

DIVISION 2. - PERMIT

Sec. 22-151. - Required; application fee.

- (a) Any person desiring to use the public streets or sidewalks, the public rights-of-way, or other public properties within the town for the purposes of commercial motion picture making shall be required to first obtain a permit for that activity from the town council. This permit is not intended to preclude legitimate video production of news events.
- (b) The application for permit shall be accompanied by a \$1,000.00 nonrefundable permit fee payable to the town for the administrative processing of the permit application. In addition to the \$1,000.00 application fee, there will be a filming fee of \$800.00 per day for each day of filming.

(Code 1982, § 10-421)

Sec. 22-152. - Application.

All applications for permits referenced in section 22-151 shall be filed with the town clerk at least 30 days and not more than 45 days prior to the date or dates upon which the applicant wishes to conduct the activity. Complete applications must be filed with the town clerk no less than 20 days prior to the town council meeting at which the application is to be considered. The application shall contain the following information:

- (1) The name and address of the person applying for the permit.
- (2) The number of personnel required by the applicant to conduct the activities for which the permit is sought.
- (3) The date, time and places during which the proposed activity is to be conducted and a description of the specific activities. This information shall describe the specific public property sought to be utilized, the specific times of day during which the properties are requested to be utilized, and the specific activity which is to be conducted upon the property.
- (4) The name, address and telephone number of the specific person who is to be responsible for all of the activities to be conducted pursuant to the terms of the permit.

(Code 1982, § 10-422)

Sec. 22-153. - Prerequisites to issuance.

Prior to a permit's being granted under this division, the following shall be provided to the town by the applicant:

- (1)

Hold harmless agreement. The applicant shall execute a hold harmless agreement in favor of the town saving, defending and holding harmless the town, its agents, employees and representatives, from any claim arising as a result of the activities of the applicant, his agents, representatives or employees, within the town. This agreement shall be executed by an individual and/or entity capable financially and otherwise of honoring the terms thereof, and the agreement shall be in a manner and form acceptable to the town and deemed to provide the protection necessary to the town as intended by this section.

- (2) *Certificate of insurance.* The applicant shall provide a certificate of insurance naming the town as a named insured under the insurance policy for an amount not less than \$10,000,000.00. When an aircraft is to be involved in any filming, the insurance policy shall be for an amount not less than \$100,000,000.00, and when any watercraft is to be involved in any filming, the insurance policy shall be for an amount not less than \$25,000,000.00. The town council may increase the minimum amount of insurance specified herein upon the recommendation of the town manager or his designee.
- (3) *Deposit for services.* The applicant shall deposit with the town an amount determined by the town manager and approved by the town council, to compensate the town for any extraordinary services required by the town for purposes of carrying on the activity to be conducted pursuant to the terms of the permit.
- (4) *Time schedule.* In no event shall any of the activities to be conducted pursuant to the terms of the permit be conducted between the hours of 8:00 a.m. and 10:00 a.m., and 4:00 p.m. and 6:00 p.m. Dates and times during which filming shall be allowed shall be subject to the approval of the town manager.
- (5) *Deference to normal flow patterns.* At no time shall the public streets, sidewalks or rights-of-way of the town be blocked or impeded to restrict or inhibit the normal flow of pedestrian or vehicular traffic.
- (6) *Limitation to commercial districts.* The activities permitted by this section are restricted to the commercially zoned districts within the town and shall not be permitted within the residentially zoned districts.
- (7) *Prohibition during season.* The activities permitted by this section shall take place only from April 16 through November 14 of any year. In no event shall commercial motion picture making take place from November 15 through April 15 of any year.
- (8) *Prohibition on narrow streets.* In no event shall any of the activities to be conducted pursuant to the terms of a permit be conducted on any street, road or thoroughfare that is less than 30 feet in width of paved right-of-way.
- (9) *Prohibition in or adjacent to governmental buildings.* In no event shall any of the activities to be conducted pursuant to the terms of a permit be conducted in any governmental building of the town or on the sidewalks or rights-of-way abutting any such building.

(10) *Maximum number of days per month.* In no event shall commercial motion picture making be permitted to be conducted within the town for a period of more than seven days in any one month during the period of time that is allowed for that activity as specified by the terms of this section. It is the intention of this subsection that the seven-day period is the maximum number of days allowed for motion picture making during any one month within the town. In other words, if one applicant has already received a permit to conduct motion picture making activities within the town for a period of seven days during any one month, no other permits shall be granted to that applicant or any other applicant for motion picture making activities during that particular month. For purposes of this section, applications shall be considered by the town council in the priority of the earliest filed application.

(Code 1982, § 10-423)

Secs. 22-154—22-250. - Reserved.