



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 3
October 20, 2008

SUBJECT: Approval of (a) Ordinance 08-42.3, an Ordinance to amend Chapter 24, "Outdoor Gatherings" of the City of Novi Code, to provide new substantive regulations concerning requirements for filming permits within and throughout the city, and related fee resolution. **Second Reading;** and (b) Zoning Ordinance Text Amendment 18.231, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 19, I-1, Light Industrial District and Article 23A, OST, Planned Office Service Technology District, to add provisions for motion picture, television, radio and photographic production facilities. **Second Reading**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Beck*

CITY MANAGER APPROVAL: *AK for CST*

BACKGROUND INFORMATION:

In April, 2008, the State's legislature passed a revision in the Michigan Business Tax bill that allows tax credits for filmmakers and studios working in Michigan. The Michigan Film Credit allows a 40% refundable tax credit against Michigan Business Tax (MBT) liability for qualified film or digital media pre-production, production, and postproduction costs incurred in Michigan. While the production industry immediately took advantage of this tax credit and began filming throughout Michigan, many communities have found that they are without proper guidelines and policies that allow flexibility and meet the expectations of the filming industry.

The "Hollywood Novi" Venture Team was established to complete and recommend a series of ordinance and internal policy changes to allow and encourage motion picture and television filming activities in Novi. This Venture Team consists of employees from several departments: Becky Arold (Finance), Margi Karp-Opperer (Library), Richelle Leskun (Assessing), Tom Lindberg (Police), Barb McBeth (Community Development), and Tracie Ringle (Parks Recreation and Forestry) with Mike Evans (Fire) and Ara Topouzian (Economic Development) as team leaders.

The team met with Jeff Spilman, an entertainment attorney who is the managing partner of S3 Entertainment Group, LLC. Mr. Spilman consults with film producers and studios in order to do productions in Michigan. He was able to provide our team with insight into filming processes and how "Hollywood" operates when filming on location. Mr. Spilman applauded our efforts to establish policies and indicated that Novi will be desirable to the film industry for several reasons: access to major freeways and proximity to Detroit Metro Airport, wide streets, quality homes, upscale schools and a large city hall. Novi also has high quality hotel rooms that are desirable; these hotels may be able to be persuaded to offer special rates to the filming industry.

The group identified several points raised by Mr. Spilman as key to a successful start to film permitting activities in Novi, which were repeated themes again found in review of ordinances and policies from other communities (mostly in California) and in discussions with other representatives from the film and television industry:

- **One main contact person** from city who will assist navigating through city's policies and departmental approvals and who is responsive to phone calls and meeting requests (most important factor).
- Novi must have **clear and simple permits** that also outline location filming. Approval must be **administrative**, since the industry cannot wait until the next Council meeting in order to meet their schedules. A quick turnaround for standard permits is needed, but more elaborate filming (car chases/explosions) can take up to two weeks for preparations.

- **A permit review fee should be charged.** It was recommended that no more than a \$200-\$250 fee would be appropriate.
- When filming industry submits information, **requests need to be specific** and detailed.
- All **potential costs to the film company needs to be presented upfront.** (i.e. Overtime for police/fire).

In addition to the ordinance and code changes provided here, the Venture Team is working on a webpage to assist those interested in filming in Novi, providing the name and contact numbers for the city's primary contact person. The webpage will include the permit application, submittal guidelines, photographs of locations throughout Novi, and take advantage of the opportunity to promote the benefits and advantages to filming in Novi.

Filming Permits

A draft "Filming Permit" ordinance provides standards for review and processing of applications that would allow temporary filming at any location in the City. A new section is proposed to be added to Chapter 24, Outdoor Gatherings, to facilitate the processing and review of permit applications.

A filming permit is required for any use of the public right of way, or on any public or private property, facility, or residence for broadcasting, taking or making any commercial motion picture, television, radio or photographic production, as defined by the ordinance. Exceptions are provided to the permitting requirements for current news productions, productions by the city's public, education or government access channels, and for productions within established studios (as provided in the zoning ordinance text amendment below).

