

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**ORDINANCE 2014-84
Effective June 1, 2014**

An Ordinance to provide rules and regulations regarding commercial filming in the Village of Grand Beach.

THE VILLAGE OF GRAND BEACH ORDAINS:

I. DEFINITIONS:

- a. "Motion picture, television, still photography" shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, commercials, and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format.
- b. "Charitable films" shall mean commercials, motion pictures, television, videotapes, digital recording or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- c. "News Media" shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camerapersons.
- d. "Studio" shall mean a fixed place of business certified as such by local fire authority having jurisdiction where filming activities (motion or still photography) are regularly conducted upon the premises.

II. PERMITS AND EXEMPTIONS:

- a. Permit required: No person shall use any public or private property, facility or residence for the purpose of taking motion pictures, television, or commercial still photography without first applying for and receiving a permit from the officer designated by the Village.

b. Exemptions:

- 1) News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
- 2) Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
- 3) Studio Filming: Filming activities (motion or still photography) conducted at a studio.

III. RULES AND REGULATIONS:

Rules: The designated Village officer is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Council, governing the form, time and location of any film activity set forth within the Village. The officer shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

1. The health and safety of all persons;
2. Mitigation of disruption to all persons within the affected area;
3. The safety of property within the Village; and
4. Traffic congestion at particular locations within the Village.

IV. APPLICANTS AND ISSUANCE:

- a. Issuing Authority: the issuing authority shall be the Village designee.
- b. Applications: The following information shall be included in the application:
 1. The representative of the property, the address, email address and telephone number of the place at which the activity is to be conducted;
 2. The specific location at such address or place;
 3. The inclusive hours and dates such activity will occur;

4. A general statement of the character or nature of the proposed filming activity;
 5. The name, address, email address, and telephone number of the person or persons in charge of such filming activity;
 6. The exact number of personnel to be involved;
 7. Activity which may cause public alarm such as the use of any animals, gunfire or pyrotechnics and low flying helicopters; and
 8. The exact amount/type of vehicles/equipment to be employed along with a parking plan.
- c. Fee Schedule: The issuing authority may adopt a fee schedule.
- d. Reimbursement for Personnel: The production company shall reimburse the Village for any personnel provided to the company (e.g., police, fire, traffic) for the purpose of assisting the production.
- e. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location.

V. LIABILITY PROVISIONS:

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the Village as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The Village officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Village. A copy of the certificate shall remain on file.
- b. Worker's Compensation Insurance : An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the Village prior to the issuance of a permit under this ordinance.
- 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 Village, if no verifiable damage has occurred, the security deposit should be returned to the applicant.

VI. VIOLATION:

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the Village may provide the applicant with verbal or written notice of such violation. If the applicant fails to correct the violation, the Village may revoke the permit and all activity must cease.

ORDINANCE DECLARED ADOPTED.

PAUL LEONARD JR., Village President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of February, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk