

**ORDINANCE NO. 1674**

**AN ORDINANCE TO AMEND ORDINANCE NO. 1567  
KNOWN AS THE FAIRHOPE FILM ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

Section 1. Ordinance No. 1567 as Codified in the Code of Ordinances, City of Fairhope, Alabama, is hereby amended to reflect the following changes and additions:

**SECTION I: PERMIT REQUIRED WHEN FILMING INSIDE CITY LIMITS**

A permit application is required for any filming activity taking place within Fairhope's City limits, whether on public or private property, in the practice of conducting business for commercial purposes or a commercial entity. For filming entirely contained on private property this is merely a formality, but notification using the City's approved permit application form is nonetheless required.

Prior to the application process, a pre-production meeting is required between the City of Fairhope representative and the Location Manager. The Production Manager and a representative of the Fairhope Police Department may also be included in this meeting. A complete listing of all anticipated locations with tentative dates is requested at this time, as the City representative may know of possible conflicts with City services, local events and festivals, or other filming activities of which the Location Manager may not be aware of. An insurance certificate is also required at this time. All productions are required to maintain public liability insurance policies for filming on location within the City. The following policy amounts are required:

<b>General Liability Insurance</b>	<b>\$1,000,000</b>
<b>Automobile Liability</b>	<b>\$1,000,000</b>
<b>Worker's Comp &amp; Employer's Liability</b>	<b>\$1,000,000</b>

No permits will be issued to any production company until this meeting has taken place.

An application must be submitted on the City's standard form and presented to the City. If using City property, the application must be received no later than **21** days ahead of time. If not using City property, the application must be received no later than **14** days ahead of time. **In certain cases, exceptions to the application deadline can be made at the discretion of the Community Affairs Director and the Mayor.** Earlier application is recommended, as all permits are issued on a first-come, first-served basis, and time may be needed to work out any difficulties, City services, or lettering associated with the planned activities. Exceptions may be granted due to weather constraints or other emergencies. Notification of affected residents and/or businesses should take place following the City's review of application.

No more than one filming permit will be issued within any neighborhood or business district for any given time or date. Exceptions may be made for low impact filming only.

The Production Company shall limit the activities at each location to those outlined in the permit, within the time frame specified in the permit. Failure of the Production Company to comply with the guidelines and conditions set forth for each permit or the use of any location not specified in the permit shall give the City grounds to revoke the permit or take other restrictive actions as necessary.



### **SECTION III: TRAFFIC CONTROL AND STREET CLOSURE**

Approval must be obtained a minimum of 10 business days prior to any film activity which would disrupt the normal flow of traffic. Traffic control, if needed, must be handled by off-duty police officers hired by the Production Company through the Fairhope Police Department. The City retains the right to determine the number of officers needed. All signage required will be at the expense of the production company.

Holding of traffic or closing a street will be evaluated individually by the City Film Liaison and the Police Department representative.

Interruption of traffic on State maintained streets requires additional approval from the Alabama Department of Transportation.

### **SECTION VII: CENTRAL BUSINESS DISTRICTS**

Where residential areas exist within the boundaries of the Central Business District, the same rules that apply to residential filming must be followed. This determination will be made on a case by case basis.

#### Permitting and Notification Procedure for Filming in the Central Business Districts

1. A completed Application for Film Permit shall be submitted to the City Film Representative for review as far in advance as possible. If using City property, the application must be received no later than 21 days ahead of time. If not using City property, the application must be received no later than 14 days ahead of time. In certain cases, exceptions to the application deadline can be made at the discretion of the Community Affairs Director and the Mayor. The City representative shall notify the Location Manager as soon as possible if there are conflicts or concerns regarding the application. Generally, the City representative will issue an official Permit Application on City letterhead for distribution. A cover letter from the Production Company, maps, etc., must be distributed along with the official Permit Application.
2. In case of inclement weather or emergency situations, exceptions to these time frames may be considered.

### **SECTION IX: FEES**

There are charges associated with the use of certain City services or facilities. Where set fees are established, production companies are charged the same fee as other for-profit ventures for the service or facility used. Services for which a fee has not been established will be charged at the discretion of the City on the basis of time, equipment, and materials. All fees are subject to change.

Prior to the granting of any filming permits, the City will require Production Companies to pay a one-time application fee. For low-impact films/commercials **less than 15 minutes in length**, the City requires Production Companies to pay a one-time application fee of \$500.00 and a \$2,500.00 security deposit. For high-impact films/commercials **greater than 15 minutes in length**, the City requires Production Companies pay a one-time application fee of \$1,000.00 and a \$5,000.00 security deposit.

Upon completion of filming, the refundable deposit will be returned if the Production Company has paid all outstanding bills to the City, its agents, residents and businesses; and pending the Production Company has followed the policies and procedures as set forth in this ordinance.

**Additional fees are as follows:**

**Police**

Police Officers: \$30 per hour (three (3) hour minimum)  
Police Vehicles: \$25 per hour, subject to availability

Charge for additional services will be charged to the Production Company for the actual costs or a \$250 minimal charge.

All Production Companies, commercial entities or companies filming for a commercial purpose must obtain a City of Fairhope business license before filming can commence.

**SECTION X: EXEMPTIONS**

Filming or recording for use in a school project by schools located along the Eastern Shore of Mobile Bay are exempt from the fees and deadlines set forth in this ordinance. Local news organizations that routinely report on news and events concerning the City of Fairhope are exempt provided the production is low-impact.

**SECTION XI: SEVERABILITY**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION XII: EFFECTIVE DATE**

This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 27TH DAY OF JANUARY, 2020

  
\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

  
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Lisa A. Hanks, MMC  
City Clerk