The draft permitting ordinance provides for administrative approval to assist in the quick turn-around time the filming industry demands, provided the permit application is complete and the proposed filming activity meets the health and safety standards identified in the review by the police and fire departments, and other departments, as needed. The applicant will be asked to provide a sketch of the proposed filming area, the hours and number of days the activity will take place, and the number of people expected at the activity. The applicant will be responsible for notifying neighbors and businesses near the filming site, and maintaining access to roads, driveways and fire lanes. A quick turn-around time is proposed to be established for administrative reviews of permit applications: 4 days for regular permit review, 5 days for permits that require traffic control, and 7 days for permits that require road closures or include stunts or special effects.

Fees

The attached suggested fee resolution proposes establishing a number of fees, including a fee for staff to review permit applications. Property use fees are recommended to be established to compensate for the loss of use of city's property during that time, or for monitoring activities on private property or the public right of way. While a recently enacted State Law allows local governments to provide members of the film industry the use, free of charge, of any of the local governments' property for the purpose of producing a film, the local government may establish fees for such purposes to adequately cover the costs of the use of the city's property. Staff is therefore recommending property use fees, depending on whether the activity takes place on public or private property, for consideration by the City Council. Additionally, a fee may be required for monitoring of the filming activities by the Police, Fire, DPW, Community Development or other departments, as determined by the city during the review of the permit. These fees are shown in the attached suggested fee resolution.

Bonds and Insurance

As a condition of the issuance of a permit, the permittee shall furnish insurance to protect the city against claims for personal injury, wrongful death and property damage and to indemnify the city for damage to city property that may arise out of the permittee's activities. A bond will also be

required to insure compliance with the terms of the ordinance and, although the permittee is responsible for any restoration or repairs that are needed, the bond could be used to reimburse the city for any restoration or repair that would otherwise fall to the city. A hold-harmless agreement is also required to be signed by the applicant prior to the issuance of a permit.

Zoning Ordinance Amendments

Zoning Ordinance text amendments are proposed to address potential demand for permanent production facilities to be established in the City for motion picture and filming activities. The ordinance currently does not specify a location for production activities within buildings or for filming outside of buildings (backlots). The attached language is suggested to address the possible need for these types of facilities in Novi.

Indoor activities associated with Motion Picture, TV, Radio and Photographic Production are proposed to be a permitted use in the Light Industrial district since these activities may be comparable to the office, warehousing and light assembly activities that already take place in this district. If the Light Industrial property abuts residential then these uses would be permitted subject to special conditions. Staff is also proposing text that would allow these indoor activities in the OST district as a permitted land use. Standards for the Light Industrial district carry over to the General Industrial District, as well.

Since there may be a demand for activities outside of buildings, such as “studio backlots”, staff suggests that this type of use could be permitted in the Light Industrial district only where the properties do not abut residential and subject to special conditions (Special Land Use) with appropriate screening of these outside activities. These outdoor activities would carry over to the General Industrial district, as well.

The Planning Commission held a public hearing on the Zoning Ordinance amendments on September 24, 2008 and recommended favorable consideration to the City Council. While no public hearing is required for the “Filming Permit” changes to the City Code, the Commission reviewed the draft code changes for this section, as well, and provided additional comment regarding bonding and insurance requirements, as noted in the attached draft Planning Commission minutes.

City Council approved the first reading of the amendments on October 6th and requested modifications to the text to clearly indicate that photography and filming activities at private, non-commercial events, such as weddings and parties, will be exempt from permitting requirements. These modifications have been made to the language. Further clarification regarding the film’s subject matter and the impact of filming on neighboring properties are covered the language. Changes are highlighted in yellow.

City Council also inquired about the notification procedure for residents and property owners surrounding the filming activity. The proposed ordinance indicates that the permittee shall notify affected residents, occupants and businesses in advance of the filming, and as instructed by the city, of the duration and location of filming activities, including information about planned special effects, road or lane closures, “no parking” requests, and sidewalk usage (Section 24-31 (2)). The ordinance further calls for a copy of the letter of notification to be provided to the city as a part of the permit application materials (Section 24-29 (6)). One small change to the ordinance language for the second reading is that signatures of the property owners will be required only at the discretion of the city manager’s designee in the review of the permit application.

The policy in place and used by the city prior to the recent filming of “Demoted” was for the film company to provide a letter (on film company letterhead) to the surrounding neighbors indicating the days and times of filming and a brief description of the film. The city also contacted the homeowner association leaders of affected areas.

A draft strike-through version of the proposed amendments to the Zoning Ordinance and City Code are attached for review and Second Reading.

