: _____
8. CONTINGENCY DATE(S): _____
9. PRECISE TIMES OF FILMING – START _____ END _____
10. LOCATION(S) OF FILMING (enclose map):

11. GENERAL DESCRIPTION OF TYPE AND CONTENT OF FILM:

12. ESTIMATED NUMBER OF EMPLOYED PERSONNEL:

13. LIST NUMBER AND SIZES OF ALL VEHICLES:

14. LIST PROPOSED PARKING AREAS FOR VEHICLE AND EQUIPMENT:

15. LIST ANY AND ALL CITY PERSONNEL OR RESOURCES REQUESTED:

16. LIST TYPE AND EXTENT OF ARTIFICIAL LIGHTING:

17. DESCRIBE TYPE AND EXTENT OF PROJECTED NOISE AND SOUND EMISSIONS GENERATED BY THE PROPOSED FILMING:

18. DESCRIBE METHODS AND PROCEDURES FOR MEDICAL TREATMENT:

19. WILL STREET CLOSURES BE NECESSARY:

20. IF PROPOSED FILMING IS CONDUCTED IN WHOLE OR PART ON PRIVATE PROPERTY, WRITTEN APPROVAL OF THE OWNER(S) MUST BE SUBMITTED WITH APPLICATION?

21. IS A NOTICE TO NEIGHBORS CERTIFICATE (999.060) INCLUDING DATE(S) AND TIME(S) OF FILMING ATTACHED?
 YES _____ NO _____
- HAS NOTICE BEEN MADE TO ADDITIONAL INDIVIDUALS?
 YES _____ NO _____
22. IS THE ADMINISTRATIVE PROCESSING FEE ENCLOSED?
 YES _____ NO _____
23. IS PERFORMANCE BOND ATTACHED OR FORTHCOMING?
 YES _____ NO _____

24. DESCRIBE FOOD SERVICE:

25. DESCRIBE HEALTH & SANITATION:

26. SUBMIT A LIST OF ALL PROPERTY OWNERS SERVED NOTICE.
27. IS A LETTER OF AGREEMENT HOLDING THE CITY OF HIGHLAND PARK HARMLESS ATTACHED?
YES: _____ NO: _____
28. THE SPONSORING AGENCY MUST PROVIDE THE CITY OF HIGHLAND PARK WITH A CERTIFICATE OF INSURANCE IN THE AMOUNT OF AT LEAST \$2,000,000.

IS DOCUMENT ATTACHED:
YES: _____ NO: _____
29. IS VISUAL DOCUMENTATION OF FILMING LOCATIONS FORTHCOMING (NOT LESS THAN 3 DAYS PRIOR TO COMMENCEMENT OF FILMING)?
YES: _____ NO: _____
30. I AGREE THAT ALL ANTICIPATED CITY EXPENSES IN CONNECTION WITH THIS EVENT WILL BE PAID EITHER WITH REGARD TO HOURLY OVERTIME RATES OR RENTAL RATES. I FURTHER AGREE TO COMPLY WITH ALL THE PROVISIONS OF CHAPTER 99 AND ALL ADDITIONAL SECTIONS OF THE CITY CODE DURING THE COURSE OF FILMING AND TO RESTORE ANY PUBLIC PROPERTY OR RIGHTS OF WAY UTILIZED DURING COMMERCIAL FILMING TO AS GOOD A CONDITION AS THEY WERE PRIOR TO THE COMMERCIAL FILMING.

SIGNATURE OF APPLICANT: _____

PRINT NAME OF APPLICANT: _____

DATE: _____

CHAPTER 99: COMMERCIAL FILMING

SECTION

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Sec. 99.005 Definitions

Wherever the following words or phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Chapter, except when the context otherwise indicates:

"**Applicant**" shall mean the party named on the application for a permit for commercial filming filed in accordance with and pursuant to Section 99.030 of this Chapter.

"**Commercial Filming**" shall mean the process of recording live action on film, magnetic tape, or any other medium, for the primary purpose of commercial sale or distribution as a movie, television show, music video, advertising commercial, training film, or educational program.

