

ORDINANCE NO. 89- 16

AN ORDINANCE AMENDING ORDINANCE NO. 82-2,
THE COMPREHENSIVE ZONING REGULATIONS FOR
THE UNINCORPORATED AREA OF COLLIER COUNTY
BY ADDING A NEW SECTION ENTITLED MOTION
PICTURE/TELEVISION PRODUCTION PERMIT TO
SUBSECTION 10.6 TEMPORARY USE PERMIT AS
SUBSECTION 10.6 e.; PROVIDING FOR
CONFLICT AND SEVERABILITY AND PROVIDING
AN EFFECTIVE DATE.

RECEIVED

1989 MAR 23 PM 12:05

CLERK OF COURT
COLLIER COUNTY

63 MAR 20 PM 2:49

FILED

WHEREAS, the Board of County Commissioners recognizes that the motion picture and television industries constitute a potential source of economic benefit to Collier County; and

WHEREAS, the Board wishes to cooperate with these industries by providing a process for obtaining permission to film on private property or property owned by or under the control of Collier County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE:

Section 10, Subsection 10.6 of Ordinance 82-2, the Zoning Ordinance of Collier County is hereby amended by adding a new Subsection 10.6.e to read as follows:

10.6e Motion Picture/Television Production Permit:

- 1) Permit Required: No person, firm, corporation or association shall take still or moving pictures on private property or property owned by or under the control of Collier County without first having obtained a permit. A permit shall be required for the following: the use of set scenery, temporary structures, lighting equipment or other apparatus, special effects, or closure of public streets or access ways. This Ordinance shall not apply to bona fide newspaper, press association, newsreel or television news media personnel, nor to properties that have been zoned to allow motion picture/television filming as a permitted use.
- 2) Application for Permit; Contents.
Any person, firm, corporation, association or governmental entity desiring to obtain a permit shall apply to the Zoning Director, and said application shall include but not be limited to the following:
 - (a) Name, address (including local address) and telephone number of applicant.

- (b) Proof of comprehensive general liability insurance coverage in the amount of at least one million dollars (\$1,000,000.00) combined single limit, with Collier County named as an additional insured.
 - (c) Special effects to be utilized, especially incendiary or explosive devices, with proof of not less than five million dollars (\$5,000,000.00) comprehensive general liability insurance combined single limit with Collier County listed as additional insured therefore. In addition, the application shall list the person in charge (pyrotechnician) of such special effects together with his qualifications and licensure by the applicable federal and/or state agencies and authorization from the local fire district permitting the event.
 - (d) Locations, dates and hours of filming, scene to be filmed.
 - (e) A description and sketch plan indicating the location of film events, and parking facilities provided.
 - (f) Plans for construction or utilization of structures on subject site/s.
 - (g) Number, type and location of sanitation facilities to be provided. Plans for disposal of refuse, debris and restoration of the site/s to its original condition.
 - (h) Provide a description of any lighting facilities that would be necessary and/or the need to disconnect any public lighting.
 - (i) Describe any use which may encroach into environmentally sensitive areas.
 - (j) Approximate number and type of vehicles and/or equipment to be used and any special parking requirements. The number of personnel to be on location with the production.
 - (k) Necessity for closures of public streets or sidewalks and for what duration and location.
 - (l) Indicate any utilization of aircraft/fixed-wing, helicopter, or balloons at the subject site/s.
 - (m) List of County personnel or equipment requested, and an agreement to pay for extraordinary services provided by Collier County.
 - (n) Provisions for traffic control, fire safety and security precautions.
 - (o) If located on private property, not under the County's ownership or control a written notarized agreement will be required from the property owner to allow the filming to occur on his property.
- 3) Insurance Requirements. The applicant shall, as a prerequisite to the issuance of a permit, maintain in force at all times during the permit period a comprehensive general liability policy with limits other than those described in (b) & (c) above as recommended by the Director of the Risk Management Division upon a review of the particular circumstances involved and determined by the Board of County Commissioners. Said applicant, as a

prerequisite to the issuance of a permit, shall provide to the Zoning Director a certificate of insurance evidencing that said insurance is in existence and certifying that Collier County is a named insured and that Collier County be given thirty (30) days notice prior to the expiration or cancellation of the policy. Any additional insurance requirements for filming on private property will be at the discretion of the affected property owner.

- 4) Indemnification. The applicant shall be required to indemnify and hold harmless Collier County, its officers, agents and employees from and against all claims, suits, actions, damages, liabilities, expenditures or causes of action arising out of or occurring during the activities of applicant under a permit issued hereupon in the form and manner provided by the Zoning Director.
- 5) Permit Fee. No permit fee shall be required. Any additional license or user fees which have been established for County owned land or facilities shall be in effect.
- 6) Issuance of Permit. Upon presentation of the completed application, proof of insurance, payment of permit fee, surety bond or cash payment in lieu of the bond and review by the Zoning Director the permit may be issued. If the Zoning Director determines that the use of public or private property could affect the public's use of the property, have potential adverse impacts on surrounding properties, or present a dangerous or unusual circumstance then he may require that the permit application be scheduled for a public hearing before the Board of County Commissioners. The special circumstances could include but are not limited to closure of a public street or access way; use of special effects including incendiary or explosive devices; a large production crew or crowd control, and increased liability insurance required. The notice for the public hearing shall be advertised in a newspaper of general circulation in the County at least one time fifteen (15) days prior to the hearing.
- 7) Suspension of Permit. Failure to comply with the terms and conditions of the temporary use permit once issued shall be grounds for immediate suspension of the permitted activity until such time as the non-compliance is remedied. The suspension shall be initially communicated orally, followed by a written suspension order and continued failure to comply with the terms and conditions of the permit may result in revocation of the permit.
- 8) Costs for Extraordinary Services. The County shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include, but not be limited to, charges for personnel and/or equipment committed in support of the production which are outside the normal scope of government services. Based on the information contained in the permit application, an estimate of these costs will be provided to the applicant prior to issuance of the permit. The County may require pre-payment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the

production, actual costs below or in excess of the estimates will be refunded by the County or paid by the applicant, respectively.

- 9) Surety Bond. A surety bond in the amount to be determined by Collier County will be required by a company authorized to issue bonds in Florida or cash payment in lieu of the bond to provide for clean-up and/or restoration of the subject site/s.

SECTION TWO:

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

SECTION THREE:

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 14th day of March . 1989.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:
JAMES C. GILES, CLERK

BY: Burt L. Saunders
BURT L. SAUNDERS, CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COLLIER COUNTY ATTORNEY

PZ165
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This ordinance filed with the
Secretary of State's Office the
20th day of March 1989
and acknowledgement of that
filing received this 23rd day
of March 1989
By Jacques V. Harrison
County Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 89-16

which was adopted by the Board of County Commissioners on the
14th day of March, 1989, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 16th
day of March, 1989.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk

