

**ORDINANCE NO. 723**

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING CHAPTER 6 OF THE WILSONVILLE CODE TO PROVIDE FOR REGULATING THE USE OF PUBLIC PROPERTY AND FACILITIES BY FILM AND MEDIA PRODUCTIONS WITHIN THE CITY.**

WHEREAS, the City periodically receives requests from individuals or entities wishing to engage in filming for motion pictures or television productions (collectively the “Film Industry”) in the City that involve the use of public places or facilities; and

WHEREAS, attracting the Film Industry is a major goal of Clackamas County, as well as the State of Oregon, and is in line with the City’s Economic Development Plan; and

WHEREAS, Clackamas County received the Film and Television Advocate Award from the Governor for adopting a comprehensive filming initiative, and the County is encouraging cities within the County to participate in efforts to attract the Film Industry to the County, including, but not limited to, developing a “one-stop” Film and Media Permit Application, which is set up to also be used as an application to Wilsonville for a Film and Media Permit; and

WHEREAS, the State and County’s efforts to attract more Film Industry productions to the area is expected to cause the number of requests to film in and around the City of Wilsonville to increase; and

WHEREAS, the City has an interest in encouraging Film Industry activities within the City of Wilsonville by providing a streamlined and user friendly permitting system that can track such activities and help to ensure the public that filming activities are conducted in a professional and safe manner; and

WHEREAS, City Staff has reviewed the “one-stop” County Film and Media Permit Application and finds it contains the necessary information to apply for a Film and Media Permit under the rules and regulations proposed under W.C. 6.500 et seq. below; and

WHEREAS, in order recover the costs of administering the permit system and the use of City facilities and personnel, the City finds it is reasonable and necessary to adopt a permitting fee schedule for Film Industry activities.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. **Chapter 6. Film and Media Production** is hereby added to the City of Wilsonville City Code, to read as follows:

**6.500 Purpose.**

The City recognizes that the Film Industry can contribute to Wilsonville’s economy and provide other benefits to the City. In order to ensure that any film activities in the City do not have an adverse impact on the rights of the public, surrounding businesses, neighborhoods, or residents, the City seeks to create a reasonable permit system for filming within City limits. This Section establishes procedures for the review and issuance of City filming permits as they relate to filming activities within the City of Wilsonville. This Section is intended to provide efficient and uniform permit and approval processes for the Film Industry, generally consistent with those of Clackamas County, to encourage the use of locations within the City so long as that use is consistent with public safety and the protection of Public Property.

**6.505 Definitions.**

- (1) “City” means the City of Wilsonville.
- (2) “City Manager” means the City Manager of Wilsonville. As used in this W.C. 6.500 et seq., City Manager duties can be delegated to any staff person assigned by the City Manager to carry out or implement any duty or responsibility designated to the City Manager under the provisions of W.C. 6.500 et seq.
- (3) “County” means Clackamas County, Oregon.
- (4) “Film Industry” means and includes all Persons engaged in filming activities attendant to staging or shooting motion pictures, television shows, programs, documentaries, commercials in any medium including film, tape, or digital format. The Film Industry does not include Persons who are taking personal still photography or personal videos that are not to be used for any commercial purpose or public viewing, regardless of whether or not the Person taking the personal photographs or personal videos is a paid professional, as long as no weapons, explosives or blockage or unreasonable use of Public Property is involved.
- (5) “Film and Media Permit” means the permit issued by the City granting a Person permission to film in Wilsonville pursuant to WC 6.500 et seq.

(6) “Film and Media Permit Application” means Clackamas County’s Film and Media Production Permit Application.

(7) “Film and Media Permit Fee” means the fee required to accompany an application for a Film and Media Permit, intended to cover administrative and other costs, that may be adjusted by the City Manager from time to time.

(8) “Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.

(9) “Public Property” means all property of the City of Wilsonville, including but not limited to public streets, sidewalks, rights-of-way, buildings, open spaces, parks and recreation facilities, and all other City-owned facilities and property.

