



Film Ordinance

Section 1. Purpose

The City of Lincolnton recognizes film production as an important economic activity which benefits the community. However, such activity requires regulation to ensure that citizens, property, traffic flow and public safety are protected and the least amount of disruption to the community occurs.

The City has developed this film ordinance to facilitate advance planning, coordinate scheduling and arrange for appropriate city services and operations to serve the film production event in an efficient manner. Toward this end, Film Production Companies are required to secure a Film Permit in advance of any film production activity.

Section 2. Definitions of Terms in this Ordinance

Terms and expressions used in this ordinance are defined as follows:

- 2-1. **News Media.** The photographing, filming or videotaping for the purpose of television news broadcast or reporting for print media by reporters, photographers or camerapersons.
- 2-2. **Charitable Film Production.** Motion pictures, television programs or video tapes produced by a non-profit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization.
- 2-3. **Student Film Production.** The photographing, filming or videotaping for educational purposes with a letter from the student's school verifying the student status.
- 2-4. **Film Production.** All activity attendant to staging or shooting motion pictures, television shows or programs, commercials, videotapes or similar productions. Film production shall be deemed to include all activity attendant to the arrival and set up of base camps, equipment and vehicles and the take down and departure of same.
- 2-5. **Location Manager.** A representative of the film production organization or the individual in charge of planning and implementing the film production. The person submitting the permit application must be an adult age 18 years or older.
- 2-6. **Production Company.** The film production organization which is planning and implementing the film production.
- 2-7. **Film Liaison.** City of Lincolnton staff member who administers the film ordinance and permit application process.
- 2-8. **Film Permit.** A document issued by the City of Lincolnton upon completion of the application process that officially approves the film production and identifies requirements for appropriate city services and operations and after payment of any required fees.

2-9. **City Services.** Services provided by the City of Lincoln in support of special events, including regular and over-time staff hours, regular and over-time equipment hours, supplies and other services.

Section 3. Application of this Ordinance

This ordinance shall apply to any film production activities taking place within the Lincoln city limits, whether on public or private property. Examples of film production activities include, but are not limited to, staging or shooting motion pictures, television shows or programs, videotapes, and commercials.

Note: The following activities are exempt from this film ordinance:

- a. News media activities
- b. Charitable film production
- c. Student film production

Section 4. Film Permit

4-1. **Application Procedure.** At the beginning of the film planning process, the Location Manager should contact the Film Liaison to discuss the planned film production and to obtain a copy of the Film Application. Prior to submittal of the application, a pre-production meeting is required between the Film Liaison and the Location Manager. Other agencies may be included in this meeting as needed. A complete listing of all anticipated locations with tentative dates is requested at this time, as the Film Liaison or other agency representatives may know of possible conflicts with City services, local events or other filming activities of which the Location Manager may not be aware.

The Production Company should complete the application with required attachments and return it to the Film Liaison no later than 30 days prior to film production. The Film Liaison will review the application for completeness and route the application to the appropriate City staff for acknowledgement of service and operations support for the event and for comment. When all requirements listed on the application have been met, the Film Liaison will issue a Film Permit to the Location Manager for the specific film production activity at the specified times and locations. The City of Lincoln reserves the right to deny film activities that, in the City's view, pose a threat to public health and safety and/or if determined that the Production Company will be unable to provide adequate services to ensure public health and safety during the activity. The Film Liaison may convene the appropriate City staff to meet with the Location Manager prior to issuing the permit and as needed after the permit is issued to facilitate coordination of activities and services. In the event that the film production involves multiple locations or dates, separate applications per location per day are required. Multiple locations listed on the same

application or illegible applications will not be accepted. Incomplete applications will also not be accepted.

No more than one filming permit will be issued within any neighborhood or business district for any given time or date. The Production Company shall limit the activities at each location to those outlined in the permit and within the time frame specified in the permit. Failure of the Production Company to comply with the guidelines and conditions set forth in each permit or the use of any location not specified in the permit shall give the City of Lincolnton grounds to revoke the permit or take other restrictive actions as necessary.

