

Chapter 746 - FILM PERMITS

Sec. 746.01 - Title and purpose.

This ordinance shall be known as the film permit ordinance. It is designed to provide a procedure to authorize filming of motion pictures on public property while protecting the public interest.

Sec. 746.02 - Definitions.

Applicant means the person, firm, corporation or entity that applies for a permit pursuant to this Chapter

Film production means any and all motion picture production, television production, videography or web video (meaning video production for distribution on the internet).

News media means photographic, filming, and/or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or cameramen.

Student led Production means any film production project led by a student from an accredited digital media program/class of higher education. Proof of program/class registration at the time of application may be required.

Sec. 746.03 - Permit required.

No person shall engage in, conduct or carry on the business of film production on private or public property within the incorporated area of the City of Kent, Ohio, including but not limited to rights-of-way, without first receiving a film permit from the city. This is in addition to any permit that may be required by the International Fire Code or any other provisions of the City of Kent Codified Ordinances. Use of a city facility or building (other than a road) shall also require the applicant for the permit to enter into a "location agreement" contract with the city, governing the use of city property.

The permit shall set forth the approved location of such filming and also the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one location involving a road closure. Said permit must be readily available for inspection by city officials at all times at the site of the filming.

If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the City Manager or designee may issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this new permit.

Sec. 746.04 - Application.

Any person seeking the issuance of a film permit shall complete a written film permit application form provided by the city and shall provide all information requested thereon, not less than fourteen (14) days nor more than one hundred and eighty (180) days prior to the commencement of film production. The application must be signed by an authorized representative of the applicant.

Sec. 746.05 - Exemptions.

The following film production activities are exempt from permit requirements:

Film production by news media; personal or family videos (weddings, etc); studio filming inside a movie studio; film production activities taking place entirely on private property; and such other productions as are exempted by the City Manager.

However, if any of the exempt activities listed above desire to use city facilities or block or interfere with a city street, property or right-of-way, then the ordinance shall apply and a permit must be obtained.

Sec. 745.06 - Administration and regulations.

- (a) *Administrator.* This article shall be administered by the City Manager or his/her designee.
- (b) *Conditions.* A permit may be issued with special conditions unique to the particular film production based on the circumstances of the request and location or other special factors.
- (c) *Safety and notice standards.*
 - (1) *Roads and traffic.* If roads or lanes are to be blocked or traffic disrupted in any manner, off-duty City of Kent police officers must be hired to provide safety supervision. Requirements of the Kent Police Department for flagging and lane closures shall be observed. Filming on state highways requires permission of the Ohio Department of Transportation. Removal,

cutting or trimming of vegetation on the right-of-way is prohibited unless specifically approved in the permit.

- (2) *Fire department.* The City of Kent Fire Department shall have full access to any film production to ensure safety for crew members, the public and surrounding properties. No film activity involving the use of explosives, pyrotechnics, smoke machines or fire shall be permitted without approval of the fire chief or his/her designee.
- (3) *Public notice.* Adjacent property owners shall be notified in advance of the filming and provided a contact number for any complaints or concerns. At least three (3) days' notice shall be posted in a manner approved by the City Manager of any full or partial road closure; a detour route must be posted for full road closures. Applicant shall ensure reasonable access to businesses and residences within the affected area during film production.
- (d) *Fees & Bonds.* The fee structure will depend on the type and scope of filming requested.

Large Scale Productions

(Anything other than student led productions)

Permit Fee:	\$100.00
Road closure fee:	\$50.00 per day
Police/Fire Protection fee:	At cost. (required when road lanes closed)
Use of city facilities:	
General:	\$100.00 per facility, per day
Park facilities:	Inquire with Kent Parks & Recreation Office 330-673-8897

Student Led Productions

Permit Fee:	No permit fee
Road closure fee:	\$100.00 bond
Police/Fire Protection fee:	At cost. (required when road lanes closed)
Use of city facilities:	
General:	\$25.00 per facility, per day
Park facilities:	Inquire with Kent Parks & Recreation Office 330-673-8897

The City reserves the right to include additional and/or waive fees related to production activities as needed.