RECOMMENDED ACTION: Approval of (a) Ordinance 08-42.3, an Ordinance to amend Chapter 24, "Outdoor Gatherings" of the City of Novi Code, to provide new substantive regulations concerning requirements for filming permits within and throughout the city, and related fee resolution. **Second Reading;** and (b) Zoning Ordinance Text Amendment 18.231, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 19, I-1, Light Industrial District and Article 23A, OST, Planned Office Service Technology District, to add provisions for motion picture, television, radio and photographic production facilities. **Second Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**DRAFT MINUTES
CITY COUNCIL
OCTOBER 6, 2008**

EXCERPT FROM DRAFT MINUTES:

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 6, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

- 2. Consideration of (a) An Ordinance to amend Chapter 24, "Outdoor Gatherings" of the City of Novi Code 08-42.3, to provide new substantive regulations concerning requirements for filming permits within and throughout the city, and related fee resolution. First Reading; and (b) Zoning Ordinance Text Amendment 18.231, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 19, I-1, Light Industrial District and Article 23A, OST, Planned Office Service Technology District, to add provisions for motion picture, television, radio and photographic production facilities. First Reading**

Member Margolis said she was very comfortable with the proposed changes in terms of facilitating this process.

CM-08-10-173 Moved by Margolis, seconded by Gatt: CARRIED UNANIMOUSLY:

To approve (a) An Ordinance to amend Chapter 24, "Outdoor Gatherings" of the City of Novi Code 08-42.3, to provide new substantive regulations concerning requirements for filming permits within and throughout the city, and related fee resolution. First Reading; and (b) Zoning Ordinance Text Amendment 18.231, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 19, I-1, Light Industrial District and Article 23A, OST, Planned Office Service Technology District, to add provisions for motion picture, television, radio and photographic production facilities. First Reading

DISCUSSION

Member Gatt thought it would be an added attraction to the ordinance to ask that a certain percentage of extras be Novi residents. He believed even starting with a small number would get the interest in the community generated that he thought would be needed.

Member Mutch said in terms of the definition that had been added for motion picture, television, radio and photographic production, his concern was the breadth of that definition. He said he wanted better clarification regarding commercial photography

and that they were talking about Hollywood and not commercial photography of their wedding, family, etc. Member Mutch thought the idea of having film or television production in the City was exciting until it interfered with evening activities or they couldn't get out of their driveway in the morning. He wanted to make sure residents were notified and wanted to define what the notification would be. He stated he would like more feedback on how this past week went. He said they wanted to be welcoming but didn't want a situation where the residents or businesses got turned off of this concept because they had a negative experience. Regarding Member Gatt's comments, he said he appreciated the sentiment but thought the more obstacles the film production had getting through the process quickly the less likely they would come to Novi. He said he couldn't support that kind of language.

Mr. Pearson said rather than a mandate, which would bring all kinds of extra hurdles, he thought they could develop some kind of clearing house, so if there was a production that needed extras, there would be a pool of local people to draw from.

Member Staudt asked how the new permit would handle an X rated movie. Mr. Pearson said he didn't know if they could mandate content and legitimate film companies would ask for a permit and those types of films would not. Member Staudt asked if someone was producing an X rated movie in a residence, could it be shut down because they didn't get a permit.

Pamela Antil said in the permit that came through they asked for a description of the activities to make sure that it matched with the actual activities they were conducting. They were using public property and they used it as an assessment of what type of staff would be assigned. She said Police and Fire looked at it when they filmed at Biggby Coffee to make sure they didn't exceed the capacity limits; they would do the same thing at a residence to make sure they weren't doing anything outside the permit. She didn't believe that type of filming activity would come to Council for a film permit. She said they also looked at the activity to see what impact it would have and noticed the residents adjacent to Power Park were required to give the City a copy of the notice and were required to put in the notice the hours of activity. She said they asked Mr. Schultz to look into that for a First Amendment, etc. and decided not to add that.

Mr. Schultz said the first comments were in regard to the Zoning Ordinance Amendment, which allowed this kind of film production. In particular districts it was all in a totally enclosed building. He said part of that was because they were to be content neutral when looking at whether or not they would allow this stuff, which was basic First Amendment law. He said the permit application process allowed an inquiry about whether or not there would be undue interference with governmental operations and adjacent properties. Those are the kinds of places that if you get the hint that something unusual was going to happen in the movie, you ask more questions. He said they would do regulations through the permit applying those kinds of content neutral standards. He said it would be difficult to craft that specifically and directly about movie

rating, etc. Mr. Schultz said they tried to make sure that everything they knew they could put in there was in there.

