

RESOLUTION NO. 1153

A RESOLUTION APPROVING A CITY OF CANBY FILM AND VIDEO PRODUCTION POLICY

WHEREAS, attracting this industry is a major initiative by Clackamas County and provides a promising partnership to expand this growing industry cluster in Canby; and

WHEREAS, having Canby featured in film and video productions raises the communities profile, generates revenue from production company spending, promotes tourism and can bring upgrades to public and private property; and

WHEREAS, these companies may need security support, parking access, barricades around production areas, and other accommodations from the City on a case by case basis to make their filming a good experience for our citizens and City staff; and

WHEREAS, this new City policy is intended to provide an efficient and uniform permit and approval process in Canby in partnership with Clackamas County for the motion picture, television, and commercial photography industries throughout the City; and

WHEREAS, definitions of this industry provide clarity for the Canby Film and Video Production Policy as follows:

- A. CHARITABLE FILMS, shall mean commercials, motion pictures, television, videotapes, digital recording or photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- B. COMMERCIAL PHOTOGRAPHY shall mean a moving image or photography production created to advertise or sell a product or service.
- C. MOTION PICTURE, TELEVISION, shall mean and include all activity attendant to staging or shooting motion pictures, television shows or programs, commercials, 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.
- D. NEWS MEDIA shall mean the photographing, filming, or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers, or camerapersons.
- E. PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CENTERS shall mean photographing, filming, or videotaping:

1. For the purposes of:
 - a. Promoting communities within Clackamas County, including local organizations;
 - b. Making government more accessible and understandable by offering information about services, meetings, workshops, programs, projects, activities, the history of the region, and public meetings;
 - c. Creating documentaries and local productions; and
 - d. The teaching of film and media productions techniques such as camera work, editing, and studio productions;
 2. By local community media centers supported by the municipalities, educational institutions, and cable subscribers within Clackamas County.
- E. STUDIO shall mean a fixed place of business certified as such by local fire authority having jurisdiction where filming activities (motion or commercial photography) are regularly conducted upon the premises.

WHEREAS, Permits and Exemptions are defined as:

- A. Permits: Applicants must obtain a Business License Permit from the City of Canby, and a road closure permit if needed. The Canby Fire Department may require a permit if fireworks, pyrotechnics, live or contained fires are involved. Clackamas County will provide the City information from the County's application process that outlines the details of production company and the project. This information is found in Title 8 of the Clackamas County Code for Film and Media Production Section .040 A through F.
- B. Exemptions: The provisions of this chapter shall not apply to or affect the following:
 1. 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.
 2. The recording of visual images whether motion or photography, solely for private personal use and not commercial use.
 3. Filming activities whether motion or commercial photography conducted at a studio.
 4. Charitable films.
 5. Public, educational, and government access centers.

WHEREAS, Liability and Insurance are required by the City as a named co-insured as follows;

- A. Before a permit is issued for the use of any public property for the purpose of taking motion pictures, television, or commercial photography a certificate of insurance will be required in the amount not less than \$1,000,000 naming the City of Canby as a co-insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The City, 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 County. A copy of the certificate shall remain on file with the 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.

WHEREAS, violations will be addressed as follows;

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the 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 all activity must cease.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

- The City of Canby is hereby authorized and directed to promulgate additional rules and regulations as needed, subject to approval by resolution of the City Council, governing the form, time and location of any activities.
- The City of Canby will partner with Clackamas County to make the process as business friendly and seamless as possible and will develop a Film and Video web page with information and resources for film and video production companies.
- Film and video companies will provide information and fees for a Canby Business License.
- The City will alert potentially affected departments and other agencies to coordinate efforts and allow each group to adequately prepare for and mitigate production impacts. They could include the Canby Fire Department, Police, Parks, Public Works, Planning, and Economic Development Departments, among others.
- City Departments will not charge user fees, but may request cost recovery for extraordinary film and video impacts on a case by case basis.

This resolution will take effect on March 6, 2013.

ADOPTED this 6th day of March 2013 by the Canby City Council



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder