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ORDINANCE NO. 2013 - 02

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, CREATING
CHAPTER 15, "FILMING ACTIVITIES," TO PROVIDE A
PERMITTING REQUIREMENT FOR FILMING WITHIN AND
THROUGHOUT THE CITY OF HALLANDALE BEACH;
PROVIDING A PENALTY AND APPEAL PROCEDURE;
PROVIDING FOR CONFLICT; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission have requested that a specific permitting process and guidelines be developed to regulate film production within the City; and

WHEREAS, the Mayor and City Commission have determined that the regulation of film production within the City promotes the general welfare of the residents and property owners in the City of Hallandale Beach, so long as such activity does not negatively impact peaceful enjoyment of the residential community and commercial businesses; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the residents of the City of Hallandale Beach to create Chapter 15 to regulate filming production within the City.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 15 "Filming Activities" is created to read as follows:

Sec. 15-1. Intent.

It is the purpose of this section to provide rules governing the issuance of permits for filming motion picture, television, commercial and non-theatrical filming activities on location within the city, with the exception of newscast and filming activities conducted by or for the city. The intent of this section is to ensure that still photographers and motion picture, television, commercial and non-theatrical filming companies will be encouraged to use locations for filming activities within the city so long as those activities are consistent with the public safety, health and welfare of the community.

Sec. 15-2. Definitions.

39 For the purposes of enforcing and administering this chapter, the following terms, phrases,
40 words and derivations shall have the meaning given herein. When not inconsistent with the
41 context, words used in the present tense include the future, words in the plural number include
42 the future, words in the plural number include the singular number, and the words in the singular
43 number include the plural number. The word "shall" is always mandatory and not merely
44 directory.

45 *Film* or *Filming* shall mean any and all still, live or motion picture productions whether made on
46 or by film, electronic tape, or any other electronic device used to produce theatrical motion
47 pictures, television entertainment motion pictures, industrial motion pictures, television
48 commercials, or print media. Filming shall include the erection and dismantling of the equipment
49 associated therewith.

50 *City Manager* shall mean the city manager or authorized designee.

51 *Permit* shall mean a permit issued by the city in accordance with the terms of this chapter.

52 *Person* shall mean any individual, partnership, firm, corporation, association or other entity.

53 *City* shall mean the City of Hallandale Beach.

54 **Sec. 15-3. Applicability.**

55 This article shall apply to all the properties within the city's jurisdiction, whether public or private,
56 with the exception of newscast, filming activities conducted by or for the city or students.

57 **Sec. 15-4. Permits.**

58 (a) Permit required. No person shall film or take still photographs within the village
59 city for commercial purposes without first applying for and obtaining a permit from
60 the city manager. All permits shall be conspicuously displayed at the filming
61 location during all times of filming production.

62 (b) Permit application. Applications for a permit shall:

63 (1) Be on the form provided for by the city; and

64 (2) Shall be consistent with the city filming guidelines which shall be adopted,
65 and may be amended, by a resolution of the city commission.

66 **Sec. 15-5. Penalties.**

67 Any person who violates the provisions of this article shall be subject to a fine of \$250.00 per
68 violation per day and revocation of the permit. The fine for failing to obtain a permit shall be
69 \$500.00 and the immediate cessation of all filming and/or photography activity.

70 **Sec. 15-6. Appeals.**

71 Any person aggrieved by the terms of a permit issued by the city manager, by the decision not
72 to issue a permit, by the revocation of a permit, within ten days of the decision, appeal to the city

73 commission. The appeal shall be heard at the next scheduled City Commission meeting. The
74 decision of the City Commission shall be final.

75
76 **SECTION 2. Conflict.** All ordinances or portions of the Code of Ordinances of the City
77 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the
78 extent of such conflict.

79
80 **SECTION 3. Severability.** Should any provision of this ordinance be declared by a
81 court of competent jurisdiction to be invalid, the same shall not affect the validity of the
82 ordinance as a whole, or any part thereof, other than the part declared to be invalid.

83
84 **SECTION 4. Codification.** It is the intention of the Mayor and City Commission that the
85 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such
86 intention the words "ordinance" or "section" may be changed to other appropriate words.

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88 **SECTION 5.** This Ordinance shall take effect immediately upon adoption.

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90 PASSED AND ADOPTED on 1st reading on January 23, 2013.

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92 PASSED AND ADOPTED on 2nd reading on February 6, 2013.

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JOY F. COOPER
MAYOR

100 SPONSORED BY: VICE MAYOR ALEXANDER LEWY

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102 ATTEST:

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SHEENA JAMES
CITY CLERK

VOTE
AYE/NAY
Mayor Cooper ✓/_____
Vice Mayor Lewy ✓/_____
Comm. Julian ✓/_____
Comm. Lazarow ✓/_____
Comm. Sanders ✓/_____

109 APPROVED AS TO LEGAL SUFFICIENCY and
110 FORM

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V. LYNN WHITFIELD
CITY ATTORNEY