4-2. **Change in Plans.** The permit is issued based on the conditions outlined in the permit application. The Location Manager must notify the Film Liaison about any changes in plans, activities and/or service requirements no later than three weeks prior to the event so that accommodations can be made, if feasible. If accommodations for the proposed changes are not feasible, then the Location Manager must follow the arrangements specified in the permit application.

4-3. **Permit Amendments.** The Film Liaison should document changes in plans in writing as an amendment to the Film Permit and circulate to respective City departments.

Section 5. Low Impact vs High Impact Filming Defined

5-1. **Low Impact vs High Impact Filming Activities in Residential Areas.** Filming in residential areas is defined as either low impact or high impact. Low impact film activities are defined as those which:

- A. Have a minimal impact on the activities of the neighborhood,
- B. Take place between the hours of 6 am to 10 pm Monday through Saturday and noon to 10 pm on Sunday including the arrival, set up, take down and departure of base camps, equipment and vehicles, and
- C. Have a minimal impact on traffic and pedestrian flow and parking.

High impact filming activities are defined as those which involve extenuating circumstances including, but not limited to, extended hours, displacement of more than 25% of on-street parking in neighborhoods where on-street parking is customary and essential to residents, use of explosives, pyrotechnics, fire, smoke-making machines or similar special effects, extensive set dressing, extensive nighttime lighting, loud noises, gunshots, street closures, and larger than average base camps and/or base camps with larger than average trucks parked on public streets.

5-2. **Low Impact vs High Impact Filming Activities in Commercial Areas Outside of Downtown Business District.** Filming in commercial areas outside of the Downtown Business

District is defined as either low impact or high impact. Low impact film activities are defined as those which:

- A. Have a minimal impact on the activities of the area, and
- B. Have a minimal impact on traffic and pedestrian flow and parking.

High impact filming activities are defined as those which involve extenuating circumstances including, but not limited to, displacement of more than 25% of on-street parking in areas where on-street parking is customary and essential to businesses, use of explosives, pyrotechnics, fire, smoke making machines or similar special effects, extensive set dressing, loud noises, gunshots, street closures and larger than average base camps and/or base camps with larger than average trucks parked on public streets.

5-3. Low Impact vs High Impact Filming Activities in Downtown Business District. The Lincolnton Downtown Business District is defined as the area bounded by Government Street to the west, Pine Street to the north, Water Street to the south and Flint Street to the east. Filming in the Downtown Business District may be defined as either low impact or high impact. Low impact film activities are defined as those which:

- A. Have a minimal impact on the activities of the area,
- B. Take place outside of regular business hours. Since business hours for restaurants may be different from those of service and retail establishments, this determination will be made on a case-by-case basis,
- C. Take place outside of the peak shopping season from Thanksgiving Day to December 31,
- D. Have a minimal impact on parking, vehicular and pedestrian traffic flow and maintain public access to businesses that are open and allow for normal flow of pedestrian and vehicular traffic,
- E. Utilize no more than two on-street parking spaces in any linear block containing businesses or residents dependent upon on-street parking,
- F. Utilize no on-street parking where there are no marked on-street parking spaces,
- G. Utilize no more than 25% of the available sidewalk for filming-related activity and provide a clear path around or through such activity, and
- H. Produce minimal noise between the hours of 10:00 pm to 6:00 am.

High impact filming activities may be defined as those which involve extenuating circumstances including, but not limited to, those which take place during business hours, disrupt traffic flow or parking, occur during the peak shopping season, involve the use of explosives, pyrotechnics, fire,

smoke-making machines or similar special effects, extensive set dressing, extensive nighttime lighting, loud noises, gunshots, street closures, and larger than average base camps and/or base camps with larger than average trucks parked on public streets.

5-4. The low vs. high impact determination will be made by the City on a case-by-case basis.

Section 6. Permitting and Notification Procedure for Filming in the City of Lincoln.

6-1. Notification Process. The Production Company is responsible for notifying all businesses and residents affected by the film production. Notification shall take place following the City's review of the application and no less than ten business days prior to any film production activity. The Production Company must notify affected businesses and residents of the planned activity (including equipment staging areas and base camps). The Film Liaison shall determine the extent of the required notification. Notification shall include a copy of the film permit application and a cover letter from the Production Company and shall include detailed information concerning the location and duration of the filming activities as well as specifics regarding lights, noise, traffic and parking where applicable and contact phone numbers. Maps and other pertinent information may be included as well. The Production Company is responsible for seeing that businesses and residents on upper floors receive the same notification as street-level businesses and residents. The cover letter provided by the Production Company shall provide notice of a five business day call-in period as outlined in Section 6-2 below. Documentation of the required notification is required for further processing of the application.

