

ORDINANCE NO. 16-07-07-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, ADDING SECTION 4.600 TO ARTICLE 4.000, BUSINESS RELATED FEES OF APPENDIX A OF THE CODE OF ORDINANCES TO ADD FEES FOR USE OF CITY PROPERTY FOR FILMING; ADDING SECTION 4.1100 TO CHAPTER 4 OF THE CODE OF ORDINANCES TO PROVIDE FOR GUIDELINES AND DOCUMENTS FOR FILMING ON CITY PROPERTY; PROVIDING FOR SEVERABILITY, AN OPEN MEETING CLAUSE, AND EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas, (the “City”) finds that encouraging the use of the City and City-owned property for appropriate movies, television shows, commercials, and other film projects is positive for the economic health and welfare of the City and its citizens;

WHEREAS, the Texas Film Commission, a department of the Office of the Governor, has developed a Film Friendly program for Texas communities, including document templates, to encourage and standardize the use of Texas locations for film projects; and

WHEREAS, use of City-owned property by a film company, while good for the City’s economic health and welfare, can be an inconvenience to the City’s citizens and requires adequate and appropriate protections for the City and its citizens, including the charging of fees and the use of standard legal documents; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Adding Section 4.600, Article 4.000, Business Related Fees of Appendix A. Article 4.000 of Appendix A (Fee Schedule) of the Lago Vista Code of Ordinances (the “Code”), is hereby modified and amended to add the following new Section 1.700, to read as follows:

Sec. 4.600 Film Fees

Fees for Use of City Property. The fees for use of City property in connection with a City-authorized film project (as a City-authorized film project is described in Article 4.1100 of this Code) are as follows, unless modified or waived for any such project by a majority vote of City Council:

Activity	Fee (per Calendar Day)
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500
Partial non-disruptive use of a public building, park, right-of-way, or public area	\$250
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)	\$50 per block
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes)	\$25 per block
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

Section 3. Adding Section 4.1100 and Approving Documents. Chapter 4 (Business Regulations) of the Code is hereby modified and amended to add the following new Article 4.1100. The forms of the Guidelines for Filming in Lago Vista, Texas, including the Application for Commercial Filming attached thereto, and the Location Agreement, all labeled “Version 07082016” and maintained in the office of the City Manager, are hereby approved. All references in Article 4.1100 to the Application, Guidelines and/or Location Agreement are deemed to be references to the versions labeled “Version 07082016” unless a later version of such document has been approved by the City Council, in which case the reference is deemed to be to the then most recently approved version.

ARTICLE 4.1100 FILM PROJECTS

Section 4.1101 Meeting With City

Before filming all or any portion of a movie, television show, commercial, or other film project in the City, the operating executive in charge of the film project, or its authorized agent, must contact the office of the City Manager to discuss the project's specific filming requirements and the feasibility of filming in the City.

Section 4.1102 Application

- (a) An applicant that wants to use City-owned property in connection with a film project must complete and submit to the office of the City Manager an Application for Commercial Filming.
- (b) The Application must be submitted to the office of the City Manager, along with a \$25.00 processing fee, on the following schedule: (1) for commercials or episodic television, no fewer than two (2) business days prior to

the commencement of filming or any substantial activity related to the project; (2) for feature films and all other projects, no fewer than five (5) business days prior to the commencement of filming or any substantial activity related to the project.

Section 4.1103 Guidelines and Location Agreement

(a) If an Application is approved, the applicant must complete, sign and return to the office of the City Manager (i) the Guidelines for Filming in Lago Vista, Texas, and (ii) the Location Agreement, both prior to any production activity commencing on any City-owned property. A film project for which an Application has been submitted and approved, and for which Guidelines and a Location Agreement have been fully executed and submitted to the City, is a City-authorized film project for purposes of this Code.

Section 4.1104 City Control of its Property

The City shall have full control over the use of its name, trademark, logo, public streets and buildings while any are being used, as well as control over the hours of production and the general location of the production. If an applicant will be undertaking any filming on City-owned property, and in order for the City to protect the context in which its name, trademark, logo, public streets and buildings are depicted, the applicant must submit the script to the City for general review prior to the City being asked to execute a Location Agreement. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity if it is determined to be hazardous to the public health, safety and welfare.

Section 4. Amendment of Conflicting Ordinances. Appendix A and Chapter 4 of the Code are hereby amended as provided in this Ordinance. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. To the extent of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

Section 5. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting utility fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This Ordinance shall be in full force and effect after final passage and publication in the manner required by the Texas Local Government Code and the Charter.

Section 7. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the

final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED on this the 7th day of July, 2016.

ATTEST:



Sandra Barton, City Secretary

THE CITY OF LAGO VISTA, TEXAS



Dale Mitchell, Mayor