

ORDINANCE O-2020-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, AMENDING CHAPTER 2, "FINANCE AND TAXATION," ARTICLES IX., "COMMERCIAL FILMING REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF TYLER TEXAS, BY TO REVISING AND ADOPTING CERTAIN FEES AND PROCEDURES TO MAKE TYLER A MORE FILM FRIENDLY DESTINATION AND OFFER ENHANCED OPPORTUNITIES TO FILMMAKERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, City of Tyler recognizes that on-location commercial filming is good business for the community and can promote economic activity and so desires to continue to be a Film Friendly Texas Community; and,

WHEREAS, the filming guidelines and permit regulations are intended to create a program for promoting economic development activity while protecting the personal and property rights of Tyler citizens and businesses; and,

WHEREAS, Tyler City Code Chapter 2, Article IX contains certain provisions related to certain fees for street closures, permits and provides for application policies and procedures; and

WHEREAS, it is necessary to revise and adopt certain fees and procedures to make Tyler a more film friendly destination and offer enhanced opportunities to filmmakers;

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

PART 1: That Tyler City Code, Chapter 2, "Finance and Taxation," Article IX, "Commercial Filming Regulation" is hereby amended to read as follows:

ARTICLE IX. COMMERCIAL FILMING REGULATIONS

Sec. 2-82. Purpose. Applicability.

The guidelines contained herein are intended to create a program for promoting economic development activity within Tyler and the vicinity of the City. The permitting process is intended to protect the personal and property rights of Tyler, Texas residents and businesses, and to promote the public health, safety and welfare.

This Article covers requests for commercial use of City-owned property, including but not limited to streets, rights-of-way, parks, and/or public buildings, and commercial use of private property that may affect adjacent public or private property in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

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 the 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 or designee, the City Manager or designee may grant or deny the filming application.

- e. Vehicles and equipment list. Parking plans. 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 or designee. On-street parking or use of public parking lots is subject to City approval.
- f. The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager his designee.
- g. Hours of filming. Unless express written permission has been obtained from the City Manager or designee in advance, and affected property owners, tenants and residents have been notified, filming shall be limited to the following hours:

Monday through Friday:	7 am-9 pm
Saturday, Sunday and holidays:	8 am-8 pm

Or as negotiated with City Manager or designee.
- h. On City Manager or designee's approval of the Application, a film permit shall be issued. The permit will be available from the City of Tyler Main Street Department.
- i. The permit holder shall have the permit available for inspection at all times during the filming time period.

Sec. 2-85. Use of city-owned real property. Costs for Use Rate Schedule.

- a. The City Manager or designee may authorize the use of any street, right-of-way, park or public building for commercial uses in motion picture production. In conjunction with these uses, all of the conditions and/or remuneration described in this section must be met as a prerequisite to that use. A security or damage deposit may be required and such requirement is within the sole discretion of the City Manager or designee.

At the time of application, the Applicant shall reimburse the City for the use of public property based on the following use rate schedule:

Activity/Use	Rate per calendar day
Total or disruptive use of a public building or park, during regular operating hours.	Fee of \$500 per day
Partial, non-disruptive use of a public building or park.	Fee of \$250 per day
Total or partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking.	See Street Closure Application
Total or partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking in the	See Street Closure Application

Downtown Business, Art and Culture District.	
Use of City parking lots and parking areas—for the purpose of parking film trailers, buses, catering trucks, and other large vehicles.	Fee of \$50 per block or lot, per day

- b. If extra fees are incurred during production, the City of Tyler Communications Department will invoice the permit holder. The permit holder shall remit payment for the extra fees within 30 days of the date of the invoice.
- c. The City possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City, and control over the hours of production and the general location of the production.
- d. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity in order to promote the public health, safety and/or welfare.

Sec. 2-86 Damage to public or private property.

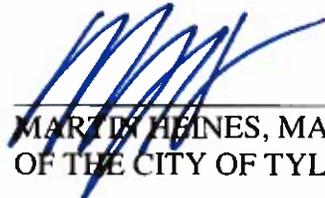
The Applicant shall pay in full, within twenty (20) days of the date of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and to restore the property to its original condition prior to the production.

A Damage deposit may be required in an amount between \$100 to \$1,000 based upon the following factors: (1) type of activity to be conducted on the property, (2) type of past contact the Lessee had with the facility, (3) size of the event, (4) Lessee’s insurance coverage. (Ord. No. 0-2016-67; 8/10/16) (Ord. No. 0-2020-25; 02/26/2020)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

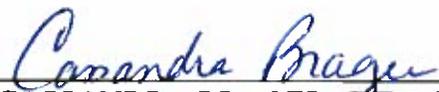
PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this Ordinance shall be February 28, 2020

PASSED AND APPROVED this 28th day of February, A. D., 2020


 MARTIN HEINES, MAYOR
 OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


 CASSANDRA BRAGER, CITY CLERK


 DEBORAH G. PULLUM,
 CITY ATTORNEY