

**City of Wyandotte
Film Permit Application**

COMPANY INFORMATION:
 Production Company Name: _____
 Permanent Address: _____ State: _____ Zip Code: _____
 Phone: _____ Email: _____
 Local Production Office Address: _____
 Local Production Office Phone: _____
 Provide a list of prior filming projects, references, experience, and credentials relating to the individuals primarily responsible for the proposed activity and production

CONTACT INFORMATION:
 Producer: _____ Phone: _____ Email: _____
 Production Manager: _____ Phone: _____ Email: _____
 Location Manager: _____ Phone: _____ Email: _____
 Asst. Location Manager: _____ Phone: _____ Email: _____

PRODUCTION INFORMATION:
 Title of production: _____ Type of production: _____
 Classification: Feature: _____ Short: _____ Documentary: _____ TV: _____ Commercial: _____ Non-Profit: _____ Multimedia: _____
 Production Location(s): _____
 Date(s) and time for each day: _____
 Script Overview: _____

(Please attach full copy of script, film treatment or outline)
 Details of Production Activity (Provide a description of production activity for each location including detailed maps for production site, base camps and crew parking): _____

Name of Private Property Owner/Representative: _____ Phone: _____
 Prep, Strike and Production Schedule: _____
 Traffic Control/Activity in public ROW: No: _____ Yes: _____ (Attach Traffic Control Plan)
 City Services Requested (explain): _____
 Total size of personnel (Cast and Crew) per site/day: _____ Total number of site attendees: _____
 Number of production vehicles/equipment/trailers: _____
 Pyrotechnics/Explosives: _____ Open Flames: _____ Use of Firearms: _____ Simulated Crimes: _____
 Car Chase: _____ Animals: _____
 Insurance Carrier: _____ Expiration Date: _____

Attach Insurance forms and hold harmless agreement
 Production Company Representative: _____
 Production Company Representative Signature: _____
Under penalty of perjury, the signer of Film Permit Application represents and warrants all of the above statements are true and he/she is authorized to execute this application on behalf of the company.

When complete and by acceptance of this permit, permittee agrees to all the aforesaid conditions, including any attachments to this form and compliance with all local ordinances and state laws and regulations.

Return to:
 City of Wyandotte City Clerk
 3200 Biddle Avenue, 1st Floor
 Wyandotte, MI 48192
OR Clerk@wyandottemi.gov with subject line:
Film Permit Application

Approvals
 Application Received Date: _____ Date: _____ Public Works Dept.: _____ Date: _____
 Police Department: _____ Date: _____ Fire Department: _____ Date: _____
 Public Development: _____ Date: _____ Risk Management: _____ Date: _____

 City Approval by Signature Date

CITY OF WYANDOTTE

WAIVER, INDEMNITY AND HOLD HARMLESS AGREEMENT

In consideration of and as a condition of issuance of any film/tape/create media production within the right-of-way and/or public utility easement and/or City Owned or Controlled Property of the City of Wyandotte _____ ("Film/Production Company") takes the following action:

A. Film/Production Company assumes all risks of injury and property damage and accepts all responsibilities in the case of accident, injury or death, except for damages caused by or resulting from the City's sole negligence.

B. Film/Production Company agrees not to sue the City of Wyandotte, its employees, appointed and elected officials, volunteers and other individuals working on behalf of the City of Wyandotte for any claims, damages or costs which Film/Production Company may have as a result of any accident injury or death incurred or suffered by Film/Production Company or its employees while conducting any film/video/media/production activity, construction, operation, use and/or maintenance in the right-of-way and/or public utility easement and/or City Owned or Controlled property, except for damages caused by or resulting from the City's sole negligence.

C. Film/Production Company expressly agrees to the fullest extent permitted by law to indemnify and hold the City of Wyandotte, its employees, appointed and elected officials and volunteers and other individuals working on behalf of the City of Wyandotte harmless against any losses, costs, expenses, damages, liabilities or claims whether groundless or not, arising out of bodily injury, sickness or disease, including death resulting at any time therefore, which may be sustained or claimed by any person or persons or destruction of any property, (including the loss of use thereof) based on any act or omission, negligent or otherwise, of Film/Production Company or anyone else acting on its behalf incident to the Permit to film/tape/create media production, within the right-of-way and/or public utility easement and/or City Owned or Controlled Property, except that Film/Production Company shall not be responsible for indemnification to the City for damages caused by or resulting from the City's sole negligence and Film/Production Company shall at its own cost and expense, defend any such claim and any suit, action or proceeding which may be commenced thereunder and Film/Production Company shall pay any and all judgments which may be recovered in any such suit, action or proceeding and any and all expenses, including but not limited to costs, attorney fees and settlement expenses which may be incurred therein as they relate in any way to any film/tape/media production activity, construction, operation, use and/or maintenance by Film/Production Company or others working on behalf of the Film/Production Company within the right-of-way and/or public utility easement and/or City Owned or Controlled property.