(10) “Studio” means a fixed place of business where filming activities (motion or commercial photography) are regularly conducted upon the premises.

#### **6.510 Permits and Exemptions.**

(1) Permits. Applicants must obtain a Film and Media Permit for commercial photography, motion picture, or television production within any portion of the City that will require filming of, staging on, or images of Public Property or facilities. Applicants will also need to obtain a Film and Media Permit if filming activity on private property will have a spillover effect on Public Property, for example if excessive street parking will be required, or if traffic will need to be diverted. Applicants may be required to obtain other permits as needed, depending on the impacts of the filming activity. City staff will assist the Applicant in contacting the appropriate City departments in the event other permits or authorizations are required. The Film and Media Permit will indicate the period for which it is valid. If multiple productions are undertaken by a single production company, a permit is required for each production.

(2) Exemptions. A Film and Media Permit is not required for the following Persons and activities:

- (a) Reporters, photographers, or camerapersons in the employ of a newspaper, news service, or similar entity engaged in on the spot, spontaneous print media, publishing, or broadcasting of news events concerning those persons, scenes, or occurrences which are in the news and of general public interest;

- (b) The recording of visual images, whether motion or photography, solely for private personal use and not commercial use, which does not impact the City's ability to provides services, create a hazard, or interfere with the use by others of Public Property;
- (c) Any Filming Activities that are not located on and do not have any impact on Public Property, or require the use of any City resources, including staff time;
- (d) Filming activities conducted solely at a Studio, so long as it does not have any spillover impact on adjacent Public Property or neighboring residences or businesses.

**6.515 Application for a Film Permit.**

- (1) A completed Clackamas County Film and Media Permit Application, with the City of Wilsonville information section filled out, must be received by the City at least fifteen (15) days prior to the proposed start date for any proposed filming activities. The City will generally review the application and either issue a Film and Media Permit or deny the application within (5) days. If the application is deemed incomplete or the City determines, in its sole discretion, that more information is required, the application will be denied pending receipt of the required additional information.
- (2) The following information will be required in every application for a Film and Media Permit:
  - (a) The name, address, email address, and telephone number of the person(s) in charge of the activity who will be the City's contact;
  - (b) The hours, dates, and length of time the production activity will occur, including any time required for site preparation and site restoration;
  - (c) The specific location or locations and any Public Property the Applicant proposes to use and a brief description of the dates, duration and nature of the use for each requested location;
  - (d) The estimated number of people who will be on site;
  - (e) The number and type of vehicles, sets, lighting, props, visual aids or other equipment proposed to be used during the filming activity, along with a parking and staging plan;

- (f) A notation as to whether the filming will involve any activity that may cause public alarm or concern, including, but not limited to, gunfire, pyrotechnics, low flying aircraft, or other stunts or special effects;
  - (g) The extent to which the normal use of Public Property will or may be impaired or restricted during filming and the duration of such impairment or restriction;
  - (h) Whether City personnel or other public personnel including, but not limited to, police, fire, parks staff or public works staff are requested or may be required to facilitate the filming activity and/or protect public safety during the filming activity;
  - (i) A completed and executed City of Wilsonville Release and Hold Harmless Agreement in a form to be developed and periodically modified, as needed by the City Attorney, including, among other things, indemnity provisions requiring the Applicant shall hold the City of Wilsonville harmless and otherwise indemnify the City against any liability caused by the proposed activity;
  - (j) Proof of insurance, as required by the City (City insurance requirements may differ from the County's insurance requirements);
- (3) An extension of a Film and Media Permit may be requested, in writing, and must be received by the City no less than twenty-four (24) hours prior to the expiration of the existing Film Permit. If the Film Permit expires on a Saturday, Sunday or Monday, the request must be received no later than the close of business on the previous Thursday. The extension request must include the following information:
- (a) Duration of the extension request;
  - (b) Proof of Insurance covering the extension dates; and
  - (c) Payment for any estimated additional fees associated with the extension request.
- (4) The issuance of a Film and Media Permit and payment of fees associated therewith shall be in lieu of a business license and a business license fee.

