

CHAPTER 31. Filming and Motion Pictures

I. PURPOSE

The Guidelines contained in this Ordinance are intended to create a program for promoting economic development activity within Marine on St Croix. The following Guidelines are also intended to protect the personal and property rights of Marine on St Croix, Minnesota residents and businesses, and to promote the public health, safety and welfare. The City Clerk reserves the right to impose additional regulations in the interest of public health, safety and welfare if otherwise deemed appropriate by the City Clerk, Public Safety Chair, and/or Public Safety Chief.

This Ordinance and its sections 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 filming, motion picture production.

II. CITY CONTROL AND AUTHORITY

The City may permit the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in filming, motion picture production and related activities. In conjunction with these uses, the City Clerk 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.

The Applicant agrees that the City of Marine on St Croix 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.

The Applicant shall allow City departments to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Clerk.

III. PERMIT REQUIREMENTS

Before filing an application for filming in Marine on St Croix, the Office of the City Clerk must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Marine on St Croix, Minnesota.

Any producer who desires to undertake a commercial production in Marine on St Croix is required to complete and return an application for filming to the Office of the City Clerk, within

the time frames below:

- **Commercials or Episodic Television, Industrial Shoots, Music or Short Videos, and Documentaries:** a minimum of ten (10) business days prior to the commencement of filming or any substantial activity related to the project.
- **Major Motion Picture or Independent Feature Films:** a minimum of thirty (30) business days prior to the commencement of filming or any substantial activity related to the project.

IV. APPLICATION FEE

An application processing fee of \$50.00 should accompany each application for filming in Marine on St Croix.

The City Council may waive this fee upon proof of an organization's non-profit or resident status, or for any other reason deemed appropriate.

V. USE OF CITY EQUIPMENT AND PERSONNEL

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 will be established on a case-by-case basis as determined by the City Clerk. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Clerk may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Clerk, in consultation with the Public Safety Chair and/or Public Safety Chief, shall have the authority to stipulate additional fire, police, or public safety 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.

Marine on St Croix first responders shall be paid by the production company at a rate no less than one and one-half times the hourly rate consistent with payment made to full time fire/EMS employees. Off-duty police will be subject to a separate contract with the Washington County Sheriff's Office.

VI. USE OF CITY-OWNED REAL ESTATE

The City Clerk may authorize the use of any street, right-of-way, park or public building, use of Marine on St Croix, Minnesota name, trademark or logo and/or use of City equipment and/or personnel for uses in filming production. In conjunction with these uses, the City Clerk 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 Clerk.

Film permit rates and associated fees are determined on a case-by-case basis by the City Council, and, if necessary, a duly executed contract.

The City of Marine on St Croix, Minnesota, 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 as well as control over 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 activity in order to promote the public health, safety and/or welfare.

In order to leave the City-owned property in as good condition as when received, the Applicant is responsible for and must provide professional cleaning and/or sanitation services upon completion of work, if the City requests such cleaning and/or sanitation services at any time. Upon such a request by the City, the Applicant must obtain approval from the City of the Applicant's arrangements for cleaning and/or sanitation services (which will not be unreasonably withheld). The City may require such approval before use of the City-owned property for Production Activity begins.

VII. VEHICLES, STRUCTURES, AND EQUIPMENT

The Applicant shall provide a report listing the number of vehicles, structures, 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 Clerk. On-street parking or use of public parking lots and spaces is subject to City approval.

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

VIII. HOURS OF FILMING

Unless express written permission has been obtained from the City Clerk 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 p.m.

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

IX. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short, written description, approved by the City Clerk, 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 Clerk, Public Safety Chair, and/or Public Safety Chief, the City Clerk may grant or deny the filming application. The Applicant may appeal any denial to the City Council at the next scheduled public meeting.

X. CERTIFICATE OF INSURANCE

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Minnesota, naming the City of Marine on St Croix 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 \$1,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

XI. 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.

XII. RIGHT TO REVIEW

The City Council of Marine on St Croix or its designee reserves the right to review the script of the story prior to issuance of a permit so as to determine the extent to which the City may need to supply personnel, equipment, and services to support the production.

XIII. HOLD HARMLESS AGREEMENT

The Applicant shall sign a Hold Harmless Agreement holding the City 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.

XIV. VIOLATION

Violation of this ordinance shall be a misdemeanor.