I acknowledge receipt and review of this agreement and agree to abide by its terms and conditions. I further represent and warrant that I have authority to sign this agreement on behalf of the entity named herein.

Film/Production Company:

Date: _____

(Company Name)

Address: _____

City, State, Zip: _____

Phone: _____

Signature of Film/Production Company Authorized

By its: _____

Print Name: _____

CHAPTER 113: FILM PRODUCTION

Section

- 113.001 Definition
- 113.002 Permit required
- 113.003 Permit applications
- 113.004 Application investigation
- 113.005 Issuance requirements
- 113.006 Grounds for permit denial
- 113.007 Contents, posting and transferability
- 113.008 Permit revocation
- 113.009 Cost of additional services
- 113.010 Clean-up and restoration

§ 113.001 DEFINITION.

MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION means all activity attendant to staging or shooting (video taping or filming or digital recording) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or in the public right-of-way in any one location for longer than five consecutive minutes.

(Prior Code, § 8.2-1) (Ord. 1321, passed 2-8-2010)

§ 113.002 PERMIT REQUIRED.

(A) No person shall use any public right-of-way, or any public or private property or facility for the purpose of producing, broadcasting, taking or making any commercial motion picture, television, radio or photographic unless he or she shall have first made application for and obtained, as prescribed in this subchapter, a permit for each instance.

(B) The provisions of this subchapter shall not apply to the following:

- (1) Current news productions, which includes reporters, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in this broadcasting of news events;
- (2) Productions which are conducted by the city's public, education and government access organizations or by or at the direction of the city;
- (3) Productions which are conducted within legally established commercial motion picture/ television/radio/photography studios;
- (4) Video or multimedia broadcast or transmission of a live performance within a live entertainment venue on large screen monitors; or
- (5) Private events filmed or photographed for non-commercial purposes, such as private parties or weddings.

(Prior Code, § 8.2-2) (Ord. 1321, passed 2-8-2010) Penalty, see §10.999

§ 113.003 PERMIT APPLICATIONS.

(A) Any person desiring a permit to conduct motion picture, television, radio and photographic production activities under the provisions of this subchapter shall make application on the appropriate form provided by the city, or by furnishing the required information in person or by first class mail, facsimile or the internet to the City Clerk's office. The form must be signed and accompanied by all required fees, deposits, hold harmless agreements and insurance certificates required by this subchapter before it will be processed.

(B) The applicant for a permit required by this subchapter shall supply the following information on the application:

- (1) The name, mailing address and phone number of the person making the application, along with the name and contact information for the location administrator. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors or members;
- (2) The address, legal description and proof of ownership of the site at which the proposed activity is to be conducted. Where ownership is not vested in the prospective permittee, he or she shall submit an affidavit from the owner indicating the owner's consent to the use of the site for the proposed activity;
- (3) A statement of the kind, character and type of proposed motion picture, television, radio and photographic

production;

(4) The dates and hours during which the proposed motion picture, television, radio and photographic production is to be conducted;

(5) An estimate of the maximum number of attendants expected at the motion picture, television, radio and photographic production for each day it is conducted;

(6) Each application shall be accompanied by a fee, as follows:

(a) A processing fee in an amount established by resolution of the City Council to reimburse the city for the staff time required to evaluate the application and establish conditions of approval. The processing fee shall be waived for charitable and non-profit organizations which qualify under I.R.C. § 501(c)(3). The processing fee is non-refundable;

(b) A daily property use fee in an amount established by resolution of the City Council to compensate the city for the use of public property and its unavailability for ordinary and usual purposes resulting from the filming activity;

(c) A monitoring fee to reimburse the city for staff time required to monitor the filming activity, and for reasonable costs for other city services or equipment approved for use during such activities, in an amount as determined at the time of the city's review of permit application; and

(d) The processing fee and the property use fee shall be waived for the following:

1. Productions conducted by a cable television company operating under a franchise granted by the city which are not conducted on public property, do not interfere with public rights-of-way, and which involve fewer than two motor vehicles;

2. Productions for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly; and

3. Student filming: productions directed or produced by a person currently enrolled in courses related to the production.