"**Contingency Dates**" shall mean those dates and times on which the applicant proposes to conduct commercial filming if, due to Force Majeure, the applicant is unable to conduct such filming on the regularly scheduled dates and times of commercial filming as proposed in accordance with Section 99.030(B) of this Chapter.

“**Force Majeure**” shall mean unfavorable weather conditions, acts of God, or other factors beyond a party’s reasonable control and reasonable ability to remedy; provided, however, that Force Majeure shall not include strikes, lockouts, or other factors involving the supply of labor or materials not caused by unusually severe or abnormal weather conditions considering the time of year and the particular locations involved.

Sec. 99.010 Permit Required

Except as provided in Section 99.120 of this Chapter, no commercial filming shall be allowed in the City, including commercial filming conducted wholly or in part on publicly or privately owned property or rights-of-way, without the prior issuance of a permit in accordance with the procedures and standards of this Chapter.

Sec. 99.020 Standards

In considering an application for a commercial filming permit pursuant to Sections 99.040 and 99.050 of this Chapter, the Chief of Police, and the City Manager shall consider, without limitation, the following factors (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07):

(A) The degree to which the proposed commercial filming would disrupt the safe and normal use, or require the full or partial closure, of public rights-of-way (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07);

(B) The degree to which the proposed commercial filming would disrupt the safe and normal use of, or would occur in whole or in part upon, City-owned real property (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07),

(C) The degree to which the proposed commercial filming would disrupt the delivery of City services to City residents and businesses;

(D) The degree to which the proposed commercial filming would injure the personal and property rights of affected residents and businesses;

(E) The history of satisfactory or unsatisfactory performance by the applicant, and/or at the proposed location(s), under commercial filming permits previously issued pursuant to this Chapter, if any; **(Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

(F) Whether the proposed commercial filming will extend beyond (1) five consecutive days, or (2) five days within a 30-day period (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07);

(G) The degree to which the sound and noise to be generated by the proposed commercial filming may constitute a public nuisance, in violation of Section 95.001(O) of the City Code. (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

(H) Whether the proposed commercial filming, including without limitation the nature and extent of any artificial lighting or illumination used as part of such filming, will cause significant inconvenience or undue hardship to the City or to its residents, or otherwise constitute a public nuisance in violation of Section 95.001(O) of the City Code; and (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

(I) Whether other activities or events have previously been scheduled to occur in the City at the same time as the proposed commercial filming, and the degree to which the simultaneous occurrence of such activities or events and the proposed commercial filming would disrupt the delivery of City services or would otherwise endanger the public health, safety and welfare.

Sec. 99.030 Application

Applications for permits for commercial filming shall be filed with the City Manager not less than 10 business days prior to the beginning of the proposed commercial filming, on a form available from the City, which application shall contain, without limitation, the following documents and information (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07; **Ord. 73-09, J. 35, p. 284-288, passed 12/14/09**):

- (A) The name, address, and telephone number of the applicant;
- (B) The name and telephone number of the individual(s) who will serve as the on-location contact person(s) for the applicant at all times during the proposed commercial filming;
- (C) The location(s) within the City at which the commercial filming will take place;
- (D) The proposed dates and precise times of commercial filming;
- (E) The proposed Contingency Dates;
- (F) A general description of the type and content of the commercial filming;
- (G) The estimated number of personnel to be employed in the production;
- (H) A list of any and all vehicles and types of equipment to be used during the commercial filming, and a list of proposed parking locations for such vehicles and equipment, and for vehicles utilized by personnel to be employed in the production;
- (I) A list of any and all City personnel or resources requested for presence or use, as the case may be, during the proposed commercial filming;

(J) A description of the nature and extent of any artificial lighting or illumination to be used during the proposed commercial filming, and information demonstrating any impact that such lighting or illumination may have on surrounding properties and residents;

(K) A description of the type and extent of the projected noise and sound emissions to be generated by the proposed commercial filming; (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

(L) A description of the methods and procedures to be used for medical treatment, food service, health and sanitation, and waste removal from all locations at which the proposed commercial filming is to be conducted;

