

ORDINANCE NO. 1160-03-18

AN ORDINANCE OF THE CITY OF HONDO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 4 BUSINESS REGULATIONS BY ADDING ARTICLE 4.07 TO ADD REGULATIONS FOR FILM PROJECTS AND TO ADD FEES FOR USE OF CITY PROPERTY FOR FILMING; PROVIDING FOR GUIDELINES AND DOCUMENTS FOR FILMING ON CITY PROPERTY; PROVIDING FOR SEVERABILITY, AN OPEN MEETING CLAUSE, AND EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the City of Hondo, Texas, (the "City") finds that encouraging the use of the City and City-owned property for appropriate movies, television shows, commercials, and other film projects is positive for the economic health and welfare of the City and its citizens;

WHEREAS, the Texas Film Commission, a department of the Office of the Governor, has developed a Film Friendly program for Texas communities, including document templates, to encourage and standardize the use of Texas locations for film projects; and

WHEREAS, use of City-owned property by a film company, while good for the City's economic health and welfare, can be an inconvenience to the City's citizens and requires adequate and appropriate protections for the City and its citizens, including the charging of fees and the use of standard legal documents; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Chapter 4 – Business Regulations is amended by adding Articles 4.07 – Film Projects regarding regulations for filming in the City and/or on city property and fees associated with such film projects so Chapter 4 is to read as follows

ARTICLE 4.07 FILM PROJECTS

4.07.001 Purpose

The regulations contained in this Article are intended to create a program for promoting economic development activity within Hondo and the vicinity of the City. The regulations are also intended to protect the personal and property rights of Hondo, its residents and businesses, and to promote the public health, safety and welfare. These regulations cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films

4.07.002 Film Fees for Use of City Property. The fees for use of City property in connection with a City-authorized film project are as follows, unless modified or waived for any such project by a majority vote of City Council:

Activity	Fee (per Calendar Day)
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500
Partial non-disruptive use of a public building, park, right-of-way, or public area	\$250
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)	\$50 per block
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)	\$25 per block
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot

4.07.003 Meeting With City

Before filming all or any portion of a movie, television show, commercial, or other film project in the City, the operating executive in charge of the film project, or its authorized agent, must contact the office of the City Manager to discuss the project's specific filming requirements and the feasibility of filming in the City.

4.07.004 City Control/City Manager Authority

- a. The City Manager may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use.
- b. The Applicant agrees that the City of **Hondo** shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming in order to promote the public health, safety or welfare.
- c. The Applicant shall allow City departments (e.g., Police, Fire, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager.

4.07.005 Permit Requirements

- a. Before filing an application for filming in **Hondo**, the Office of the City Manager must be contacted to discuss the production's specific filming requirements and the feasibility of filming in **Hondo**, TX.
- b. Any commercial producer who desires to undertake a commercial production in **Hondo** is required to complete and return the approved Application for filming to the Office of the City Manager, within the time frames below:
 - i. **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
 - ii. **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

4.07.006 Application and Application Fee

- a. An applicant that wants to use City-owned property in connection with a film project must complete and submit to the office of the City Manager an Application for Commercial Filming.
- b. The Application must be submitted to the office of the City Manager, along with a \$25.00 processing fee, on the following schedule: (1) for commercials or episodic television, no fewer than two (2) business days prior to the commencement of filming or any substantial activity related to the project; (2) for feature films and all other projects, no fewer than five (5) business days prior to the commencement of filming or any substantial activity related to the project. The City Manager may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the City Manager.

4.07.007 Guidelines and Location Agreement

If an Application is approved, the applicant must complete, sign and return to the office of the City Manager (i) the Guidelines for Filming in Hondo, Texas, and (ii) the Location Agreement, both prior to any production activity commencing on any City-owned property. A film project for which an Application has been submitted and approved, and for which Guidelines and a Location Agreement have been fully executed and submitted to the City, is a City-authorized film project for purposes of this Code.

