

MAR 13 1989

RESOLUTION NO. 89-M-10

1
2 A RESOLUTION PROVIDING POLICY AND PROCEDURES
3 TO BE UTILIZED BY THE COUNTY ADMINISTRATOR,
4 OR HIS DESIGNEE, IN THE ISSUANCE OF MOTION
5 PHOTOGRAPHY PRODUCTION PERMITS.

6 WHEREAS, the Board of County Commissioners of Orange
7 County, Florida has enacted an Ordinance under the terms of
8 which the County Administrator, or his designee, is vested
9 with authority to issue motion photography production permits
10 upon his satisfaction that certain basic requirements are met
11 to insure that the public health, safety and welfare of
12 Orange County is not harmed or unduly threatened by permitted
13 motion photography production activities as described in said
14 Ordinance and that the County recovers its expenses incurred
15 in extraordinary support of motion photography production; and

16 WHEREAS, the inherent nature of the commercial
17 motion photography production process is such that
18 flexibility and discretion are required in such permitting
19 process due to the constantly changing nature of the
20 activities to be permitted thereby,

21 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
22 COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

23 Section 1. Name and Purpose of Resolution.

24 This Resolution may be referred to as the "Motion
25 Photography Permitting Resolution." The purpose of this
26 Resolution is to establish a one-step permitting process for
27 motion photography endeavors on public property owned or
28 controlled by or under the jurisdiction of Orange County or
29 utilizing County equipment, facilities or personnel and to
30 provide a means whereby acts otherwise prohibited by the Code
31 of Laws of Orange County may be allowed during motion
32 photography production, and to provide under the permitting
33 process an exemption from certain provisions of the Code of
34 Laws of Orange County and various regulatory Resolutions made
35 pursuant thereto; all in recognition of the favorable
36 economic impact of the motion picture and television industry
upon Orange County.

1 Section 2. Definitions.

2 The following words, terms and phrases, when used in
3 this Resolution, shall have the meanings respectively
4 ascribed to them in this section, except where the context
5 clearly requires otherwise:

6 (1) *COUNTY ADMINISTRATOR* means the County
7 Administrator of Orange County; and additionally, employees
8 of the Office of the County Administrator, the Manager of the
9 Department of General Services and the E.D.C. Film
10 Commissioner when, and to the extent that, such parties are
11 so designated by the County Administrator to execute his
12 authority as granted herein.

13 (2) *COUNTY EQUIPMENT* is any tangible property,
14 other than real property, purchased by public funds and
15 utilized in the normal course and scope of providing
16 governmental service by Orange County.

17 (3) *COUNTY FACILITY* is any public street, sidewalk,
18 place or building owned or controlled by or under the
19 jurisdiction of Orange County including, but not limited to,
20 County parks and recreation facilities and the Orange County
21 Convention/Civic Center.

22 (4) *E.D.C. FILM COMMISSIONER* is the Director of the
23 Motion Picture and Television Division for the Economic
24 Development Commission of Mid-Florida, Inc.

25 (5) *MOTION PHOTOGRAPHY* is the commercial taking or
26 making of a motion picture, television, videotape, or film
27 production utilizing County equipment or utilizing County
28 facilities.

29 This term shall include, and a production permit
30 shall be required for, such productions on private property
31 not at a studio:

32 (i) involving the erection of tents or other
33 temporary structures,

34 (ii) involving the use of pyrotechnics,
35 explosives, or other incendiary devices,

1 (iii) emitting noise sufficient to violate the
2 Noise Control Ordinance of Orange County.

3 This term shall not include the shooting of such
4 film at studios constructed for such purpose where no County
5 equipment or County facilities are involved and shall not
6 include any news, news feature, or documentary production.

7 (6) MOTION PHOTOGRAPHY PRODUCTION PERMIT (also
8 referred to herein as "Production Permit" or "Permit") is the
9 permit required herein.

10 Section 3. County Administrator Authorized to Issue
11 Permits.

12 The County Administrator, as defined hereinabove,
13 shall have authority to issue motion photography production
14 permits upon satisfaction of all requirements imposed by this
15 Resolution and upon a showing to him that the public health,
16 safety and welfare of Orange County are not endangered or
17 unduly hampered by conduct of the activity permitted.

18 With regard to a permitted motion photography
19 production activity, no other County permits shall be
20 required; other than such preliminary permits as may be
21 required by the various County Division and Departments
22 concerned with health and safety, which preliminary permits
23 shall be submitted to the County Administrator together with
24 the application for the production permit.