(M) A certificate executed by the applicant demonstrating compliance with Section 99.060 of this Chapter; (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07; **Ord. 73-09, J. 35, p. 284-288, passed 12/14/09**)

(N) An agreement, signed by the applicant or duly authorized representative thereof, and in a form acceptable to the Corporation Counsel, stating that the applicant will:

(1) Comply with all of the provisions of this Chapter and all other relevant sections of the City Code during the course of the commercial filming, including, without limitation, Section 170.005, governing street obstructions in the City and permits therefore; (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

(2) Pay all fees required by this Chapter;

(3) Restore any public property or rights-of-way utilized during the commercial filming to as good a condition as they were prior to the commercial filming; and

(4) Hold harmless and indemnify the City and all City elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys, from any and all claims that may be asserted at any time against any of such parties arising out of or in connection with the proposed commercial filming or the permit application process required by this Chapter;

(O) Certificate(s) of Insurance

(1) The applicant must submit, in a form acceptable to Corporation Counsel and issued by an insurance company licensed to do such business in the State of Illinois, Certificate(s) of Insurance, which Certificate(s) shall, at a minimum, provide proof of insurance of general liability, automobile liability, worker's compensation, and employer's liability.

(2) The insurance policies for general liability and automobile liability required by this Section 99.030(O) shall list the City as an additional insured party, and shall not be reduced in the amount of coverage, nor cancelled or terminated, without 10 days prior written notice to the City Manager. Such insurance policies shall each include bodily injury and property damage and shall each be in an amount of not less than \$2,000,000. (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

Sec. 99.035 Property Owner Approval

If the proposed commercial filming is to be conducted in whole or in part on private property, the application required by this Chapter shall be accompanied by the written approval of the owner(s), and, if different, the occupant(s) of the property on which the commercial filming is to take place. Such approvals shall contain, without limitation, the following certification: "I hereby certify that I am the owner of record [or, where applicable, the occupant] of the property located at [street address], which will be used for commercial filming. I hereby waive any claim against the City of Highland Park arising out of or in connection with the issuance of the commercial filming permit, and will indemnify and hold harmless the City and all City elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys, from any and all claims that may be asserted at any time against any of such parties that I may incur as a result of or in connection with the commercial filming activities conducted pursuant to such permit."

Sec. 99.040 Chief of Police Recommendation

Upon receipt of a completed application, the City Manager shall submit a copy of the application to the Chief of Police. The Chief of Police shall review the application, and shall make and submit to the City Manager his or her findings and recommendations concerning the application as soon as practicable after a complete application is submitted. (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07; **Ord. 73-09, J. 35, p. 284-288, passed 12/14/09**)

Sec. 99.050 Permit Approval

(A) City Manager Approval

(1) Upon receipt of the findings and recommendation of the Chief of Police, the City Manager shall either (a) grant the permit, which grant will be subject to payment of all fees required pursuant to Section 99.070 of this Chapter and may be subject to additional conditions and upon such terms as the City Manager deems necessary or appropriate to protect and promote the public health, safety, or welfare, or (b) deny the application. The failure of the City Manager to grant or deny a permit application after receipt of the findings and recommendation of the Chief of Police shall be deemed a denial of the permit. (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07; **Ord. 73-09, J. 35, p. 284-288, passed 12/14/09**)

(2) Notwithstanding any provision of this Code to the contrary, the City Manager shall have the right, but not the obligation, to approve the full or partial closure of a City-owned right-of-way in connection with the approval of a commercial filming permit pursuant to this Chapter. **(Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

(B) City Council Appeal

An applicant may appeal the denial by the City Manager of a commercial filming permit application to the City Council by filing an appeal in writing with the Office of the City Manager within 10 days after the date of the City Manager's denial. The City Council shall review the commercial filming permit application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence. After due consideration of the facts contained in the record submitted to the City Council by the Office of the City Manager, and all other submitted materials, the City Council may (1) affirm the denial in total, or (2) overturn the denial, and grant the commercial filming permit, subject to any conditions and upon such terms as the City Council deems necessary or appropriate to protect and promote the public health, safety, and welfare. **(Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)**