4.07.008 Use of City Equipment and Personnel

- a. The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Manager may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

- b. The City Manager, in consultation with the Chief of Police and/or Fire Chief shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.
- c. Off-duty police officers who provide police and fire services shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

4.07.009 Use of City Owned Real Estate

- a. The City Manager may authorize the use of any street, right-of-way, park or public building, use of **Hondo**, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Manager.
- b. The Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

Activity	Cost per calendar day maximum of ___ hours/day
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500 per day
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250 per day
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50 per block, per day
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25 per block, per day
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot, per day

4.07.010 Vehicles and Equipment

- a. The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City Manager. On-street parking or use of public parking lots is subject to City approval.

- b. The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager.

4.07.011 Hours of Filming

Unless express written permission has been obtained from the City Manager in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 pm

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 pm

4.07.012 Notification of Neighbors

The Applicant shall provide a short written description, approved by the City Manager, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Manager, the City Manager may grant or deny the filming application.

4.07.013. Certificate of Insurance

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of **Hondo** and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage. Depending on the production, City Manager at his/her sole discretion, may increase minimum insurance amounts.

4.07.014 Damage to Public or Private Property

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition

4.07.015 City Control of its Property

The City shall have full control over the use of its name, trademark, logo, public streets and buildings while any are being used, as well as control over the hours of production and the general location of the production. If an applicant will be undertaking any filming on City-owned

property, and in order for the City to protect the context in which its name, trademark, logo, public streets and buildings are depicted, the applicant must submit the script to the City for general review prior to the City being asked to execute a Location Agreement. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity if it is determined to be hazardous to the public health, safety and welfare.

4.07.016 Hold Harmless Agreement

The Applicant shall sign a City Attorney approved Hold Harmless Agreement holding the City, its officials, employees and representatives harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use.

4.07.017 Penalty

Any person violating any of the provisions of this Article shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 3. Amendment of Conflicting Ordinances. Appendix A and Chapter 4 of the Code are hereby amended to incorporate Article 4.07 as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

Section 4. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting utility fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This Ordinance shall be in full force and effect after final passage and publication in the manner required by the Texas Local Government Code and the Charter.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

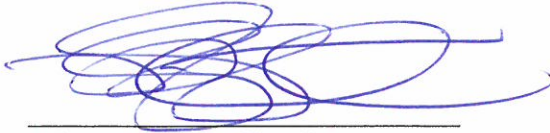
Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Passed and approved this 12th of March 2018.



JAMES W. DANNER, S.R., MAYOR

ATTEST:



Miguel Cantu, City Secretary



THE CITY OF HONDO, TX
Application for Commercial Filming

Title of project

Type of production (feature film, television production, commercial, corporate, music video, etc.)

Proposed Filming Locations (attach additional pages if necessary)

(Map may be attached)

Official Use Only: This application has been approved by the City Manager:

Signature

Date of Approval

Date(s) of prep/filming

Primary Contact

Name

Cell phone

Email

Location Manager (if different from Primary Contact)

Name

Cell phone

Email

Production Company Information

Name of Production Company

Address

City/State/Zip

Web Site

Primary Contact's Name

Primary Contact's Phone

Primary Contact's Email

Is this production already in contact with the Texas Film Commission? _____

If yes, who is your contact at the Texas Film Commission?

Name:

Phone:

Email:

PRODUCTION (*Attach additional sheets if necessary.*)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals: (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.)

2. Approximate number of persons involved with the production, including cast and crew:

3. Anticipated need of City personnel, equipment or property:

4. Public areas in which public access will be restricted during production:

5. Describe alterations to public property:

6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

7. Location where crew will be fed, if not at filming location:

8. Location where extras will be held, if not at filming location:

9. Please attach map of anticipated street closure(s) or other public area use.

Applicant (production company representative):

_____ Date: _____

Name

Title

Application approved by **Hondo** representative:

_____ Date: _____

*The "Guidelines for Filming in **Hondo**, Texas" apply to all motion picture production in **Hondo**.*

The Office of the City Manager may require the applicant to acknowledge receipt of the Guidelines prior to approving this application.

Application received: date: _____

By : _____