

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 08/21/2012 **Approx Start Time:** 3:30 p.m. **Approx Length:** 30 Min

Presentation Title: Film & Media Ordinance

Department: Business & Community Services, Gary Barth, Director
Business & Economic Development

Presenters: Catherine Comer, Jamie Johnk, Scot Sideras

Other Invitees:

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

We are requesting that the Board of County Commissioners consider the proposed Film & Media Ordinance and move forward for adoption at a business meeting.

EXECUTIVE SUMMARY:

The Clackamas County Film and Media Production Program is a new initiative under Business and Economic Development which was created to advance jobs and business in the film and media industry. The 2012 Clackamas County Economic Landscape Study identified Film and Media Production as an emerging cluster generating 4,791 direct jobs and \$212M in GDP. In developing strategies for growth, staff has learned from industry representatives that the lack of uniform filming permitting discourages production companies from filming in certain locations.

The Clackamas County's Film and Media Production Program encourages cities to adopt a model ordinance to ensure uniform permitting processes throughout the County. This model ordinance is not intended to address the regulations of each local jurisdiction but provides general guidance for ensuring film friendly, unified policies and fees throughout Clackamas County.

Clackamas County Business & Economic Development staff will assist cities with developing their local ordinance and will provide support and comment to jurisdictions to ensure uniform procedures for issuing film permits. Local jurisdictions are encouraged to submit any draft filming ordinance or amendments to Clackamas County Business & Economic Development thirty (30) days prior to adoption as per upon which staff will review drafts and provide comments within five (5) working days.

FINANCIAL IMPLICATIONS (current year and ongoing):

County staff time to prepare and present the ordinance and meet with the communities.

LEGAL/POLICY REQUIREMENTS:

Adoption of Ordinance amending Chapter 8 of the Clackamas County Code.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Subsequent coordination with the cities according to the direction of the Board.

OPTIONS:

The Board of County Commissioners moves the Film & Media Ordinance forward; requests that staff make changes to the proposed Ordinance; or does not move the Ordinance forward.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners move the Film & Media Ordinance forward for adoption at a business meeting.

ATTACHMENTS:

Clackamas County Film and Media Ordinance

SUBMITTED BY:

Division Director/Head Approval 
Department Director/Head Approval 
County Administrator Approval _____

Approved As To Form


Office of County Counsel

8-14-12
Date

For information on this issue or copies of attachments, please contact Teresa Sears @ 503-742-4329

ORDINANCE NO. _____

**An Ordinance Amending Chapter 8 of the Clackamas County Code and Declaring
an Emergency**

WHEREAS, Title 8 of the Clackamas County Code sets out the ordinances applicable to the regulation of businesses; and

WHEREAS, it has been determined by the Board of County Commissioners that the motion picture, television, and still photography industries and the residents, businesses, and visitors of Clackamas County would be well served by an efficient and effective system for the granting of permits to carry on these activities within the borders of Clackamas county;

WHEREAS, the Clackamas County Code now contains no provisions pertaining to the regulation of the motion picture, television, and still photography industries; now, therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 8.12, Film and Media Production, is hereby added to the Clackamas County Code to read as follows:

.010 Purpose

This chapter is intended to provide an efficient and uniform permit processes for the motion picture, television, and still photography industries throughout Clackamas County, for the safety of the public and the promotion of its businesses.

.020 Definitions

- A. 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.
- B. COMMERCIAL shall mean a moving image or still photography production created to advertise or sell a product or service.
- C. 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.

- D. 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.
- E. 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.

.030 Permits and Exemptions

A. Permits 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 County.

B. Exemptions. The provisions of this chapter shall not apply to or affect the following:

1. 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. The recording of visual images whether motion or still photography, solely for private personal use and not commercial use.
3. Filming activities whether motion or still photography conducted at a studio.

.040 Application for Permit

A. The following information shall be included in the application for permit:

1. The name, address, email address and telephone number of the person(s) in charge of the activity;
2. The property address at which the activity is to be conducted as well as the name of the representative of the property, their address, email address and telephone number;
3. The specific location on the property that will be used by the applicant;
4. The hours and dates such activity will occur;

5. The exact number of personnel to be involved;
 6. A general statement of the character or nature of the proposed activity, including a description of any activity that may cause public alarm such as but not limited to, animals, gunfire or pyrotechnics, and low flying aircraft;
 7. The requested number of County personnel (i.e., police, fire) needed for public safety during the activity. The applicant shall reimburse the County for any personnel provided as agreed upon at the time of application;
 8. The exact amount/type of vehicles/equipment to be used during the activity, along with a parking plan; and
 9. A commitment that the applicant shall hold the County harmless and otherwise indemnify the County against any liability caused by the proposed activity.
- B. The permit is valid for a period of ninety (90) days from the date of issuance, unless otherwise specified by the County. The permit is valid for a single production. If multiple productions are taking place by a single production company, a permit is required for each production.
- C. An extension of the 90 day permit may be requested in writing, must be made to the County, and must be received by the County no less than twenty-four (24) hours prior to the expiration of the existing permit. The extension request must include the following information:
1. Duration of the extension request.
 2. A revised Certificate of Insurance covering the extension dates; and
 3. A check for any additional fees associated with the extension request.
- D. Upon the written request of the applicant, the County may change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location of production.
- E. To ensure cleanup and restoration of any public property, an applicant may be required to submit a refundable deposit. Upon completion of filming and inspection of the site by the County, if no verifiable damage has occurred, the security deposit should be returned to the applicant.
- F. Fees shall be set by a resolution adopted by the Board of County Commissioners.

.050 Liability and Insurance

- A. Before a permit is issued for the use of any public property for the purpose of taking motion pictures, television, or commercial still photography a certificate of insurance will be required in the amount not exceeding \$1,000,000 naming the County as a co-insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The County, including its officers and employees, shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty (30) days' written notice to the County. A copy of the certificate shall remain on file with the County.
- B. An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.

.060 Violation

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

.070 Rules and Regulations

The County is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Board of County Commissioners, governing the form, time and location of any activities reached by this ordinance.

.090 Emergency Clause

The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of this Ordinance is necessary for the peace, health, and welfare of the residents and businesses of the County. Accordingly, this Ordinance shall be effective immediately upon its adoption.

ADOPTED this _____ day of _____, _____.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Ordinance No. ____

Page 4 of 4