6-2. Business or Resident Concerns. Businesses and residents within the required notification area shall have a five business day call-in period during which they may contact the Film Liaison to ask any questions or express concerns or objections. The Film Liaison will attempt to address objections and concerns in consultation with the Location Manager.

6-3. Notification Process for High Impact Filming. The notification process for high impact filming as defined in Section 5 above shall follow the same procedure and include the same information as that required for low impact filming. However, proof of notification in the form of signatures on sign off sheets must be obtained from affected businesses and/or residents and submitted to the Film Liaison prior to any further processing of the film application.

6-4. Permit Issuance. At the end of the call - in period, the Film Liaison will issue the film permit if all reported concerns and objections have been adequately addressed.

6-5. Permit Amendments. If the film production activities differ substantially from the film permit application, the Production Company shall re-notify affected businesses and residents in accordance with Sections 6-1, 6-2 and 6-3 above.

6-6. **Insufficient Notice.** The City of Lincolnton reserves the right to deny or revoke permits where insufficient time has been allowed for proper notification or when the notification process has been improperly applied.

Section 7. Street Closures and Intermittent Traffic Holding

7-1. **Street Closures.** Production companies who wish to temporarily close a street inside the City limits must also complete a street closure application. Applications for closures of city maintained streets must be submitted a minimum of 30 days prior to the requested closure date. If the request involves closure of a state maintained street, the application would also need to be submitted in advance to the North Carolina Film Commission for approval.

7-2. **Traffic Control.** Traffic control, if needed, must be handled by off-duty police officers hired by the Production Company or as otherwise approved by the City of Lincolnton Police Department. The City of Lincolnton Police Department reserves the right to determine the number of officers needed.

Section 8. Special Effects, Explosives and Similar Devices

No film activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects of a similar nature may be undertaken unless specifically approved by permit from the Lincolnton Fire Department. The City of Lincolnton Fire Department reserves the right to require the presence of off-duty fire personnel during any film activity which involves the use of hazardous materials.

Section 9. Removal of Vegetation

Removal or alteration of vegetation in the public right of way or on City owned lands is prohibited unless specifically approved by the film permit.

Section 10. Clean Up

The production company is fully responsible for clean – up and proper disposal of all waste and materials produced.

Section 11. General Restrictions

The following restrictions and standards apply to film production in the City of Lincolnton:

- A. Clear access must be provided and maintained for all emergency vehicles per the City Fire Code.
- B. Production vehicles and equipment shall not block fire hydrants, driveways, or other access ramps unless authorized by the City and/or affected businesses/residents.

- C. Production vehicles and equipment must be parked in such a way as to not impede safe lines of vision at intersections and comply with all City ordinances regarding on-street parking.
- D. Lighting for filming, both during the day and at night, should not interfere with the safe movement of traffic.
- E. Production companies blocking or holding traffic on streets scheduled for trash/recycling pick up or leaf collection must allow trucks to access those areas for normal pickup.
- F. Production companies are responsible for returning any public rights of way used for filming, base camp, or equipment purposes to their original condition in a timely manner, and for repairing damage to foliage, grass, or public property.
- G. Any filming activity involving holding, delaying or re-routing of traffic may require the presence of one or more off-duty police officers, to be determined by the Lincolnnton Police Department.
- H. The City reserves the right to require the presence of one or more off-duty police officers at any filming activity utilizing public property and/or rights-of-way for base camps,
- I. The City reserves the right to require the presence of one or more off-duty fire personnel at any filming activity utilizing hazardous materials.
- J. No parking of vehicles or equipment of any kind in alleys shall be permitted without written permission from the Lincolnnton Fire Department and the written consent of affected businesses and residents.
- K. In the event of natural or civil disasters, the City reserves the right to cancel all outstanding film permits on both public and private properties within City limits. Should evacuation of a street, neighborhood, or district be deemed necessary by fire, police, or other emergency authorities, all outstanding permits for that area are null and void. Permits will be re-granted as soon as possible following a safety evaluation by the City.
- L. The City reserves the right to change, modify, update, or waive provisions of these standards where necessary for the public's safety.
- M. The City reserves the rights to cancel filming permits and/or take further restrictive actions where necessary to assure adherence to these standards.