Mayor Landry said with respect to anything that occurred outside of an enclosed building, indecent exposure laws, etc. would take care of that aspect of it. He said his understanding was that it had to be content neutral or they would run into real First Amendment problems.

Member Crawford referred to Member Gatt's comment about extras and liked Mr. Pearson's idea about looking creatively at forming a group and have a ready made audience for that. However, she would be against putting language in the ordinance regarding this because it might present an obstacle that would make Novi ineligible for the event.

Member Gatt agreed and felt that Mr. Pearson's idea far exceeded his idea. He thought it was something the staff could work on to build a portfolio of actors in Novi that they could hand to the movie producer and let them choose.

Member Mutch said looking at the State law that governed the whole filming on location process for local governments and local government property, specifically excluded obscene matter, obscene performance or any production that required people to create records under 18, US Code 2257, which was any pornographic film. Member Mutch said on property the City owned or controlled they had the ability under State law to exclude that. He asked if filming within a residential neighborhood was permitted. Mr. Schultz thought that was an issue and a very good argument could be made that it was not a customary incidental use of a home for commercial kind of activity like that. He thought building a pool of extras was an excellent idea but he thought they should extend that and develop public/private partnership. He said not only extras but also caterers, florists, etc. that have a natural connection to the film industry. He suggested working with local businesses to get them identified up front.

Member Staudt said he wanted to make sure he understood that this wouldn't validate someone who wanted to do this in a commercial building because they wouldn't be precluded from getting a permit. He said he would support it at this point.

**Roll call vote on CM-08-10-173
Capello, Crawford, Gatt**

Yeas: Margolis, Mutch, Staudt, Landry,

Nays: None

**FILMING PERMIT
STRIKE-THROUGH LANGUAGE
AMENDMENTS FROM FIRST READING
HIGHLIGHTED IN YELLOW**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 08-_____

AN ORDINANCE TO AMEND CHAPTER 24,
“OUTDOOR GATHERINGS” OF THE CITY OF
NOVI CODE, TO PROVIDE NEW SUBSTANTIVE
REGULATIONS CONCERNING REQUIREMENTS
FOR FILMING PERMITS WITHIN AND
THROUGHOUT THE CITY.

THE CITY OF NOVI ORDAINS:

PART I

That Chapter 24, “Outdoor Gatherings” shall be amended to Change its title to “Outdoor Gatherings and Filming Permits.”

PART II

That Chapter 24, “Outdoor Gatherings,” Section 24-2, Definition, shall be amended to add a definition of “Motion picture, television, radio and photographic production” to read as follows:

Motion picture, television, radio and photographic production means all activity attendant to ~~broadcasting~~, staging or shooting (video taping or filming or digital recording) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or the public right-of-way in any one (1) location for longer than five consecutive minutes.

PART III

That Chapter 24, “Outdoor Gatherings” shall be amended to add Article III, “Permit for motion picture, television, radio and photographic production,” as Sections 24-26 to 24-36, and to change the title to Article II to “Permit for Outdoor Assembly,” such articles to read as follows:

ARTICLE II. PERMIT FOR OUTDOOR ASSEMBLY

Sections 24-16 through 24-25

[Unchanged]

ARTICLE III PERMIT FOR MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION (FILMING PERMIT)

Sec. 24-26. Required.

No person shall use any public right-of-way, or any public or private property, facility or residence for the purpose of producing, broadcasting, taking or making any commercial motion picture, television, radio or photographic production as defined in Section 24-2 unless he/she shall have first made application for and obtained, as prescribed in this article, a permit for each instance.

The provisions of this chapter shall not apply to the following:

- (1) Current news productions, which includes reporters, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events.
- (2) Productions which are conducted by the city's public, education and government access organizations, or by or at the direction of the city.
- (3) Productions which are conducted within legally established commercial motion picture/television/radio/ photography studios.
- (4) Video or multimedia broadcast or transmission of a live performance within a live entertainment venue on large-screen monitors (i.e., jumbotrons).
- (5) Video or multimedia broadcast on the Internet.
- (6) Private events filmed or photographed for non-commercial purposes, such as private parties or weddings.