### **6.525 Film Permit Fees.**

In addition to the Film and Media Permit Application Fee, all other fees associated with the issuance of a Film and Media Permit will be included on a Rate Schedule, established by the City Manager and subject to amendment by the City Manager, from time to time, to cover all City costs relative to the Permit being issued. Applicants may apply to the City Manager for a waiver

of some or all of the Permit Fee and other related fees, and such waiver may be granted in whole or in part for just cause and in the City Manager's sole discretion.

### **6.530 Review of the Application.**

(1) The City Manager will review the application for a Film and Media Permit, upon payment in full of any Film and Media Permit Fee required to be paid, and will issue a Film and Media Permit if the City Manager finds that the permit will not:

- (a) Adversely impact the public health, safety, or welfare;
- (b) Unreasonably impact traffic, neighborhoods or businesses;
- (c) Result in costs to the City or loss of public revenue, except to the extent the City can be assured that the City will be promptly, fully and completely compensated for such costs or lost revenue by the Applicant;
- (d) Substantially inconvenience City personnel, police, fire, residents or businesses; or
- (e) Substantially interfere with the public peace or the quiet enjoyment of private residential property;
- (f) Violate or be likely to violate federal, state, or local laws or regulations including, but not limited, to health and safety and environmental regulations. In the event of such concern additional assurances may need to be provided by the Applicant including, but not limited, to approvals from other governing authorities.

(2) The City Manager may impose conditions on a permit to alleviate or mitigate any potential adverse impacts described in subsection (1) of this Section.

(3) An approved Film and Media Permit will:

- (a) Specify the location, dates and duration of the Film and Media Permit;
- (b) Set forth any conditions or restrictions imposed by the City Manager pursuant to subsection (1) of this section;
- (c) Require an advance deposit of funds and payment of the Film and Media Permit Fee prior to filming in an amount estimated by the City Manager to be sufficient to compensate the City for any public costs incurred as a result of filming. In the event filming is cancelled, the City shall refund the deposit minus an amount for any costs incurred by the City up to the date of cancellation;

- (d) Require the delivery of adequate proof of insurance prior to filming in an amount determined by the City Manager to be sufficient to protect the City from any and all liability or damage to property arising out of the filming activity. The Applicant will be required to name the City as an additional insured on all of the Applicant's applicable general liability and automobile liability policies of insurance, including umbrella policies. Proof of workers compensation, as required by applicable state law, will also be required;
- (e) Be in the form approved by the City Attorney and may be amended from time to time as the City Attorney deems necessary.

#### **6.535 Compensation for Public Costs.**

The Applicant shall compensate the City for any and all public costs identified in the Film and Media Permit Application or governing Rules and Regulations. The City may require a reasonable advance deposit of the full estimated costs to be incurred by the City and if the deposit is insufficient to cover all of the City's costs and expenditures, the Applicant shall remit the balance to the City within seven (7) days of receipt of a written invoice for such additional costs. To ensure cleanup and restoration of any Public Property, an Applicant may be required to submit a refundable deposit, in an amount determined by the City Manager, with the application. Upon completion of filming and inspection of the site by the 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 permitted filming activities, the security deposit shall be applied to cover clean-up or repair costs with any remainder returned to the Applicant.

#### **6.540 Liability and Insurance.**

(1) Before a Film and Media Permit is issued, evidence of insurance in the form of a current Certificate of Insurance must be issued to the City showing that Applicant is carrying the City's then current insurance coverage amounts, which coverage amount will be subject to adjustment from time to time. The City of Wilsonville, including its officers and employees, shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty (30) days' written notice to the City. A copy of the certificate shall remain on file with the City and must be current at all times while any Film and Media Permit is in effect.

