

**ORDINANCE NO. 13-1006**

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**AN ORDINANCE OF THE CITY OF OREGON CITY ADDING CHAPTER 12.28 TO THE OREGON CITY MUNICIPAL CODE RELATING TO CREATING A FILM AND MEDIA PRODUCTION PERMIT SYSTEM FOR THE USE OF PUBLIC PROPERTY.**

**WHEREAS**, the City of Oregon City has received a number of requests by those wishing to engage in motion picture or television production for non-personal use in ways that impact the use of public property, and it is anticipated that the number of such requests will continue to rise; and

**WHEREAS**, the City of Oregon City acknowledges that motion picture or television production enhances economic development within the City including patronizing local businesses and services and job creation for workers; and

**WHEREAS**, for the past two years, the City Manager's office has maintained Guidelines for Filming within the City of Oregon City including requiring a permit for particular filming activities and payment of a fee; and

**WHEREAS**, these Guidelines and permit requirements have not been enacted by ordinance; and

**WHEREAS**, Clackamas County received the Film and Television Film Advocate Award from the Governor for adopting a comprehensive filming initiative that includes adoption of a model filming ordinance; and

**WHEREAS**, Clackamas County has requested that all cities within its boundaries to adopt the same model ordinance.

**THEREFORE**, the City Commission of Oregon City ordains as follows:

**Section 1.** Chapter 12.28, Film and Media Production, is hereby added to the City of Oregon City Code, Street, Sidewalks and Public Places, to read as follows:

**12.28.010**     **Purpose**

This chapter is intended to provide efficient and uniform permit and approval processes generally consistent with those of Clackamas County for the motion picture and television industries throughout the City of Oregon City, to encourage the use of locations within the City so long as that use is consistent with public safety and the protection of property.

**12.28.020**     **Definitions**

- A.     **MOTION PICTURE AND TELEVISION** shall mean and include all activity attendant to staging or shooting motion pictures, television shows, programs, or commercials, a moving image created to advertise or sell a product or service, news media production and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape, or digital format.

**12.28.030 Permit Required**

- A. Permits: A person must obtain a permit for motion picture or television production within the City of Oregon City if any of the following apply:
1. The activity will block traffic on City streets or right-of-way.
  2. Pedestrian traffic will be interrupted or wires or cables run across public property or right-of-way for a period that exceeds one hour.
  3. A tripod, dolly, light poles, generators or other filming equipment that is placed or erected upon the ground is used on city-owned property for a period that exceeds eight consecutive hours in one day.

**12.28.040 Application for Permit**

- A. The following information shall be included in the application for permit:
1. The name, address, email address, and telephone number of the person(s) in charge of the activity;
  2. The property address at which the activity is to be conducted as well as the name of the representative of the property, his or her street address, email address, and telephone number;
  3. The specific location on the property that will be used by the applicant;
  4. The hours, dates and length of time the production activity will occur;
  5. The number of personnel to be involved;
  6. A general statement of the character or nature of the proposed activity, including a description of any activity that may cause public alarm such as, but not limited to, animals, gunfire or pyrotechnics, and low flying aircraft;
  7. Whether City of Oregon City personnel (i.e., police, public works) are requested to protect public safety during the activity;
  8. The exact amount/type of vehicles/equipment to be used during the activity, along with a parking plan; and
  9. A commitment that the applicant shall hold the City of Oregon City harmless and otherwise indemnify the City against any liability caused by the proposed activity as required by Section 12.28.050(A) below, including a Certificate of Insurance.
- B. The permit is valid for a period of sixty (60) days from the date of issuance or the date of a single production (whichever comes first). If multiple productions are undertaken by a single production company, a permit is required for each production.
- C. An extension of the sixty (60) day permit may be requested in writing, must be made to the City of Oregon City, and must be received by the City no less than twenty-four (24)

hours prior to the expiration of the existing permit. If the permit expires on a Monday, the request must be received no later than the close of business on the previous Friday. The extension request must include the following information:

1. Duration of the extension request;
  2. A revised Certificate of Insurance covering the extension dates; and
  3. A check for any additional fees associated with the extension request.
- D. Upon the written request of the applicant, the City Manager may change the date for which the permit has been issued, provided established limitations with respect to time and location of production are met.
- E. If City of Oregon City personnel (i.e., police, public works) are needed to protect public safety during the activity, the applicant shall reimburse the City for any personnel provided.
- F. No film permit shall be issued for any production or use that violates federal, state or local laws.
- G. To ensure cleanup and restoration of any public property, an applicant may be required to submit a refundable deposit. Upon completion of filming and inspection of the site by the City of Oregon City, if no verifiable damage or litter has occurred, the security deposit shall be returned to the applicant. If such damage or litter is determined to be the result of film permit activities, the security deposit shall be applied to cover clean-up or repair costs with the remainder returned to the applicant.
- H. Fees shall be set and amended, as necessary, by a resolution adopted by the Oregon City Commission.

#### **12.28.050     Insurance**

- A. Before a permit is issued for the use of any public property for the purpose of taking motion pictures or television a Certificate of Insurance will be required in the amount not less than \$1,000,000 naming the City of Oregon City as a co-insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The City of Oregon City, including its officers and employees, shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty (30) days' written notice to the City of Oregon City. A copy of the certificate shall remain on file with the City of Oregon City.
- B. An applicant shall conform to all applicable federal and state requirements for Worker's Compensation Insurance for all persons operating under a permit.

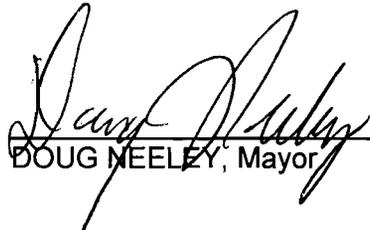
#### **12.28.060     Violation**

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the City of Oregon City may provide the applicant with a verbal or written notice of such violation. If the applicant fails to correct the violation, the City may revoke the permit and pursue enforcement as authorized by OCMC 1.20 and 1.24.

**12.28.070     Rules and Regulations**

The City of Oregon City is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the City Commission, governing the form, time and location of any activities reached by this ordinance.

ADOPTED this 3rd day of April 2013.

  
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DOUG NEELEY, Mayor

Attested to this 3<sup>rd</sup> day of April 2013:

  
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Nancy Ide, City Recorder

Approved as to legal sufficiency:

  
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City Attorney