Section 12. Insurance

All film productions are required to maintain liability insurance policies for filming on location within the City. The following minimum policy amounts are required:

General Liability Insurance	\$1,000,000
Automobile Liability	\$1,000,000
Worker's Comp and Employer's Liability	\$1,000,000

While these minimum insurance amounts are required, each filming will be treated on a case by case basis. If the Production Company has "high hazard" events planned, then these amounts may be increased. Examples of high hazard events include, but are not limited to, using a vehicle to jump a railroad track, using a significant amount of explosives or pyrotechnics, or demolition of a building or vehicle. The Film Liaison will determine if insurance amounts need to be increased.

Section 13. Disclaimer of Liability; Indemnity

Every production company to whom a Filming Permit is issued and every person who participates in filming events acknowledges and agrees that the City of Lincoln, its elected officials and employees, shall not be held liable, for any injury, loss, damage, liability or obligation arising out of, or connected in any manner with, the planning, permitting, or conduct of the film production.

Every production company to whom a Filming Permit is issued, as a condition of the issuance of the Filming Permit, agrees to indemnify and hold harmless the City of Lincoln, its elected officials and employees with respect to any and every claim, demand, cause of action, injury, loss, damage, liability and obligation arising out of, or connected in any manner with, the planning, permitting, or conduct of the film production. The City of Lincoln shall require a written acknowledgment of the disclaimer of liability and the indemnity set out herein.

Section 14. Permits, Fees and Deposit

14.1. **Required Permits.** Some film productions may include activities that require the issuance of one or more permits by the City, as outlined in the City of Lincoln Fee Schedule.

14-2. **Off -Duty City Personnel.** Some film productions may require the use of off-duty City Police or Fire personnel. Such personnel may be hired directly by the Production Company at an hourly rate of \$30.00 per hour for four hour minimum periods of time.

14-3. **Use of City Services or Facilities.** Production companies that wish to use City services or facilities will be charged the same fee as other for-profit ventures for the service or facility used. Production companies that wish to use City 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. The City reserves the right to deny requests for use of City services or facilities.

14-4. **Deposit Required.** Prior to the granting of any film permits, the City will require production companies to assure their financial responsibility through a \$5,000.00 cash deposit.

Upon completion of filming, the deposit will be returned after the Production Company has paid all outstanding bills owed to the City.



Filming Permit Application

Return to City of Lincolnton Planning Department

Direct Mail: P.O. Box 617, Lincolnton NC 28093 OR Fax: 704-735-1662

Production Company: _____

Name of Film: _____

Contact Person: _____

Office Phone #: _____ Mobile Phone # _____

Fax: _____ Email Address: _____

Type of Filming (check all that apply):

Feature Film _____ TV Movie _____ TV Series _____ Commercial _____ Other _____

Location (name and address): _____

Film Date: _____ Hours: _____

Prep/wrap outside listed time: Yes _____ No _____ (see "Additional Information")

In case of inclement weather or other emergency, alternate date will be: _____

Describe scene: _____

Number in Cast: _____ Number in Crew: _____ Number of Extras: _____

Equipment Parking: _____

Base Camp: _____

Crew Parking: _____

Extras Parking: _____

Extras Holding: _____

Catering (include any vehicle parking): _____

On-Street Parking: _____

Street Closure Requests

Complete Street Closure Application if you are requesting a street closure as part of your filming activity.