Sec. 24-27. Application – Filing.

Any person desiring a permit to conduct motion picture, television, radio and photographic production activities under the provisions of this chapter shall make application on the appropriate form provided by the City Manager or his/her designee, or by furnishing the required information in person or by first class mail, facsimile, or the internet to the City Manager or his/her designee. The form must be signed and accompanied by all required fees, deposits, hold harmless agreements and insurance certificates required by this chapter before it will be processed. If the application satisfies the criteria of this chapter, the permit shall be issued within four (4) working days of submittal, or within five (5) working days of submittal if the activity requires traffic control in excess of three (3) minutes, or within seven (7) working days of submittal if activities require road closures, or include stunts or special effects.

Sec. 24-28. Same – Contents.

The applicant for a permit required by this article shall supply the following information on the application:

- (1) The name, mailing address and phone number of the person making the application, along with the name and contact information for the location manager. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors or members;
- (2) The address, legal description and proof of ownership of the site at which the proposed activity is to be conducted. Where ownership is not vested in the prospective permittee, he or she shall submit an affidavit from the owner indicating the owner's consent to the use of the site for the proposed activity;
- (3) A statement of the kind, character, and type of proposed motion picture, television, radio and photographic production;
- (4) The dates and hours during which the proposed motion picture, television, radio and photographic production is to be conducted;
- (5) An estimate of the maximum number of attendants expected at the motion picture, television, radio and photographic production for each day it is conducted;
- (6) Each application shall be accompanied by a fee, as follows:
 - a. A processing fee in an amount established by resolution of the City Council to reimburse the city for the staff time required to evaluate the application and establish conditions of approval. The processing fee shall be waived for charitable and nonprofit organizations which qualify under Section 501(c)(3) of the United States Internal Revenue Code. The processing fee is non-refundable.
 - b. A daily property use fee in an amount established by resolution of the City Council to compensate the city for the use of public property and its unavailability for ordinary and usual purposes resulting from the filming activity.
 - c. A monitoring fee to reimburse the city for staff time required to monitor the filming activity, and for reasonable costs for other city services or equipment approved for use during such activities, in an amount as determined at the time of the city's review of permit application.
 - d. The processing fee and the property use fee shall be waived for the following:
 1. Productions conducted by a cable television company operating under a franchise granted by the city which are not conducted on public property, do not interfere with public right-of-ways, and which involve fewer than two motor vehicles;
 2. Productions for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly; and
 3. Student filming – productions directed or produced by a person currently enrolled in courses related to the production.

Sec. 24-29. Same – Accompanying plans.

Each application for a permit required by this article shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective permittee's plans to provide for the following:

- (1) The size or area of the property to be used, including a sketch of the filming site showing placement of work trucks, location of production vehicles,
- (2) Sketch of the “base camp” if any, showing any off-street locations for crew parking, honeywagon, catering, and non-essential production vehicles;
- (3) Traffic control plan of the exact filming location, listing roads or lanes to be closed, if any;
- (4) Description of the duration of the proposed activity and daily hours of operation.
- (5) Facilities for cleanup and waste disposal;
- (6) Letter of notification and signatures from businesses/neighborhoods impacted by filming **if required by the City Manager or his/her designee**; and
- (7) Insurance and bonding arrangements.

Sec. 24-30. Same – Investigation.

Filming Permit: Upon receipt by the City Manager or his/her designee, copies of the application for a permit required by this article shall be forwarded to the Police Chief, Fire Chief, Community Development Department, and to such other appropriate public officials as the City Manager or his/her designee deems necessary. Such officers, departments and officials shall review and investigate matters relevant to the application and within four (4) days of receipt thereof shall report their findings and recommendations to the City Manager or his/her designee.

Sec. 24-31. Prerequisites to issuance.

In processing an application for a filming permit required by this article the city shall, at a minimum, require the following:

- (1) *Security personnel.* The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the location of the filming activity and for the preservation of order and protection of property in and around the site of the filming activity. No permit shall be issued unless the Police Chief or his/her designee is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the assembly.
- (2) *Notification.* The permittee or his/her/its designee shall notify affected residents, occupants and businesses, in advance of filming, and as instructed by the City Manager or his/her designee, of the duration and location of filming activities, including information about planned special effects, road and lane closures, “no parking” requests, sidewalk usage and the time that any barricades will be placed on the street.