Sec. 99.060 Notice

(A) Concurrent with the filing of an application for a permit for commercial filming, the applicant shall notify the owners of each parcel within 250 feet of the legal boundaries of the property on which the commercial filming is to take place, either: (1) by delivery of written notice; or (2) both delivery of oral notice to at least one owner of each parcel, and the posting of a sign at the location of the proposed filming; provided, however, that if the filming is to take place on public rights-of-way, the notice required pursuant to this Section 99.060(A) shall be made to the owners of each parcel within 250 feet of the location(s) of such filming. **(Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

(B) The notice must include, without limitation, the proposed dates and times of the commercial filming. **(Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

(C) The applicant shall also provide notice after filing an application for a permit for commercial filming to those additional individuals who, in the sole determination of the City Manager, should be notified of the proposed filming as a result of the nature and extent of such filming. **(Ord. 66-07, J. 33, p. 441-447, passed 8/13/07; Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

Sec. 99.070 Fees

(A) Administrative and Processing Fees

(1) Upon the submittal of a commercial filming permit application, the applicant shall pay a non-refundable administrative and processing fee, in the amount set forth in the Annual Fee Resolution.

(2) Prior to the issuance of any commercial filming permit for which the proposed commercial filming will require either (a) the full or partial closure of any City-owned right-of-way, or (b) special police protection, the applicant shall pay an additional, non-refundable major commercial filming permit fee, in the amount set forth in the Annual Fee Resolution. **(Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

(B) Performance Bond

Not less than one week prior to the commencement of any commercial filming authorized by permit and pursuant to this Chapter, or upon the filing of a commercial filming permit application, whichever occurs later, the applicant shall submit a performance bond, in an amount to be determined by the Director of Public Works but not to exceed \$50,000, and in a form acceptable to Corporation Counsel, which bond shall secure the restoration, repair, and replacement of any public property or public right-of-way damaged as a result of the proposed commercial filming. **(Ord. 73-09, J. 35, p. 284-288, passed 12/14/09)**

(C) Use of City Personnel or Resources

If the use of City personnel or resources is required in conjunction with any commercial filming authorized by permit and pursuant to this Chapter, the City Manager shall submit to the applicant an invoice detailing any and all charges for such use within 30 days of the conclusion of such filming. The applicant shall pay all fees listed on such invoice within 30 days of receipt of such invoice; provided, however, that this Subsection shall not apply to applicants that are registered not-for-profit corporations that have received 501(c)(3) status from the Internal Revenue Service.

Sec. 99.080 Dates and Times of Commercial Filming

(A) Except as specifically authorized by the City Manager, commercial filming conducted pursuant to this Chapter shall occur only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturday, and shall not occur on a Sunday or on any national holiday. (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

(B) Commercial filming conducted pursuant to this Chapter may take place only on the dates listed on the permit application or, in the event of Force Majeure and upon the prior written approval of the City Manager, on the Contingency Dates.

Sec. 99.085 Visual Documentation of Filming Locations

Not less than three days prior to the commencement of any commercial filming authorized by permit and pursuant to this Chapter, the applicant shall, to the satisfaction of the Chief of Police, submit visual documentation of the location(s) of the approved commercial filming, in the form of photographs, video tape, or other reasonable form, as those location(s) appear and exist prior to the commencement of such filming.

Sec. 99.090 Noise and Sound Emissions

The applicant shall comply at all times with the provisions of Section 95.001(O) of the City Code governing noise and sound emissions in the City, unless a modification is specifically authorized by the City Manager. (Ord. 66-07, J. 33, p. 441-447, passed 8/13/07)

Sec. 99.100 Compliance with Police Orders

Notwithstanding the terms of a permit granted pursuant to this Chapter, the Chief of Police, or his or her designee, may order any holder of such a permit to take any action that is deemed necessary to protect the public health, safety, or welfare, including, without limitation, the vacation of any public right-of-way or public property. The holder of such a permit shall comply with any and all such orders in the manner directed by the Chief of Police or his or her designee.