Failure to maintain the required insurance will result in immediate termination of the Film and Media Permit.

(2) The City shall reserve the right to require a larger minimum insurance coverage amount if the City deems the film activity to carry unusual risk.

(3) The Film and Media Permit Application requires a Release and Hold Harmless agreement, indemnifying the City and all officers, agents, and employees for any claims resulting from the filming activities.

(4) The City may require copies of the actual policies of insurance when the City deems necessary.

### **6.550 Violation of the Film Permit or Film Permit Process.**

If any Person violates any provisions of WC 6.500-6.545 or a Film and Media Permit issued pursuant hereto, the City may provide the Person with a verbal or written notice of such violation. If the Person fails to correct the violation within the time period specified by the City, the City may revoke the Film and Media Permit (if one was obtained), and all filming activities must immediately cease and desist. If the violation is egregious and represents an immediate threat to health or safety, in the City Manager's sole discretion, the Permit may be immediately revoked and all filming activities must immediately cease and desist. Any filming that requires a Film and Media Permit that is done without a Film and Media Permit is a violation of the City of Wilsonville Code and is subject to citation into the City's municipal court, subject to the penalty of a fine of not less than \$100.00 and not more than \$10,000.00 per day and for each succeeding day of a continuing violation. In assessing the fine, the Municipal Court shall consider the gravity of the violation, the sophistication of the person for whom the film and media permit should have been issued in obtaining film and media permits, and the net worth of such a person. The City shall also be entitled to request immediate injunctive relief and/or specific performance of the Film and Media Permit requirements.

### **6.560 Rules and Regulations.**

The City Manager is authorized and directed to promulgate such rules, regulations, and forms as may be deemed reasonable and necessary to implement the provisions of WC 6.500-6.545,



including, but not limited to the City's Permit form and an alternative to the County's Application Form should that be necessary in the future.

**6.570 Due Process Hearing.**

A person aggrieved by the application of any provision of WC 6.500-6.545 shall file an appeal within ten days of such occurrence with the City Recorder and the matter shall be scheduled to be heard before the City Council.

Except as set forth above, **Chapter 6** of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16<sup>th</sup> day of September, 2013, and scheduled for a second reading at a regular meeting of the Council on the 7<sup>th</sup> day of October, 2013, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

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Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 7<sup>th</sup> day of October, 2013, by the following votes:

Yes: -5-      No: -0-

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Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of October, 2013.

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TIM KNAPP, Mayor

**SUMMARY OF VOTES:**

Mayor Knapp	<u>Yes</u>
Council President Starr	<u>Yes</u>
Councilor Goddard	<u>Yes</u>
Councilor Fitzgerald	<u>Yes</u>
Councilor Stevens	<u>Yes</u>

# FILM AND MEDIA PERMIT

City of Wilsonville  
29799 Town Center Loop E.  
Wilsonville, OR 97070  
Phone: (503) 682-1011 Fax: (503) 682-1015

Permit Number: \_\_\_\_\_ Date Approved: \_\_\_\_\_

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Payment Amount: \_\_\_\_\_ Payment Type: \_\_\_\_\_

Insurance Verified: \_\_\_\_\_ Bond/Deposit Required: \_\_\_\_\_ in the amount of: \_\_\_\_\_

## PRODUCTION INFORMATION:

Film Production Title: \_\_\_\_\_

Production Company Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Location Manager Name: \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Proposed Filming Dates: From: \_\_\_\_\_ To: \_\_\_\_\_

Proposed Filming Location(s): \_\_\_\_\_

\*\*\*\*If the Production will occur in a City park or a public facility, a reservation must be made through the City's parks and facilities reservation system, and the reservation must be secured before any filming activity can take place.\*\*\*\*

Brief Description of Project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of Cast: \_\_\_\_\_ Crew: \_\_\_\_\_ Security: \_\_\_\_\_

