



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 41
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1

SUBJECT: Approve an ordinance amending Section 12-3-8 relating to parking meter fees; amending Section 14-6-4 of the City Code relating to temporary street closure for a film-making activity; and amending Ordinance No. 040913-05 to repeal certain fees charged by the Watershed Protection and Development Review Department.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Garry Silagi, 974-7024; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: On September 13, 2004, Council approved the Fee Schedule during the Budget Readings.

BOARD AND COMMISSION ACTION: Approved by the Urban Transportation Commission.

PURCHASING: N/A

MBE / WBE: N/A

The ROW ordinance changes are in direct response to City initiatives responding to the Film and Visual Media Economic Impact Study that was released on August 30, 2004. The study suggested various ways that the City of Austin could work to enhance the film and visual media industries in Austin. One finding of the study states "The working environment for film production in Austin, while not necessarily an impediment, could be improved." The proposed ordinance changes outlined in this RCA are part of the City's efforts to address this finding. Staff has worked in conjunction with Cultural Arts Division staff and industry stakeholders to ensure proposed changes support ongoing film industry development and align with goals planned for the comprehensive City film policy, currently under development.

This amendment changes the types of permits available to the film industry by separating the type of filming activities and the process time for them. The ordinance has been changed to allow permits to be issued without any fee for the application or the use of the right-of-way, while providing enforcement penalties and permit suspensions for non-compliance should the permit holder fail to follow the requirements of the permit.

It is estimated that these fee revisions will reduce General fund revenue by \$56,000. This reduction will be accounted for in the revenue estimates developed for Fiscal Year 2005. Future budgets will be developed according to this revised fee schedule.



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ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 12-3-8 RELATING TO PARKING METER FEES; AMENDING SECTION 14-6-4 OF THE CITY CODE RELATING TO TEMPORARY STREET CLOSURE FOR A FILM-MAKING ACTIVITY; AND AMENDING ORDINANCE NO. 040913-05 TO REPEAL CERTAIN FEES CHARGED BY THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 12-3-8 is amended to read:

§ 12-3-8 FEE DUE FOR PARKING VEHICLE.

(A) Except as provided in Subsection (B) a [A] person parking in a metered parking space shall immediately deposit a parking fee in the parking meter.

(B) This section does not apply to a person:

(1) parking a vehicle that displays a permit obtained in accordance with Section 12-3-12 (*Utility Franchise Metered Parking Permits*); or

(2) occupying a parking space as authorized by a film-making permit issued under Section 14-6-4 (*Temporary Street Closure for a Film-Making Activity*) of the Code.

PART 2. Section 14-6-4 is amended to read:

§ 14-6-4 TEMPORARY STREET CLOSURE FOR ~~[COMMERCIAL]~~ FILM-MAKING ACTIVITY.

(A) In this section:

(1) ARTERIAL STREET has the meaning prescribed in Section 8 of the City's Transportation Criteria Manual.

(2) COMMERCIAL FILM-MAKING ACTIVITY means the temporary closure or use of a public street or sidewalk by a person other than a student to film, photograph, or prepare to film or photograph.

- (3) MOBILE FILM-MAKING ACTIVITY means the temporary use of a public street or sidewalk to film, photograph, or prepare to film or photograph using a hand-held camera, camera supported by a tripod, or camera truck.
- (4) STUDENT FILM-MAKING ACTIVITY means the temporary use of a public street or sidewalk by a person enrolled in a class at an educational institution approved by the director to film, photograph, or prepare to film or photograph.
- (5) TEMPORARY CLOSURE or USE means to occupy a public right-of-way, including a street or sidewalk, in a manner that interferes with the public's ability to access or use the area.
- (B) ~~[(A)]~~ A person must apply to the director for a permit to temporarily close or ~~[block public] use [of]~~ a public street for a commercial, mobile, or student film-making activity [to film, photograph, or prepare to film or photograph] on a form furnished by the department.
- (C) ~~[(B)]~~ An applicant [An application] must submit an application not later than [be on the form prescribed by the director and submitted]:
- (1) the third business day [at least seven days] before the date of the requested temporary closure or use for a commercial film-making activity; or
 - (2) the second business day before the date of the requested temporary use for a mobile or student film-making activity.
- (D) Except as provided in Subsection (E), at the director's discretion, the director may accept a late-filed application on or before the business day before the requested closure for a commercial, mobile, or student film-making activity.
- (E) The director may not accept an application for the closure of an arterial street later than the second business day before the date of the proposed closure.
- (F) ~~[(G)]~~ The director may approve an application for a permit under this section for an applicant engaged in a commercial film-making activity who:
- (1) employs ~~[-(a)]~~ one or more City peace [police] officers for traffic and crowd control, as determined by the police chief ~~[- or (b) with the approval of the police chief and the director, employs at least one police officer and private security personnel for crowd control];~~

(2) obtains any other [the necessary] permits [~~including a sound permit, alcoholic beverage permit, or other permit or license~~] required to perform the film-making [filming] activity;