(C) Each application for a permit required by this subchapter shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective permittee's plans to provide for the following:

(1) The size or area of the property to be used, including a sketch of the filming site showing placement of work trucks, location of production vehicles;

(2) Sketch of the "base camp" if any, showing any off-street locations for crew parking, honey wagon, catering and non-essential production vehicles;

(3) Traffic-control plan of the exact filming location, listing roads or lanes to be closed, if any;

(4) Description of the duration of the proposed activity and daily hours of operation;

(5) Facilities for clean-up and waste disposal;

(6) Letter of notification and signatures from businesses/neighborhoods impacted by filming if required by the City Clerk or his or her designee; and

(7) Insurance arrangements and coverage.

(Prior Code, § 8.2-3) (Ord. 1321, passed 2-8-2010)

§ 113.004 APPLICATION INVESTIGATION.

Upon receipt by the City Clerk's office, copies of the application for a permit required by this subchapter shall be forwarded to the appropriate city departments, and to such other appropriate public officials as the City Clerk or his or her designee deems necessary.

(Prior Code, § 8.2-4) (Ord. 1321, passed 2-8-2010)

§ 113.005 ISSUANCE REQUIREMENTS.

(A) In processing an application for a production filming permit required by this subchapter, the city shall, at a minimum, require the following.

(1) *Security personnel.* The permittee shall employ, at his or her own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the location of the filming activity and for the preservation of order and protection of property in and around the site of the filming activity. No permit shall be issued unless the Police Chief or his or her designee is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the production filming.

(2) *Notification.* The permittee or his or her designee shall notify affected residents, occupants and businesses, in advance of filming, and as instructed by the city, of the duration and location of filming activities, including information about planned special effects, road and lane closures, "no parking" requests, sidewalk usage and the time that any barricades will be placed on the street and/or sidewalk.

(3) *Access.* Production vehicles may not block parking lot access drives, fire hydrants or be parked in fire lanes and must comply with all provisions of the state law and local ordinances.

(4) *Base camps.* Base camps may not be located on a public street unless approved in writing by the city or the Police Chief or his or her designee. Only the necessary production vehicles (i.e., grip and light trucks) may be parked on a public street, if necessary, at the filming location. Crew parking, honey wagon, catering and other non-essential production vehicles shall be at a predetermined location as approved by the city.

(5) *Insurance.* As a condition of issuing a permit under this subchapter, the permittee shall furnish insurance in an amount to be determined by the Director of Finance/Administration, but in no event in an amount less than \$1,000,000 to protect the city against claims of third persons for personal injury, wrongful death and property damage and to indemnify the city for damage to the city property arising out of the permittee's activities. Additional coverage of such general liability insurance coverage shall be required in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity in an amount to be determined by the Director of Finance/Administration. Such insurance shall be evidenced by the standard general special endorsement form or the certificate of insurance (public liability) form approved by the city. The applicant shall also submit verification that adequate worker's compensation insurance coverage is maintained. The city shall be named as an additional insured party.

(6) *Fire protection.* The permittee shall, at his or her own expense, take adequate steps as determined by the Fire Chief to ensure fire protection. No permit shall be issued unless the Fire Chief or his or her designee finds that permittee will provide all necessary and sufficient compliance with the requirements of NFPA (National Fire Protection Association) 140 for the duration of the production filming.

(7) *Hold harmless agreement.* The permittee shall execute a hold harmless agreement as provided by the city prior to the issuance of any permit.

(8) *Other conditions.* Prior to the issuance of a permit, the City Clerk may impose any other conditions reasonably calculated to ensure compliance with the requirements of this subchapter and to protect the health, safety, welfare and property of attendants or of citizens of the city, including a limitation on the duration of the permit and the location of activities thereunder.

(B) In processing an application for a permit required by this subchapter, the city shall issue a permit as provided for in this subchapter when, from a consideration of the application and from such other information as may be otherwise obtained, the city finds that:

(1) The conduct of such activity will not unduly interfere with the use and enjoyment of neighboring property or unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Adequate advance notice of any street closure shall be given;

(2) The conduct of such activity will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant;

(3) The activity does not propose to include obscene matter or an obscene performance and will not involve conduct in violation of state, local or federal laws, rules or regulations, including Public Act 343 of 1984, being M.C.L.A. §§ 752.361 to 752.374;

(4) At the determination of the city that the condition of such activity will not constitute a fire hazard or any other type of hazard and all property safety precautions will be taken as determined by the heads of the applicable departments or their designees;