- (3) Access. Production vehicles may not block parking lot access drives, fire hydrants, or be parked in fire lanes, and must allow a minimum of 20 feet of clearance between vehicles parked on either side of the road for emergency response vehicles to pass.
- (4) Base camps. Base camps may not be located on a public street. Only the necessary production vehicles (i.e. grip and light truck) may be parked on a public street, if necessary, at the filming location. Crew parking, honeywagon, catering, and other non-essential production vehicles shall be at a predetermined location.
- (5) Outdoor filming. For production activities taking place outside of buildings, and that are expected to attract more than 200 attendants, the provisions of this article related to Outdoor Assembly shall also apply.
- (6) Insurance. As a condition of issuing such a Filming Permit, the permittee shall furnish insurance in an amount to be determined by the City Manager but in no event in an amount less than one million dollars (\$1,000,000.00) to protect the city against claims of third persons for personal injury, wrongful death and property damage and to indemnify the city for damage to the city property arising out of the permittee's activities. An additional minimum of five million dollars (\$5,000,000.00) of such general liability insurance coverage shall be required in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity. Such insurance shall be evidenced by the standard General Special Endorsement Form or the Certificate of Insurance (Public Liability) form provided by the City Manager or his/her designee. The applicant shall also submit verification that adequate worker's compensation insurance coverage is maintained.
- (7) Bonding. Before the issuance of a permit, the permittee shall deposit a sum of money in cash, in an amount of five hundred dollars (\$500.00) or in any higher amount determined by the City Manager or his/her designee to be reasonably required under the circumstances. The bond shall be in a form approved by the City Attorney, conditioned upon the permittee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the city, its agents, officers, and employees and the City Council against any and all loss, injury or damage whatever arising out of or in any way connected with the filming activity and which shall indemnify the owners of property adjoining the filming site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the filming activity.
- (8) Fire protection. The permittee shall at his/her own expense take adequate steps as determined by the Fire Chief to ensure fire protection.
- (9) Hold Harmless Agreement. The permittee shall execute a hold harmless agreement as provided by the city prior to the issuance of any permit.
- (10) Other conditions. Prior to the issuance of a permit, the ~~city~~ City Manager may impose any other conditions reasonably calculated to ensure compliance with the requirements of this Section and to protect the health, safety, welfare and property of attendants or of citizens of the city, including a limitation on the duration of the permit and the location of activities thereunder.

Section 24-32. Findings.

In processing an application for a permit required by this article, the City Manager, or his/her designee, shall issue a permit as provided for in this chapter when, from a consideration of the application and from such other information as may be otherwise obtained, he/she finds that:

- (1) The conduct of such activity will not unduly interfere with the use and enjoyment of neighboring property or unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Adequate advance notice of any street closure shall be given in accordance with the provisions of Section 31-9 of the Code of the City of Novi.
- (2) The conduct of such activity will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.
- (3) The activity does not propose to include obscene matter or an obscene performance and will not involve conduct in violation of state, local, or federal laws, rules, or regulations, including 1984 PA 343, being MCL 752.361 to 752.374.
- (34) At the determination of the City Manager or his/her designee as well as the Novi Police, Fire and Community Development Departments, that the condition of such activity will not constitute a fire hazard or any other type of hazard and all property safety precautions will be taken as determined by the heads of the aforementioned departments or their designees.
- (5) The permit shall not authorize the production of a film that in any manner requires the use property owned by or under the control of the City of Novi in violation of 2008 PA 84, prohibiting the production of a film that includes obscene matter or an obscene performance or that requires that individually identifiable records be created and maintained for every performer provided in 18 USC 2557.

The decision of the City Manager or his/her designee to issue, conditionally issue, or deny a permit shall be final unless appealed in writing within five working days of the decision by requesting a hearing before the City Council at the next available meeting. Where conditions are imposed as prerequisite to the issuance of a permit and where a permit is denied, notice thereof shall be mailed to the applicant by certified mail within five (5) days of such action. In the case of a permit denial, the reasons therefor shall be stated in the notice.

Sec. 24-33. Grounds for denial.