- (e) Permit holders shall be responsible for fulfilling ASCAP (American Society of Composers, Authors, and Publishers) or other similar entities requirements for any music played, including but not limited to reporting requirements. In addition, the permit holder shall be responsible for any costs charged to the city or the applicant by ASCAP. Any complaints resulting from Applicant's violation of this subsection will be subject to Section 746.07(c) below.
- (f) *Alcoholic Beverages.* Possession of alcoholic beverages and/or the consumption of alcohol during film production activities, or within the affected area prescribed in the permit, is prohibited.
- (g) *Food Vendors.* Food vendors planning to operate within the affected area during film production shall be licensed and inspected by the Kent City Health Department. A list of all food vendors and their proposed food items must be submitted at least fourteen (14) days prior to the event, to be reviewed for licensing and health provisions.

- (1) Any vendors who utilize cooking or other heating equipment shall have a fire extinguisher with a minimum rating of 2A 1 OBC available at all times.
 - (2) A clear fire lane shall be maintained throughout the course of the affected area.
 - (3) Gasoline powered generators may be permitted, but gasoline storage on site shall be limited to five gallons which shall be stored in a UL approved container.
 - (4) Use of tents, canopies, etc. of greater than 400 square feet in size, or to be used above or in close proximity to open flames, cooking grills, or other flammable agents, shall be by permit issued by the fire department, and shall be consistent with the Ohio Fire Code.
- (h) *First aid.* Applicant shall provide, or make arrangements to provide, a first aid station, or have in possession a first aid kit, to the satisfaction of the fire chief or his/her designee.
- (i) *Trash and Recycling.* When necessary, the applicant will be required to make arrangements for necessary trash containers, recycling containers, and central dumping point for the removal of all solid waste generated by film production activities. The applicant will also make arrangements for the removal of all food preparation residue and waste consistent with Health Department recommendations.
- (j) *Neighborhood Approval.* For film permits requiring a road closure, the sponsor shall conduct a survey of the residents and businesses in the affected area. The survey shall be in the form of a petition requesting the issuance of a film permit for a specific date and time and bearing the signatures of affected residents of seventy (70) percent or more of the affected area and affirms by affidavit that each such signature is genuine and that of an affected resident to the best of applicant's knowledge.
- (k) *Noise Limitations.* City standards for noise will apply to film productions as they may affect surrounding residential neighborhoods as defined in Codified Ordinance Chapters 1127 to 1139.

Sec. 746.07 - Liability provisions.

- (a) *Liability insurance.* Before a permit is issued, a certificate of insurance will be required in an amount of \$1,000,000 minimum naming the city and its officers and employees as additional insureds for protection against claims of third persons for personal injury, wrongful death and property damage. The certificate shall not be subject to cancellation or modification until after 30 days written notice to the city. A copy shall remain on file.
- (b) *Workers' compensation insurance.* An application shall conform to all applicable Federal and State statutes and requirements for workers' compensation insurance for all persons under the permit.
- (c) *Hold harmless agreement.* The applicant's acceptance of the permit shall constitute a hold harmless agreement, holding the City of Kent and its officers and employees harmless from all damages, suits, actions or liabilities, including attorney's fees, arising out of or resulting from the filming activity, or from the acts of the filming company or its agents during the filming activity or occurring as a result of the use of filming locations by the filming company.
- (d) *Security deposit.* To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the city, if no verifiable damage has occurred, the security deposit shall be returned to the applicant.
- (e) *Damage to property.* Any damage to city-owned property, facilities or infrastructure, including roads, arising from or relating to the film production, shall be the responsibility of the permit holder who shall repair all such damage or pay the city the costs of repair.

Sec. 746.08 - Violations/revocation.

- (a) Any permit can be revoked by the City Manager or his/her designate, or if he/she is not present, by the ranking police officer on duty upon the happening of any one or more of the following events:
 - (1) Any expansion of the road closure beyond the affected area regardless of whether such expansion is known or approved by the permit holder;
 - (2) Any acts of vandalism, littering, disorderly conduct or criminal activity by any of the participants affiliated with the permit holder regardless of whether the perpetrators of such acts are apprehended; or

- (3) Any other acts or circumstances, lawful or unlawful which, in the opinion of the City Manager or the ranking police officer on duty, create a substantial risk of injury to person or property.
- (b) If a permit is revoked the fact of such revocation shall be given to all participants and persons in or near the affected area by announcing such fact over the public address system of any marked police car or by any other manner reasonably calculated to effect such notice.

Sec. 746.09. - Primary contact.

The applicant shall provide one primary contact of competent authority to maintain communication with and be responsive to the city manager during the entire period of filming. Minimum communication types shall be phone, text, and e-mail. The city manager and/or his designee shall be the primary contact for the applicant.