

## Guidelines for Filming in Kyle, TX

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# Guidelines for Filming in Kyle, Texas

## I. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within Kyle and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of Kyle, Texas residents and businesses, and to promote the public health, safety and welfare. The City Manager reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Manager.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

## II. CITY CONTROL/CITY MANAGER AUTHORITY

The City Manager may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use. The use of any street, right-of-way, park, or public building for more than ten (10) days will require City Council approval.

The Applicant agrees that the City of Kyle shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming in order to promote the public health, safety or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager.

## III. PERMIT REQUIREMENTS

Before filing an application for filming in Kyle, the Office of the City Manager must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Kyle, TX.

Any commercial producer who desires to undertake a commercial production in Kyle is required to complete and return the attached application for filming to the Office of the City Manager, within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

## IV. APPLICATION FEE

An application processing fee of \$25.00 should accompany each application for filming in Kyle.

The City Manager may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the City Manager.

## V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager. The Applicant shall pay all costs in full within ten (10) days after

receipt of an invoice for said costs. The City Manager may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Manager, in consultation with the Chief of Police and/or Fire Chief, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

**VI. USE OF CITY-OWNED REAL ESTATE**

The City Manager may authorize the use of any street, right-of-way, park or public building, use of Kyle, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Manager.

The Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

<u>Activity</u>	<u>Cost per calendar day</u> maximum of ___ hours/day
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500 per day
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250 per day
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50 per block, per day
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25 per block, per day
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot, per day

The Applicant acknowledges and agrees that the City of Kyle, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity in order to promote the public health, safety and/or welfare.

**Security Deposit:** As determined by the City Manager or designate in consultation with appropriate Municipal staff a fee may be requested that will guarantee the clean-up of the site and compliance with the terms agreed to by the City and the Applicant. This sum is refunded upon satisfactory performance or forfeited as damages for a breach of the agreement.

**VII. VEHICLES AND EQUIPMENT**

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will

need to be specifically approved by the City Manager. On-street parking or use of public parking lots is subject to City approval.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager.

**VIII. HOURS OF FILMING**

Unless express written permission has been obtained from the City Manager in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 p.m.

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 p.m.

**IX. NOTIFICATION OF NEIGHBORS**

The Applicant shall provide a short written description, approved by the City Manager, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Manager, the City Manager may grant or deny the filming application.

**X. CERTIFICATE OF INSURANCE**

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of Kyle and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

**XI. DAMAGE TO PUBLIC OR PRIVATE PROPERTY**

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

**XII. CANCELLATION FEE**

Any costs incurred by the City of Kyle due to cancellation of filming for any reason will be billed to the Applicant. This may include such costs as personnel who were called out for work attributable to the filming and the work is subsequently cancelled or rescheduled with less than 24 hours notice.

**XII. HOLD HARMLESS AGREEMENT**

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

*I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of Kyle, Texas, and that I agree to assume all liability of the City of Kyle, its officers, employees and agents to any person or property of whatsoever kind of nature which occurs as a result of its activities related to activities engaged in pursuant to this Application. I further agree that my firm will indemnify and hold harmless the City of Kyle, Texas and its elected officials, officers, servants, employees, successors, agents, departments and assigns from any and all losses, damages, expenses, costs and/or claims of every nature and kind arising out of or in connection with the filming/taping and other related activities engaged in pursuant to this Application.*

*I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of Kyle, Texas on behalf of the firm.*

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

THE CITY OF KYLE, TX

**Application for Commercial Filming**

Title of project

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Type of production (feature film, television production, commercial, corporate, music video, etc.)

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Proposed Filming Locations (attach additional pages if necessary)

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Date(s) of prep/filming

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Primary Contact

Name

Cell phone

Email

Location Manager (if different from Primary Contact)

Name

Cell phone

Email

Production Company Information

Name of Production Company

Address

City/State/Zip

Web Site

Primary Contact's Name

Primary Contact's Phone

Primary Contact's Email

Is this production already in contact with the Texas Film Commission? \_\_\_\_\_

If yes, who is your contact at the Texas Film Commission?

Name

Phone

Email

**PRODUCTION** (*Attach additional sheets if necessary.*)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals: (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.)

2. Approximate number of persons involved with the production, including cast and crew:

3. Anticipated need of City personnel, equipment or property:

4. Public areas in which public access will be restricted during production:

5. Describe alterations to public property:

6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

7. Location where crew will be fed, if not at filming location:

8. Location where extras will be held, if not at filming location:

9. Please attach map of anticipated street closure(s) or other public area use.

Applicant (production company representative):

\_\_\_\_\_ Date: \_\_\_\_\_

Name

\_\_\_\_\_

Title

Application approved by **Kyle** representative:

\_\_\_\_\_ Date: \_\_\_\_\_

*The "Guidelines for Filming in Kyle, Texas" apply to all motion picture production in Kyle.*

*The Office of the City Manager may require the applicant to acknowledge receipt of the Guidelines prior to approving this application.*



**FOR MUNICIPAL USE ONLY:**

- \_\_\_\_\_ Insurance certificate received
- \_\_\_\_\_ Insurance approved by the City Manager
- \_\_\_\_\_ Hold Harmless Agreement received
- \_\_\_\_\_ Application received
- \_\_\_\_\_ Plan(s) Plan(s) showing specific locations of filming and parking
- \_\_\_\_\_ Location Agreement received
- \_\_\_\_\_ Plan(s) approved
- \_\_\_\_\_ Municipal facilities to be used approved
- \_\_\_\_\_ Municipal equipment to be used approved
- \_\_\_\_\_ Application Fee and Deposits received
- \_\_\_\_\_ Security Deposit Fee received
- \_\_\_\_\_ Business Licence Fee approved

Total Fees Paid \$ \_\_\_\_\_

Permit Granted: Date: \_\_\_\_\_

\_\_\_\_\_  
City Employee