A filming permit, required by this article, may be denied if:

- (1) The applicant fails to comply with any or all requirements of this chapter (including those set forth in Section 24-32), or with any or all conditions imposed pursuant to this chapter, or with any other applicable provision of state, ~~or~~ local, or federal laws, rules, or regulations;

- (2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document;

Sec. 24-34. Contents, posting, transferability.

A permit required by this article shall specify the name and address of the permittee, the kind and location of the filming activity, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the filming activity, and shall not be transferred to any other person or location.

Sec. 24-35. Revocation.

- (1) The City Manager or his/her designee may revoke a permit issued pursuant to this article whenever the permittee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter, including the conditions imposed upon issuance of the permit, or with any and all provisions, regulations, ordinances, statutes, or other law incorporated by reference in this chapter.
- (2) A permit shall automatically be revoked if riotous, disorderly, obscene, or otherwise unlawful conduct occurs at a filming location or if an assemblage exceeds one hundred and twenty-five (125) percent of the estimated attendance, as indicated on the application for a permit. In such instances the premises may be closed by the police department and the assembly disbursed.

Sec. 24-36. Cost of Additional Services.

If deemed necessary by the City Manager or his/her designee, additional police, code enforcement, fire, and other city services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The cost of providing such additional services shall be paid in advance to the city by the applicant. Any additional city services will be provided/coordinated through the City Manager or his/her designee.

Section 24-37. Clean-up and Restoration.

The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area, and the cleanup of trash and debris. The area used shall be cleaned of trash and debris within two hours of the completion of the activity or within such other time established in the permit to the city's satisfaction. The applicant shall be responsible for restoring any area damaged or disrupted before leaving the site. If the site is not repaired or restored to the city's satisfaction, the City Manager or his/her designee shall have the necessary restoration and/or repairs performed and the applicant shall reimburse the city for such work within ten days of completing filming. In the event the applicant fails to so reimburse the city, the city may secure its reimbursement from either a cash or surety bond which shall be posted with the city to ensure faithful performance of such restoration. Such faithful

performance bond shall be filed at the time of the application in an amount of five hundred dollars (\$500.00) or in any higher amount determined by the City Manager or his/her designee to be reasonably required under the circumstances. The amount of the bond shall in no way limit the applicant's liability or responsibility for the costs of repairs or restoration in the event these costs exceed the bond amount.

Section 24-38. Administrative Regulations.

The City Manager or his/her designee is hereby authorized to promulgate and enforce administrative regulations in the implementation and enforcement of this chapter.

PART IV

Savings Clause. That the amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART V

Severability. That should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART VI

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VII

Effective Date: Publication. That the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the ____ day of _____, 2008.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

ADOPTED:

EFFECTIVE:

PUBLISHED:

**SUGGESTED RESOLUTION
FEES**

**RESOLUTION ESTABLISHING FEES FOR
MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION (FILMING
PERMIT) REVIEW, PROPERTY USE, AND MONITORING,**

WHEREAS, the City Council has determined that the fees and charges set forth in Schedule A, attached hereto and incorporated herein, are sufficient to defray the costs to the City of the performance of necessary acts and services in connection with the review and issuance of a permit for film production, including the cost of employee time, materials, and equipment necessary for performing such review and issuance, and also to defray the costs to the City for the staff time required to monitor the production activity and to compensate the City for the use of public property and its unavailability for ordinary and usual purposes resulting from production activity; and

WHEREAS, the City Council has determined that the review fees set forth in Schedule A, shall be waived for charitable and nonprofit organizations that qualify under Section 501(c)(3) of the United States Internal Revenue Code: and

WHEREAS, the City Council has determined that the review fees and the property use fees shall be waived for the following:

- Productions conducted by a cable television company operating under a franchise granted by the city which are not conducted on public property, do not interfere with public right-of-ways, and which involve fewer than two motor vehicles;
- Productions for wholly charitable or educational purposes and from which no profit is derived, either directly or indirectly; and
- Student filming productions directed or produced by a person currently enrolled in courses related to the production; and

WHEREAS, the City Council has determined that, under certain circumstances, the City Manager or his/her designee may deem it necessary to provide monitoring activities by City personnel (e.g., for additional police, code enforcement, fire, DPW, and other City services) for the purpose of protecting, assisting and regulating the proposed activity. The cost of providing such additional services shall be paid in advance to the City by the applicant, as provided/coordinated through the City Manager or his/her designee:

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

The City Council of the City of Novi hereby adopts the new permit processing fees, property use fees and monitoring fees, as attached hereto in Schedule A, effective October 20, 2008.

