

ORDINANCE NO. 2016-14B

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
TO ADD ARTICLE VIII PERTAINING TO FILM PERMITS AND FILM PRODUCTION
PERMITS

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, including the environment thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend its code of ordinances to allow for film permits and film production permits and for other purposes.

NOW, THEREFORE, be it ordained by the governing authority of the City of Tybee Island that the Code of Ordinances, Art. VIII be added so that hereafter the section shall read as hereinafter provided.

SECTION 1

The Code of Ordinances is hereby amended as add ARTICLE VIII, which shall read as follows:

ARTICLE VIII – COMMERCIAL FILM PRODUCTION

Sec. 34-233 - Permits Required.

(a) No commercial film production activities of any type may take place within the City of Tybee without a Commercial Film Production Permit as required by this Ordinance. Failure to present a permit upon request by an authorized City official may result in the immediate termination of any filming activity and potential fines and penalties as established in this Article. Commercial film production activities means the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income.

(b) Exceptions. The following persons or entities are not required to obtain a permit:

- (1) News Media
- (2) Personal Use/Non-commercial video
- (3) Not-for-Profit agencies; and,
- (4) Students engaged in completing school projects.

Sec. 34-234 - Application.

Any person/agency intending to conduct commercial film production activities in the City of Tybee Island upon public or private property, where authorization is sought to conduct activities that are ordinarily prohibited by local law, where state and/or federal permission or authorization is required, where city services are required, or public parking is required shall complete the current Commercial Film Production Application, approved by City Council, provided by the City for consideration of approval. The Film Production Application form will not be processed until it is submitted with all required information and payment of application fee(s).

The application and rules related thereto shall be approved by the City Council and shall be on file with the City. The current Commercial Film Production Application, as approved by Council, including all production guidelines and restrictions contained therein, shall be adhered to in all respects.

Sec. 34-235 - Consideration of Commercial Film Production Application

- (a) City Manager Approval of Productions. The City Manager may approve applications without consulting Mayor and City Council where:
- i. All production will account for not more than five (5) days in any thirty (30) day time period;
 - ii. the production will impact not more than two city blocks; and,
 - iii. not more than 25 parking spaces will be impacted by the production.
- (b) Upon application made, within five (5) business days, the City Manager shall approve, deny, or approve with conditions. Where productions meet all of the criteria of subsection (a) of 34-235, and the production has activity on the beach and/or the State's Shore Protection

Jurisdiction Area at any given time during production, the City Manager may have up to twenty (20) business days to consider the application.

(c) Productions taking place for six (6) or more days shall complete and submit the application and the City Council shall approve, deny or approve with conditions within twenty-eight (28) days of the City's receipt of a completed application.

(d) Where an application has been approved by City Council, the applicant may seek an amendment to the permit, without having to secure City Council's approval, by seeking written permission from the City Manager, under the following circumstances:

i. extend the permit time frame by not more than three (3) days, so long as none of the days fall on a recognized city holiday, and none of the days conflict with an annual island event or activity already approved by the City;

ii. expand the footprint of any production, except where the expansion or original footprint is on the beach, and the expanded production area remains within the same city block(s) as approved by City Council;

iii. the activity sought is not in direct conflict with any specific restriction placed on the applicant, as approved by City Council.; and,

iv. not more than ten (10) city parking spaces are required.

(e) Where an application seeks approvals or amendments outside of any authority granted the City Manager as herein expressed, the Applicant must seek approval from the City Council.

Sec. 34- 236 - Non-compliance.

In the event there is a violation of this ordinance, in addition to ceasing any Commercial film production activity, or other necessary actions as deemed necessary by the city manager or the police chief, violators will be subject to fine not to exceed \$1,000.00 per violation. Continuing film activities in violation of this ordinance, or without a permit is a separate violation for each day of film production activity.

SECTION 2

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

illegal or invalid by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

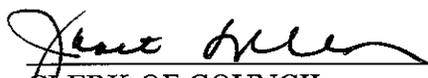
SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to the ordinances of the City.

ADOPTED THIS 23 DAY OF June, 2016.


MAYOR

ATTEST:


CLERK OF COUNCIL

FIRST READING: 6/9/16

SECOND READING: 6/23/16

ENACTED: 6/23/16