

ORDINANCE NO. 11- 1575

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 11 "ARTS, CULTURE, AND ENTERTAINMENT" AND ARTICLE I "FILM AND PRINT PRODUCTIONS" AND SPECIFICALLY CREATING SECTION 11-1 "FILM AND PRINT PRODUCTION PERMITS", OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines for film and print production permitting.

WHEREAS, The Town Commission held its first public reading on May 10, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 14, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

**Section 1.** **Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2.** **Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

## CHAPTER 11. ARTS, CULTURE, AND ENTERTAINMENT.

### ARTICLE I. FILM AND PRINT PRODUCTIONS.

#### SECTION 11-1. Film and Print Production Permits.

Except in the H-30 Districts including H-30 A, H-30 B, and those portions of the H-30 C District located west of Harding Avenue, the town manager or the manager's designee, shall have the authority within the Town to issue, modify or revoke permits for film and print productions in accordance with criteria set forth in this section and the film and print regulations approved by separate resolution of the town commission. Print productions conducted within private property located in the H-30 districts including H-30 A, H-30 B, and those portions of the H-30 C District located west of Harding Avenue are permitted in accordance with criteria set forth in this section.

(1) [Unlawful without permit.] Except for filming by individuals for personal or educational use, and "professional journalists" collecting, photographing, recording, or reporting "news," as such terms are defined in F.S. § 90.5015, it shall be unlawful to engage in film and print production activities on public property, residentially zoned (private) property, or in film and print activities that require any town services, without a film and print permit.

(2) [Additional regulations and conditions may be imposed.] The town manager or the manager's designee may impose additional reasonable regulations and conditions to a specific permit to ensure the public health, safety and welfare, and peaceful enjoyment of surrounding residents and businesses, at any time.

(3) [Application needed.] Individuals or businesses wishing to conduct film, television, video and/or photography projects on public property, private residential property, or any location that impacts or requires town services, must apply in advance to the town, providing a completed application, including proof of insurance and indemnification, as required by the film and print regulations, and receive a permit, before any film or print production activity may commence;

(4) Town services. Upon receipt of a completed permit application, the permit will be reviewed to determine what, if any, town services will be required. Requirements may vary for each production. The town manager or the manager's designee, in their discretion, may require additional town services and/or monetary deposits not specifically listed or codified.

(5) Film and print regulations. The mayor and town commission may adopt by resolution film and print regulations and the town manager or the manager's designee will administer the regulations as they pertain to film and print productions working within the town. The manager may authorize amendments to the regulations proposed by the administration, and shall present such amendments to the town commission for approval, by resolution.

(6) Code of conduct. The town code of conduct for film and print productions shall be distributed with all notification and/or signature forms. Copies are available in the office of arts, culture and entertainment.

(7) Parking. All productions requiring prearranged parking must receive prior approval from both the police department and the town manager or the manager's designee before a permit may be issued. Unless prior approval is received for specific requests, all production vehicles must park legally at all times.

(8) Moratoria. The town manager or the manager's designee, in his sole discretion, is authorized to place a temporary moratorium on the issuance of film and print production permits for locations and/or neighborhoods which have experienced overuse as a result of high volume and/or heavy impact filming. The moratorium shall remain in effect for a maximum period of six months, but may be renewed for additional six-month periods if in the discretion of the manager, the impact of the prior filming activities in the area warrants extension.

(9) Conflict with noise provisions. The town manager or the manager's designee, may issue a permit that authorizes filming in conflict with Chapter 54, Article III, of this Town Code, or other applicable noise ordinance, only where the applicant has met all of the town's requirements for obtaining a permit as prescribed in this division and the film and print regulations, and the filming cannot be performed in compliance with the applicable noise ordinance. Such a permit must specify the precise manner by which the noise ordinance may be exceeded, by what duration, and at what locations. Such permit authorization may be modified or revoked if in the discretion of the manager, or designee, the authorization excessively negatively impacts the surrounding neighborhood. Having a permit shall not relieve the permit holder from compliance with all other applicable local, county, state or federal laws.

(10) Enforcement.

a. Permits shall be maintained at the site on which the photography or filming occurs. Upon the request of any police officer or code compliance officer of the town, the owner, lessee of the property or representative of the production company, shall produce such permit for inspection.

b. Persons engaged in film and print activities without a permit, or otherwise in violation of a permit, this section or the film and print regulations provided for herein, shall be subject to enforcement by town police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to arrest, and/or enforcement as provided for in section 1-8 of this Code, and/or notices of violation referred to special masters, who have authority to issue fines or enforce compliance, as provided for herein. As an alternate and supplemental remedy, the town may enforce this section by injunctive relief in any court of competent jurisdiction, and in such circumstance the town shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the manager or designee may decline to issue permits to such person or entity for one year, or such other period as the manager deems appropriate.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

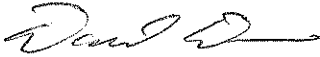
**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 10<sup>th</sup> day of May, 2011.

PASSED and ADOPTED on second reading this 14 day of June, 2011.

  
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Daniel Dietch, Mayor

Attest:

Debra E. Eastman

Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser  
Lynn M. Dannheisser, Town Attorney

On ~~Second~~ Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukin

**Vote:**

Mayor Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Vice Mayor Graubart	yes <input type="checkbox"/>	no <input type="checkbox"/> absent
Commissioner Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Kopelman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Olchyk	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>