(5) The permit shall 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, being M.C.L.A. §§ 123.1191 et seq. prohibiting the production of a film that includes obscene matter or an obscene performance or that requires that individually identifiable records be created and maintained for every performer provided in 18 U.S.C. § 2557. The city reserves the right to review all proposed scripts for any production filming activities. The decision of the city to issue, conditionally issue or deny a permit shall be final unless appealed in writing within five working days of the decision by requesting a hearing before the City Council at the next available meeting. Where conditions are imposed as prerequisite to the issuance of a permit and where a permit is denied, notice thereof shall be mailed to the applicant by first class mail within five days of such action. In the case of a permit denial, the reasons therefor will be stated in the notice;

(6) The permittee shall provide a proper acknowledgment of the city as part of the production in a form as approved by the City Clerk; and/or

(7) The permittee shall execute the city's contract, as required.

(Prior Code, § 8.2-5) (Ord. 1321, passed 2-8-2010)

§ 113.006 GROUNDS FOR PERMIT DENIAL.

A filming permit, required by this subchapter, may be denied if:

(A) The applicant fails to comply with any or all requirements of this subchapter, or with any or all conditions imposed pursuant to this subchapter, or with any other applicable provision of state, local or federal laws, rules or regulations;

(B) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document; and/or

(C) The applicant has not provided all information requested by the city.

(Prior Code, § 8.2-6) (Ord. 1321, passed 2-8-2010)

§ 113.007 CONTENTS, POSTING AND TRANSFERABILITY.

A production film permit required by this subchapter shall specify the name and address of the permittee, the kind and location of the filming activity, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this subchapter. It shall be posted in a conspicuous place upon the premises of the filming activity, and shall not be transferred to any other person or location.

(Prior Code, § 8.2-7) (Ord. 1321, passed 2-8-2010)

§ 113.008 PERMIT REVOCATION.

(A) The city may revoke a permit issued pursuant to this subchapter whenever the permittee, his or her employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this subchapter, including the conditions imposed upon issuance of the permit, or with any and all provisions, regulations, ordinances, statutes or other law incorporated by reference in this subchapter.

(B) A permit shall automatically be revoked if riotous, disorderly, obscene or otherwise unlawful conduct occurs at a filming location or if an assemblage exceeds 125% of the estimated attendance, as indicated on the application for a permit, or in the event that the Chief of Police determines said activity constitutes an imminent threat to the public health, safety or welfare. In such instances, the premises may be closed by the Police Department or Fire Department and the assembly disbursed.

(Prior Code, § 8.2-8) (Ord. 1321, passed 2-8-2010)

§ 113.009 COST OF ADDITIONAL SERVICES.

If deemed necessary by the city, additional police, code enforcement, fire and other city services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The estimated cost of providing such additional services shall be paid in advance to the city by the applicant. Any additional city services will be provided/coordinated through the city. In the event any portion of the estimated cost is not used, said fund will be reimbursed to the permittee.

(Prior Code, § 8.2-9) (Ord. 1321, passed 2-8-2010)

§ 113.010 CLEAN-UP AND RESTORATION.

The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area and the clean-up of trash and debris. The area used shall be cleaned of trash and debris within two hours of the completion of the activity or within such other time established in the permit to the city's satisfaction. The applicant shall be responsible for restoring any area damaged or disrupted before leaving the site. If the site is not repaired or restored to the city's satisfaction, the city shall have the necessary restoration and/or repairs performed and the applicant shall reimburse the city for such work within ten days of completing filming. The applicant shall be required to pay in advance an estimated cost for clean-up to the city. In the event any portion of the estimated cost is not used by the city under this section, said fund will be reimbursed to the permittee.

(Prior Code, § 8.2-10) (Ord. 1321, passed 2-8-2010) Penalty, see §10.999

RESOLUTION
TO ESTABLISH FEES FOR PRODUCTION FILMING ORDINANCE

Wyandotte, Michigan
Date: February 22, 2010

RESOLUTION by Councilmember Sheri M. Fricke

RESOLVED by the City Council that

WHEREAS, the following fees shall be required pursuant to the production/filming ordinance in Chapter 8,2:

Processing fee:	\$100.00
Property use fee:	\$200.00 per day
Monitor fee:	\$100.00 per day
Cleanup deposit:	\$500.00

Additional service fee will be determined by the Finance Director based upon the estimated costs in providing additional services after review of the application.

I move the adoption of the foregoing resolution.

MOTION by Councilmember Sheri M. Fricke

Supported by Council member James R. DeSana

YEAS	COUNCILMEN	NAYS
X	Browning	_____
X	DeSana	_____
X	Fricke	_____
X	Galeski	_____
X	Sabuda	_____
	Stec	_____
	Absent	Stec