Intermittent Traffic Holding Requested? If yes, where (please be as specific as possible)*: _____

*Intermittent traffic holding may only be done in maximum 3 minute intervals

Police Officers: # needed: _____ hours needed: _____ am/pm to _____ am/pm

Police Cars: # needed: _____ hours needed: _____ am/pm to _____ am/pm

Special Equipment and Placement (generators, condors, etc.) _____

Special Effects (stunts, animals, gunfire, noise, etc.): _____

Special Requests (barricades, alteration to City property, etc.): _____

Moving to another location upon completion? Yes _____ No _____

If yes, list location: _____

Additional information (include any prep and wrap activities, times, parking): _____

Use this space for any extra response needed:

CITY OF LINCOLNTON
STREET CLOSURE REQUEST FORM

Location and description of closure:

Purpose of Closure: _____

Beginning Date of Closure: _____ Ending Date: _____

Daily hours of closure (if applicable): _____

Requesting Company/Organization: _____

Representative: _____

Address: _____

City/State/Zip: _____

Telephone: _____ Mobile : _____

Email address: _____

Terms and Conditions

- Applications for closures of city maintained streets must be submitted a minimum of 30 days prior to the requested closure date.
- A traffic control plan or a sketch of the areas to be closed must be included with the application.
- The applicant is encouraged to notify adjacent businesses and residents a minimum of 7 days prior to the requested closure date.
- Streets are only permitted to close and open according to times listed on the street closure permit.
- Street closures and detours must be approved and coordinated by City of Lincolnton Public Works, Fire and Police in conjunction with NCDOT when applicable.
- The applicant shall be responsible for proper closure of the street, travel lane or parking lane according to the current edition of the Manual on Uniform Traffic Control Devices (MUTCD). The applicant shall be responsible for providing all necessary traffic control devices.
- A fire lane must be maintained throughout all street closures.
- Handicap sidewalk ramps should remain unblocked throughout closure.

By signing below, I understand and agree to the street closure guidelines listed above. I also understand that the Police Supervisor working my event has the final authority on any decision that needs to be made regarding my street closure.

Signature: _____

Date: _____

FILM PRODUCTION RELEASE AND INDEMNITY AGREEMENT

AGREEMENT TO RELEASE AND INDEMNIFY THE CITY OF LINCOLNTON, NC FOR FILM PRODUCTION

_____ TO BE
HELD ON _____, 20_____
BY _____
Entity/permittee

In consideration of the issuance of the film permit by the City of Lincolnton, NC (hereinafter "City") to _____

(hereinafter "Permittee") for the above film production (hereinafter the "production") and other good and valuable consideration, Permittee hereby agrees as follows:

The Permittee shall release, indemnify, keep and save harmless the City, its officers, officials, agents and employees (hereinafter collectively "Releasees") from any and all responsibility or liability for any and all damage or injury of any kind or nature whatever (including death resulting therefrom) to all persons, whether, officers, officials, agents or employees of the City or third persons, and to all property proximately caused by, incident to, resulting from, arising out of or occurring in connection with Permittee's production within the City as may be permitted pursuant a permit (or by any person acting for Permittee or for whom Permittee is or is alleged to be in any way responsible), whether such claim is based in whole or in part on contract, tort (including alleged active or passive negligence or participation in the wrong) or upon an alleged breach of any duty or obligation on the part of Releasees.

The provisions of this agreement shall include any claims for equitable relief or for damages (compensatory or punitive) against the Releasees including alleged injury to the business of any claimant, and shall include any and all losses, damages, injuries, settlements, judgments, decrees, awards, fines, penalties, claims, cost and expenses. Expenses as used herein shall include without limitation the costs incurred by Releasees in connection with investigating any claim or defending any action, and shall also include reasonable attorney's fees by reason of the assertion of any such claim against Releasees. Permittee expressly understands and agrees that any insurance protection required as a condition to the issuance of the permit herein applied for, or otherwise provided by Permittee, shall in no way limit Permittee's responsibility to release, indemnify, keep and save harmless and defend Releasees as herein provided. Permittee expressly accepts those portions of publicly owned lands or rights-of-way to be used for the event identified in Permittee's application for a permit in their present condition.

The intention of Permittee and the City is that this release and indemnity be incorporated into any permit for the event issued by the City. It is further the intention of the Permittee and the City that this release and indemnity be broadly construed and applied in favor of Releasees, subject to the limitations, if any, set forth in N.C.G.S. § 22B-1.

Signed this _____ day of _____, 20_____.

By: _____

Name of Representative, Title