Type and Number of Vehicles Involved: \_\_\_\_\_ (A parking plan will need to be attached to the final permit application)

**INSURANCE INFORMATION**

Insurance Agency: \_\_\_\_\_

Insurance Policy Number: \_\_\_\_\_ Agency Contact: \_\_\_\_\_

\*\*\*\*A copy of the Certificate of Insurance must be on file with the City\*\*\*\*

**ANTICIPATED CITY SERVICES REQUIRED (Check all that apply):**

Reserved Street Parking: \_\_\_\_\_ Reserved Public/Off-Street Parking: \_\_\_\_\_ Water: \_\_\_\_\_

Sewer Access: \_\_\_\_\_ Transit: \_\_\_\_\_ Police: \_\_\_\_\_ Fire: \_\_\_\_\_ Partial Park Closure: \_\_\_\_\_

Full Park Closure: \_\_\_\_\_ Public Building: \_\_\_\_\_ Code Related Construction: \_\_\_\_\_

Other: \_\_\_\_\_

Staging Area/Location: \_\_\_\_\_

Street Closure/Traffic Control: \_\_\_\_\_

**Scene Requirements:**

Excessive Noise: \_\_\_\_\_ Pyrotechnics: \_\_\_\_\_ Firearms: \_\_\_\_\_ Generators: \_\_\_\_\_ Bridges: \_\_\_\_\_

Animals: \_\_\_\_\_ Stunts/FX: \_\_\_\_\_ Camera in Curb Lane: \_\_\_\_\_ Camera on Sidewalk: \_\_\_\_\_

Other: \_\_\_\_\_

Additional Comments or Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any Additional Special Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# RELEASE AND HOLD HARMLESS AGREEMENT

## Wilsonville Film & Media Production

Company Name or Individual Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Project Description: \_\_\_\_\_

The undersigned company or individual ("Permittee") has requested a filming permit ("Permit") from the City of Wilsonville ("City") for the limited purpose of:

- Television  Motion Picture/Feature  Commercial Photography  Music Video
- Documentary  Educational  Commercial  Other: \_\_\_\_\_

In partial consideration for the issuance of this Permit, Permittee is required to and does hereby provide this Release and Hold Harmless Agreement to the City by which Permittee does hereby agree to hold the City, its Council, agents, officials, and employees harmless for any loss or damage suffered by Permittee in conjunction with the use of this Permit.

In addition, Permittee does hereby agree to indemnify, defend and hold harmless, the City, its Council, agents, officials, and employees from and against any and all claims, loss, liability, damages, costs and expenses, including, but not limited to, any and all liability for damage to property and/or any and all liability for personal injury or death as a result of the activity, event, or use provided for in or in conjunction with this Permit and/or as a result of participation in or attendance at the activity, event or use provided or conducted in conjunction with the Permit, unless caused by the gross negligence or willful misconduct of an authorized City official. Permittee further agrees that Permittee will indemnify and reimburse the City for any loss or damage suffered or sustained by the City as a result of Permittee's activities conducted in conjunction with the Permit.

The undersigned acknowledges and affirms that the City has agreed to issue a Permit to allow such activity subject to all condition and requirements outlined in the Permit Application and in this Release and Hold Harmless Agreement.

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Company: \_\_\_\_\_ Title: \_\_\_\_\_

Dates of Filming: From: \_\_\_\_\_ To: \_\_\_\_\_

Time of Day: From: \_\_\_\_\_  am  pm To: \_\_\_\_\_  am  pm

STATE OF OREGON

COUNTY OF CLACKAMAS

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_ (name of person) as \_\_\_\_\_

(title) of \_\_\_\_\_ (company name).

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_




# Film and Media Permit Application

Thank you for selecting Clackamas County for your production.