25 Section 4. E.D.C. Film Commissioner May Be
26 Designated As Agent.

27 The E.D.C. Film Commissioner may be hereby
28 authorized by the County Administrator to act as an agent for
29 the County Administrator in the receipt and processing of
30 applications for production permits. After review and
31 approval by the County Administrator of any application for a
32 production permit, the E.D.C. Film Commissioner may then be
33 authorized by the County Administrator to issue a permit.

1 Section 5. Application For Permit.

2 (1) Any person seeking the issuance of a production
3 permit shall file an application with the County
4 Administrator on forms provided by him. Said application
5 shall be filed not more than one hundred eighty (180) days
6 before, and not less than ten (10) working days before, the
7 commencement of production. The application shall be signed,
8 under oath, by an authorized representative of the applicant.

9 (2) The application shall contain at least the
10 following information:

11 (a) Location(s) of the production with real
12 dates, rain dates, if appropriate, times and special
13 arrangements.

14 (b) Duration and type of the production.

15 (c) Proof of general liability insurance
16 coverage in the amount of at least One Million
17 (\$1,000,000.00) Dollars with Orange County named as an
18 additional insured.

19 (d) Special effects to be utilized, especially
20 incendiary or explosive devices, with proof of Five Million
21 (\$5,000,000.00) Dollars liability insurance therefor, with
22 the County as an additional named insured. In addition, the
23 application shall list the person in charge (pyrotechnician)
24 of such special effects together with his qualifications and
25 licensure by the applicable federal and/or state agencies.

26 (e) Proposed utilization of County equipment
27 and/or personnel.

28 (f) Necessity for closures of public streets,
29 ways or sidewalks and the specific duration and dates of such
30 closures.

31 (g) A written summary or explanation of the
32 portion of the production to be filmed within the
33 unincorporated area of Orange County.

34 (h) Number and type of vehicles and/or
35 equipment and number of production personnel to be on
36 location with the production activity to be permitted.

1 (i) A statement describing in detail any
2 activity which may result in a level of noise in excess of
3 the restrictions imposed by the Noise Control Ordinance of
4 Orange County.

5 (j) An agreement to pay for extraordinary
6 services provided by the County.

7 The application shall be accompanied by a script or
8 storyboard of the project.

9 (3) The application for permit, when filed with the
10 County Administrator, shall be accompanied by the
11 endorsements of such County officials as may be concerned
12 with the nature of the activity permitted. Such endorsements
13 shall state the recommended approval of the application or
14 the recommended disapproval, with reasons stated for such
15 disapproval, and an estimate of any cost incurred by the
16 County for extraordinary services.

17 The County Administrator shall receive such
18 recommendations and estimates as required by the nature of
19 the activity being permitted from any of the following
20 officials requested by him so to do:

21 The County Traffic Engineer

22 The County Risk Manager

23 The County Fire Official

24 The County Zoning Official

25 The County Building Official

26 The Manager, Environmental Protection Department

27 The Manager, Facilities Management Department

28 The Manager, Parks and Recreation Department

29 The Orange County Sheriff

30 The Florida Highway Patrol

31 The County Administrator may call upon any other
32 County Division Director, Department Manager or any other
33 qualified person to review the application and make a
34 recommendation as to approval or disapproval if, in the
35 opinion of the County Administrator, the nature of the
36 activity being permitted so requires the need for such review.

1 Section 8. Appeal From Determination of County
2 Administrator; Right of County Administrator to Request
3 Approval by Board of County Commissioners.

4 (A) An aggrieved party may appeal an adverse
5 decision by the County Administrator, or his designee,
6 concerning the issuance of a motion photography production
7 permit to the Board of County Commissioners provided said
8 appeal is made within ten (10) days after the date of
9 rendition of such adverse decision.

10 (B) The County Administrator may, upon his own
11 initiative, request a final decision by the Board of County
12 Commissioners upon any question or issue arising from an
13 application for a motion photography production permit
14 submitted to the County Administrator. The Board of County
15 Commissioners shall grant the applicant for such permit the
16 opportunity to be heard before rendering its decision on such
17 permit.

18 Section 9. Severability. If any section,
19 subsection, sentence, clause, phrase or portion of this
20 Resolution is held invalid or unconstitutional for any
21 reason, such holding shall not affect the validity of the
22 remaining portions of this Resolution.

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Section 10. Effective Date. This Resolution shall take effect on Adoption.

ADOPTED THIS 13th DAY OF March, 1989.

BOARD OF COUNTY COMMISSIONERS
OF ORANGE COUNTY, FLORIDA

BY: Tom Heuman
Chairman

ATTEST:

Martha O. Haynie, Clerk to the
Board of County Commissioners

BY: Mary Jo Garrison
Deputy Clerk

