

# CITY OF MARSHALL AGENDA MEMO

PROJECT: Film Friendly Guidelines

MEETING DATE: November 12<sup>th</sup>, 2015

DESCRIPTION: The Texas Film Commission, part of the Governor's Office is the first stop for resources that serve the film, television, commercial, animation, visual effects and video game industries in Texas. The Film Commission oversees the Film Friendly Texas Program (FFTX). Being a FFTX community provides training and ongoing guidance to community representatives on how to effectively market their communities as filming destinations and how to efficiently accommodate on-location filming activity. Also FFTX communities are often shared with film scouts as they are trying to find specific locations for productions. The Film Industry is big business in Texas and Louisiana, and can mean an influx of sales, and hotel occupancy taxes. To be certified as a FFTX community you must:

- Submit photo coverage of potential filming locations for inclusion in the Texas Film Commission location database
- Attend a Film Friendly Texas Training Workshop
- Pass Film Friendly Guidelines by the City Commission

CVB Staff hosted a film scout from the Texas Film Commission for a day long photo shoot to meet requirement #1. Since O'Brien worked in Nacogdoches as the point of contact for their FFTX program, it was one of the first Film Friendly Communities and served as the host of a FFTX workshop last Spring the Texas Film Commission has stated that we do not need to attend another workshop here. By approving the above guidelines the City of Marshall will be eligible to be designated a Film Friendly Texas community.

COST: \$0

RECOMMENDED  
ACTION: Approve Guidelines

**TIMELINE:** If they guidelines are approved they will be submitted to the Texas Film Commission and Marshall will be designated a Film Friendly community before the end of 2016.

**CITY CONTACT:** Sarah E. O'Brien, Tourism & Promotions Director  
[Obrien.sarah@marshalltexas.net](mailto:Obrien.sarah@marshalltexas.net) 903-702-9500

**ATTACHMENTS:** Film Friendly Guidelines

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## ***Guidelines for Filming in Marshall, Texas***

- I. Purpose
- II. City Control/City Manager Authority
- III. Permit Requirements and Fees
- IV. Application Fee
- V. Use of City Equipment and Personnel
- VI. Use of City-Owned Real Estate
- VII. Vehicles and Equipment
- VIII. Hours of Filming
- IX. Notification of Neighbors
- X. Certificate of Insurance
- XI. Damage to Public or Private Property
- XII. Hold Harmless Agreement

# Guidelines for Filming in Marshall, Texas

## I. PURPOSE

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

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

The City of Marshall 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 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 Applicant agrees that the City of Marshall 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 to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City of Marshall.

## III. PERMIT REQUIREMENTS

Before filing an application for filming in Marshall, the Tourism & Promotions Department, must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Marshall, TX. Any commercial producer who desires to undertake a commercial production in Marshall is required to complete and return the attached application for filming to the Planning & Permit Department within the time frames below:

- **Commercials or episodic television:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of ten (10) business days prior to the commencement of filming or any substantial activity related to the project.

## IV. APPLICATION FEE

An application processing fee of \$50.00 should accompany each application for filming in Marshall.

*The City of Marshall may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the Tourism & Promotions Director.*

## V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, 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 equipment, will be established on a case-by-case basis as determined by the City of Marshall. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City of Marshall may require an advance deposit for all costs related to City personnel and/or the use of City equipment.

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

The City of Marshall may authorize the use of any street, right-of-way, park or public building, use of Marshall, 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 of Marshall 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 Tourism & Promotions Director.

The Applicant shall reimburse the City for inconveniences when using public property in accordance with the following rate schedule:

Activity	Cost 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	\$50 per block
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$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

The Applicant acknowledges and agrees that the City of Marshall, 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.

**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 of Marshall. 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 of Marshall..

**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 Tourism & Promotions Department, 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 of Marshall, the Tourism & Promotions Director 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 Marshall 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. 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 Marshall, Texas, and that I and my firm will indemnify and hold harmless the City of Marshall, 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 Marshall, Texas on behalf of the firm.*

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

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

Contact Number: \_\_\_\_\_

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

## Application for Commercial Filming

**Title of project**

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**Type of production** (feature film, television production, commercial, 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: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Web Site: \_\_\_\_\_

Primary Contact's Name: \_\_\_\_\_

Primary Contact's Phone: \_\_\_\_\_

Primary Contact's Email: \_\_\_\_\_

**Location Manager** (if different from Primary Contact)

Name: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

**Production Company Information**

Name of Production Company: \_\_\_\_\_

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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 City of Marshall:

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

Tourism & Promotions Director, City of Marshall

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

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