A film permit application form is required for any filming activity taking place within Clackamas County. Individual jurisdictions are responsible for issuing local permits and collection of fees; however Clackamas County Film & Media Production is a one-stop shop for completing your Film Permit Application. When filming on private property completing this Permit Application is merely a formality, but provides an opportunity for Clackamas County to better serve you.

Please read the Film Permit Application Instructions prior to completing a film permit application. For additional information about filming in Clackamas County, please contact our office at (503) 742-4BIZ (4249) or [clackamasfilm@clackamas.us](mailto:clackamasfilm@clackamas.us) with any questions or concerns.

[A Guide to Filming in Clackamas County](#)

 denotes a required field

## Applicant Information

Name 


Primary Phone 

Secondary Phone

E-Mail 

## Production Information

Production Title 


Production Company 


Number of Cast Members


Number of Crew

Number of Security


Type and number of vehicles *(example: 4 vans, 3 trucks, 1 camera car)*


Contact Name 

Address 


City 

Oregon

Zip Code 


Primary Phone 

Secondary Phone

E-Mail 

Type of Film (check all that apply):

<input type="checkbox"/> Television	<input type="checkbox"/> Documentary
<input type="checkbox"/> Motion Picture/Feature	<input type="checkbox"/> Educational
<input type="checkbox"/> Commercial Photography	<input type="checkbox"/> Commercial
<input type="checkbox"/> Music Video	<input type="checkbox"/> Other:

Dates of filming:  Start  to End

## Location Information

Location Manager

Phone

E-Mail

In what location(s) are you interested in filming (check all that apply):

### Cities and Municipalities

Canby [info](#)

Damascus [info](#)

Estacada [info](#)

Gladstone [info](#)

Happy Valley [info](#)

Lake Oswego [info](#)

Milwaukie [info](#)

Molalla [info](#)

Oregon City [info](#)

Sandy [info](#)

West Linn [info](#)

Wilsonville [info](#)

Clackamas County Unincorporated Areas

[info](#)

(McLoughlin Blvd., Boring, Mulino, Government Camp, etc.)

Note: Each jurisdiction will be responsible for issuing local permits and collection of the respective fees.

Clackamas County Parks and Facilities [park fees](#)

Clackamas County Roads/Rights-of-Way [info](#)

Location:

For other locations visit the Oregon Governor's Office of Film & Television [Reel Scout](#) program.

## Wilsonville

Dates of Use (*set up and filming*):

Location/Property Detail (check all that apply):

Residential

Commercial

Government

Public Right-of-Way

On-Street Parking

Other:



Staging Area/Location (if known)

Public Services - Please indicate what public services you may need:

Reserved Street Parking	Partial Park Closure
Reserved Public/Off-Street Parking	Parks
Water	Public Buildings
Sewer Access	Building Code Related Construction
Transit	Other:
Police	

Closure or Intermittent Traffic Control:

Street	Other:
Sidewalk	

Scene Requirements:

Excessive Noise	Stunts/FX
Pyrotechnics	Camera in Curb Lane
Firearms	Camera on Sidewalk
Generators	Scaffolding and Platforms
Bridges	Other:
Animals	

## Insurance Information

Insurance Policy #

Agency

(Proof of insurance will be required along with approval of amounts, submit prior to first day of filming)

(Insurance will be required in the amount not less than \$1,000,000 naming the jurisdiction as a co-insured)

Agency Phone

Agency Contact

Comments/Notes/Additional Information

Note: A site plan will be required to be submitted to the local jurisdiction prior to filming.

By checking this box I am electronically signing for all information above and I certify that to the best of my knowledge and belief, the information provided herein is true.

Thank you for filming in Clackamas County!

For more information contact:

Clackamas County Film & Media Production

150 Beavercreek Road

Oregon City, OR 97045

Phone: 503-742-4BIZ (4249)

Email: [clackamasfilm@clackamas.us](mailto:clackamasfilm@clackamas.us)

[www.clackamas.us/business](http://www.clackamas.us/business)