

**LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO.2017-05**

TO AMEND CHAPTER 2-12 OF THE LAMAR COUNTY CODE OF ORDINANCES ENTITLED “LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS”; TO CREATE A NEW ARTICLE IV ENTITLED “MEDIA PRODUCTION PLANNING AND PERMITTING”; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
LAMAR COUNTY, GEORGIA**

SECTION 1. Chapter 2-12 of the Lamar County Code of Ordinances is hereby amended by creating a new Article IV and sections thereunder entitled “Media Production Planning and Permitting” which shall read as follows:

Sec. 2-12-70. - Purpose.

It is the public policy of the State of Georgia to market the state as a location for media productions, recognizing the economic impact this industry provides, as well as the tourism it generates for local jurisdictions such as the Lamar County. Lamar County is further fortunate to have a diverse number of unique locations to attract movies and television productions to the county. Despite the many positive benefits a media production may offer, certain inconveniences may result if the production company and the county cannot work in concert to assure minimum standards are met and to assure a thoroughly planned production schedule is followed. These concerns are best addressed through a regulatory permit.

Sec. 2-12-71. - Scope of coverage.

The permit required under this chapter shall be a requirement for all movies, television or video series, pilots, feature films and documentaries, commercials, music videos, photo shoots, infomercials and public service announcements, whether the final product is intended for commercial use or not, unless the activity shall wholly occur on private property within an otherwise licensed facility (such as a film or television studio). Any media production on public property, intended to be closed to participation by the public, or restricting access to public property or facilities normally accessible by the public, shall require a permit. For purposes of this chapter, media production activity shall include areas designated for parking of trucks and equipment on public or private property, base camps used during the production activity, and food service areas. No public highway, street or road shall have its public access restricted or limited except by a permit issued pursuant to this chapter.

Sec. 2-12-72. -Permit requirements.

(a) Permit required:

No person shall use any public property or facility for the purpose of taking motion pictures, television, or commercial still photography without first applying for and receiving a permit from the County Administrator of Lamar County.

This permit is allowed with conditions in all zoning districts. Whenever a permit is sought for activities in primarily residential neighborhoods, extra consideration shall be given to the conditions imposed to ameliorate as much as possible inconvenience to the residents.

General standards. Prior to making application for a permit, it shall be incumbent on the applicant to meet with the county administrator and/or his designee, or their designees, to review locations and the general scope of activities planned during the production.

(b) Exemptions:

News Media: The provisions of this Chapter shall not apply to or affect 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.

Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.

Studio Filming: Filming activities (motion or still photography) conducted at a studio.

The following general standards shall apply to all permits:

Rules: The Board of Commissioners of Lamar County is the governing authority of the County and may adopt or amend rules and regulations governing the form, time and location of any film activity set forth within the county. The County Administrator shall provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

1. The health and safety of all persons;
2. Mitigation of disruption to all persons within the affected area;

3. The safety of property within Lamar County; and
4. Traffic congestion at particular locations within the Lamar County.

Sec. 2-12-75. - Application and permit procedure.

- a. Issuing Authority: The issuing authority shall be the County Administrator
- b. Applications: The following information shall be included in the application:
 1. The representative of the property, the address, email address and telephone number of the place at which the activity is to be conducted;
 2. The specific location at such address or place;
 3. The inclusive hours and dates such activity will occur;
 4. A general statement of the character or nature of the proposed filming activity;
 5. The name, address, email address, and telephone number of the person or persons in charge of such filming activity;
 6. The exact number of personnel to be involved;
 7. Activity which may cause public alarm such as the use of any animals, gunfire or pyrotechnics and low flying helicopters; and
 8. The exact amount/type of vehicles/equipment to be employed along with a parking plan.
- c. Fee Schedule: The issuing authority may adopt a fee schedule.
- d. Reimbursement for Personnel: The production company shall reimburse the county for any personnel provided to the company (e.g., sheriff deputies, fire, and traffic) for the purpose of assisting the production.
- e. Reimbursement for Services and Equipment: The production

company shall reimburse the county for any services, equipment or other costs incurred for the purpose of assisting the production. Prior to filming, the county will provide estimated costs to be agreed upon with the production company.

- f. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location.

Sec. 2-12-76. - LIABILITY PROVISIONS.

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming Lamar County as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The county officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the county. A copy of the certificate shall remain on file.
- b. Worker's Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the Lamar County prior to the issuance of a permit under this ordinance.
- d. Security Deposit: To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). 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.

Sec. 2-12-77. - Waivers.

- a. Application fees and daily permit fees for use of county services or facilities may be reduced or waived for charitable or non-profit organizations holding Section 501(c) status from the I.R.S or for other governmental agencies. All waivers shall require approval of the County Administrator, which may delay permit issuance.
- b. Reduction or waiver of daily permit fees may be approved by the Board of Commissioners for commercial productions providing a greater than

normal economic benefit to the community, as determined on a case-by-case basis.

Sec. 2-12-78. Violation.

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the County Code Enforcement Officer may provide the applicant with 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.

Sec. 2-12-79. Reserved.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.

SO ORDAINED, this _____ day of _____, 2017.

CHARLES GLASS, Chairman

ROBERT HEINEY

BENNIE HORTON

NANCY THRASH

RYRAN TRAYLOR

ATTEST:

Carlette Davidson, County

Clerk (SEAL)

First Reading: _____

Second Reading/Adoption: _____