(3) contacts each property owner, [and] resident, and, if applicable, property manager of property fronting on a block [the portion] of the street or sidewalk to be temporarily closed or used before the date an application is filed and submits the following [is submitted under this section]:

(a) a signature from each affected property owner, resident, and property manager indicating whether the person agrees to or opposes the temporary closure or use; or

(b) a statement that an in-person contact attempt with the non-signing person has been made including placement of door hangers provided by the department;

(4) provides a certificate of liability insurance naming the City as an additional insured in the amount and type of coverage determined by the city manager [attaches a list including the name, address, and telephone number of each person contacted, and a statement indicating whether each person agrees to or opposes the street closure];

(5) provides a map of the proposed right-of-way to be used in the commercial film-making activity, including the area used to stage the activity [pays the street closure fee established by ordinance];

(6) agrees to pay a fee or penalty established by ordinance for non-compliance with the terms of the permit; and

(7) [(6)] agrees to reimburse the City for the cost of City personnel and equipment used to support the film making activity, as determined by the director of each affected department.

(G) The director may approve an application for a permit under this section for an applicant engaged in a mobile film-making activity who:

(1) employs one or more City peace officers, as determined by the police chief, to control traffic during the temporary use of a public street or sidewalk during a film-making activity;

(2) obtains all other permits required to perform the film-making activity;

- (3) if required by the director, contacts each property owner, resident, and, if applicable, property manager of property fronting on a block of the street or sidewalk to be temporarily used before the date an application is filed and submits the following:
- (a) a signature from each affected property owner, resident, and property manager indicating whether the person agrees to or opposes the temporary use; or
 - (b) a statement that an in-person contact attempt with the non-signing person has been made including placement of door hangers provided by the department;
- (4) provides a certificate of liability insurance naming the City as an additional insured in the amount and type of coverage determined by the city manager;
- (5) agrees to pay a fee or penalty established by ordinance for non-compliance with the terms of the permit;
- (6) provides a map of the proposed public route and area used in the mobile film-making activity, including the location used to stage the activity; and
- (7) certifies that the mobile film-making activity will not interfere with public use of a street or sidewalk for a period that exceeds 15 minutes.

(H) The director may approve an application for a permit under this section for an applicant engaged in a student film-making activity who:

- (1) employs one or more City peace officers, as determined by the police chief, to control traffic during the temporary use of a public street or sidewalk during a film-making activity;
- (2) obtains all other permits required to perform the film-making activity;
- (3) contacts each property owner, resident, and, if applicable, property manager of property fronting on a block of the street or sidewalk to be temporarily used before the date an application is filed and submits the following:
 - (a) a signature from each affected property owner, resident, and property manager indicating whether the person agrees to or opposes the temporary use; or

- (b) a statement that an in-person contact attempt with the non-signing person has been made including placement of door hangers provided by the department;
- (4) provides a certificate of liability insurance naming the City as an additional insured in the amount and type of coverage determined by the city manager;
- (5) agrees to pay a fee or penalty established by ordinance for non-compliance with the terms of the permit; and
- (6) certifies that the student film-making activity will not interfere with public use of a street or sidewalk.
- (I) ~~(D)~~ The director may authorize an applicant's request to delay a temporary street closure or use under a permit issued under this section, if the ~~[for an]~~ applicant ~~[who]~~ agrees to:
- (1) contact each individual listed under Subsection (F)(3), (G)(3), or (H)(3) ~~[Subsection (C)(3)]~~ in person or by telephone; and
- (2) advise each individual of the change in schedule at least 24 hours before the date of the delayed closure.
- (J) A person commits an offense if the person violates the terms of a permit issued under this section, closes a street without a permit, or violates a provision of this section or a permit. An offense under this section is a Class C misdemeanor punishable by a fine of up to \$500. Each day or part of a day during which non-compliance occurs constitutes a separate violation. A culpable mental state is not necessary to commit an offense under this section.
- (K) The director may suspend a permit issued under this section for a period not to exceed four days if a permittee violates the terms of the permit. The director may not reinstate the permit until the permittee has provided written notice of the methods to be used to correct the violation. The remedies authorized by this section are cumulative.

PART 2. Ordinance No. 040913-05 is amended to repeal the Filming Application Fee and Filming Permit Fee charged by Watershed Protection and Development Review Department.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk

Draft Film Ordinance Overview

Area of Change	Draft	Current
Application Types	3 – Commercial, Mobile, & Student Filming	1- For all filming
Application Deadlines	3 days Commercial, 2 days Mobile & Student. Director's Discretion for fewer days. 2 days required for complete arterial closures.	7 days None None
Security and Crowd Control	One or more police officers for traffic and crowd control.	Police officer and private security officers.
Sign-offs	Properties on a block to be used. Allows for door hangers in lieu of sign-off.	Properties fronting a portion of the street to be closed. None
Insurance	City additional insured in amounts as determined by the City Manager.	Required but not in the code.
Area maps	Shows the areas to be used for the filming activities.	Required but not in the code.
Fees	No application or permit fees. Non-compliance fee.	\$250 application, \$50 per block permit None