Vote: Ayes
Nays
Absent
Abstain

Maryanne Cornelius, City Clerk

I, Maryanne Cornelius, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Novi City Council at a regular meeting held on Monday, October 20, 2008.

Maryanne Cornelius, City Clerk

SCHEDULE A

FEES FOR MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION (FILMING PERMIT), PROCESSING FEE AND DAILY PROPERTY USE FEE

FEE SCHEDULE:

Permit Application Fee (non-refundable):

Motion Picture, Television, or Video on Private Property	\$	250.00
Motion Picture, Television, or Video on Public Property		750.00

Still photography on Private Property	\$	75.00
Still photography on Public Property		175.00

Additional fee for expedited processing if less than normal processing time is required (Late applications processed at the discretion of the City Manager or his/her designee)	\$	150.00
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Daily Public Property Use Fee (From Prep to Clean-up Time)

Motion Picture, Television, or Video – per day	\$	1,000 – 2,000.00*
Public Property Location Holding – per day		75.00

Extended Hours of Permitted Filming Activity (Public or Private Property)

Any film permitted activity beyond 7 a.m. to 7 p.m., Monday through Saturday OR driving scenes on major, minor or neighborhood roads requiring special barricades, noticing, and/or public safety personnel (hourly rates for staff time to be calculated and charged separately).	\$	75.00
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Security Deposit

A refundable security deposit may be required to cover any unanticipated City staff costs, clean-up costs, refund fees to user groups affected by the film permit activities, and/or other expenses not included/anticipated in the initial film permit fee calculation.	\$	Varies
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Staff Costs

Monitoring fee for additional police, fire, ordinance enforcement, public works, recreation & parks, or other staff as determined by the City Manager or his/her designee; Fee will be estimated based on hours needed and scheduled.	\$	Varies**
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* Fee could vary depending upon actual property used and the impact on regularly scheduled events.

** Staff time to be based on most current City overtime rate schedule and calculated and paid in advance of film permit activities.

**ZONING ORDINANCE
STRIKE-THROUGH LANGUAGE**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 08- 18 -231

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 19, I-1 LIGHT INDUSTRIAL DISTRICT AND ARTICLE 23A, OST PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT TO ADD PROVISIONS FOR MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION FACILITIES.

THE CITY OF NOVI ORDAINS:

PART I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 19, I-1, Light Industrial and Article 23A, OST Planned Office Service Technology District, are hereby amended to read as follows:

ARTICLE 19, Section 1902. Principal Uses Permitted, Subject to Special Conditions When Abutting a Residential District.

The following uses shall be permitted as principal uses permitted. However, when such uses abut a single-family residential district, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and subject to the public hearing requirements set forth and regulated in Section 3006 of this Ordinance and shall provide a noise analysis subject to the standards of Section 2519.10(c):

1. – 19 [Unchanged]

20. Motion picture, television, radio and photographic production facilities, including sound stages and broadcasting studios, provided that all activities are conducted within a totally enclosed building, with the exception of the following:
- a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions.

The following uses shall be permitted where the proposed site does not abut a residentially zoned district, subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and with the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

1.- 11. [unchanged]

12. Motion picture, television, radio and photographic production facilities when conducted outside of existing buildings, including backlots, when such outside activities are completely screened from view with an eight foot tall obscuring berm from all adjacent properties, subject to the following:
 - a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.

Sec. 2301A. Principal Uses Permitted.

In an OST, Planned Office Service Technology District no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. -6. [unchanged]
7. Motion picture, television, radio and photographic production facilities, including sound stages and broadcasting studios, provided that all activities are conducted within a totally enclosed building, subject to the following:
 - a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.
87. Accessory buildings and uses customarily and incidental to any of the above permitted uses provided they are integral to and necessary to such permitted uses.
98. Other uses similar to the above uses and subject to the same conditions noted.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS ____ DAY
OF _____, 2008.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the
_____ meeting of the Novi City Council held on the _____ day of
_____, 2008.

MARYANNE CORNELIUS – CITY CLERK