Sec. 99.110 Amendments

Any substantial change in the commercial filming authorized by a commercial filming permit granted pursuant to this Subsection shall require the approval of a new permit in accordance with Sections 99.030 through 99.050 of this Chapter, which new permit shall reflect such changes in the proposed commercial filming; provided, however, that the City Manager may approve minor changes to the proposed commercial filming, if, in the Manager's judgment, such minor changes do not constitute a substantial deviation from the proposed commercial filming for which the permit was approved. For purposes of this Section, "substantial change" shall include, without limitation, commercial filming at dates and times other than those dates and times or Contingency Dates listed on the permit application.

Sec. 99.120 Exceptions

The provisions of this Chapter shall not apply to filming conducted for personal use, by news media, or in conjunction with an educational program at or conducted by a public or private school or school district that is either located within the City or that serves residents of the City.

Sec. 99.130 Penalties

(A) Any person who violates a provision of this Chapter, who makes a false statement in obtaining a permit pursuant to this Chapter, or

who violates a condition of a permit granted pursuant to this Chapter, shall be subject to a fine of not less than \$25 and not more than \$500 for each violation or false statement. Each day on which the violation occurs or continues to exist shall be deemed a separate violation.

(B) Any permit granted pursuant to this Chapter may be revoked in writing by the City Manager upon any conduct for which a person may be subject to a fine in accordance with Section 99.130(A) of this Chapter. Such revocation may be in addition to, or in lieu of, any fine imposed for such violation. In the event of such a revocation, the City shall be entitled to retain any and all fees submitted pursuant to Section 99.070 of this Chapter.”

(Ord. 3-69, J. 7 p. 292, passed 1/27/69; Chapter 99: Pesticides deleted by Ord. 32-97, J. 24, p. 109-111, passed 6/23/97; Chapter 99 Removed from Reserve/Commercial Filming added by Ord. 24-06, J. 32, p. 81-90, passed 3/13/06)

Sec. 99.035 Property Owner Approval

If the proposed commercial filming is to be conducted in whole or in part on private property, the application required by this Chapter shall be accompanied by the written approval of the owner(s), and, if different, the occupant(s) of the property on which the commercial filming is to take place.

Such approvals shall contain, without limitation, the following certification: "I hereby certify that I am the owner of record [or, where applicable, the occupant] of the property located at [street address], which will be used for commercial filming. I hereby waive any claim against the City of Highland Park arising out of or in connection with the issuance of the commercial filming permit, and will indemnify and hold harmless the City and all City elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys, from any and all claims that may be asserted at any time against any of such parties that I may incur as a result of or in connection with the commercial filming activities conducted pursuant to such permit."

I hereby certify that I am the owner of record of the property located at _____

(street address) which will be used for commercial filming. I hereby waive any claim against the City of Highland Park arising out of or in connection with the issuance of the commercial filming permit, and will indemnify and hold harmless the City and all City elected or appointed officials, officers, employees, agents, representatives, engineers, and attorneys, from any and all claims that may be asserted at any time against any of such parties that I may incur as a result of or in connection with the commercial filming activities conducted pursuant to such permit.

Signature

Printed Name

Phone

Date

HOLD HARMLESS AGREEMENT

In consideration of the City of Highland Park (“**City**”) granting _____, residing at _____ (“**Applicant**”), the temporary use of City property and services before, during and after the _____ (“**Event**”)¹ scheduled to occur on _____, 201__ between ___ a.m./p.m. and ___ a.m./p.m., at _____ (“**Location**”)², and other good and valuable consideration the sufficiency of which is hereby acknowledged, the Applicant, hereby agrees to indemnify and hold harmless the City and its officers, agents, servants, employees, attorneys, and officials from and against all claims arising out of, connected with, or in any way related to the Event.

The Applicant has read and fully understands this Hold Harmless Agreement and executes it of his/her own free will and without and any reservation whatsoever.

Dated this ___ day of _____, 201__.

Applicant

Attest

¹ If necessary, please attach additional information regarding the Location.

