

City of San Marcos, Texas

Film Friendly Community Policy

I. PURPOSE

This policy is intended to promote economic development activity within and around the City of San Marcos. The policy is also intended to protect the personal and property rights of San Marcos, Texas residents and businesses, and to promote the public health, safety, and welfare. The Film Friendly Team reserves the right to impose additional regulations in the interest of public health, safety, and welfare.

This policy covers 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 commercial motion picture production, including, but not limited to, feature films, television programs, advertisements, music videos, and corporate films.

II. PERMIT REQUIREMENTS

Before filing an application for filming in San Marcos, the Film Friendly Team must be contacted to discuss the production's specific filming requirements and the feasibility of filming in San Marcos, TX. Any film producer who desires to undertake a commercial production in San Marcos is required to complete and return the attached application for filming to the Film Friendly Team, within the time frames below:

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

III. CITY CONTROL/CITY MANAGER AUTHORITY

The Applicant acknowledges and agrees that the City of San Marcos shall have exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, 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 the interest of public health, safety, or welfare. 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 feature films, television programs, commercials, music videos, corporate films, and related activities. In conjunction with these uses, the City Manager may require that

any or all the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use.

The Applicant shall allow City departments (e.g., Police, Fire, Public Services) 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.

IV. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Services, or other City personnel assigned to the project (whether 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 Film Friendly Team. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The Film Friendly Team may, at his/her discretion, require an advance deposit for all costs related to City personnel and/or the use of City equipment.

The Film Friendly Team, 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 City personnel shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

V. USE OF CITY-OWNED REAL ESTATE AND RIGHT-OF-WAY

The Film Friendly Team may authorize the use of any street, right-of-way, park or public building, use of San Marcos, 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 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 Film Friendly Team.

The Applicant shall reimburse the City for inconveniences when using public property in accordance with the fee schedule adopted under the San Marcos, TX Code of Ordinances, Chapter 74.

VI. 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 parking locations, proposed hours of use, proposed use of exterior lighting, power generators, or any other noise- or light-producing equipment. Such locations will need to be specifically approved by the Film Friendly Team.

VII. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short-written description, approved by the Film Friendly Team, 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 Film Friendly Team, the Film Friendly Team may grant or deny the filming application.

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 in writing, 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. CERTIFICATE OF INSURANCE

The Applicant shall provide a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of San Marcos 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.

X. 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 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.

CITY OF SAN MARCOS, TX

Application for Commercial Filming

Title of project:

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

Proposed Filming Locations (attach additional pages if necessary):

Date(s) of prep/filming:

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? No: Yes:

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.

Attached: N/A:

Applicant (production company representative):

_____ Date: _____

Name

Title

Application approved by Film Friendly representative:

_____ Date: _____

Name

Title

The "Guidelines for Filming in San Marcos, Texas" apply to all motion picture production in San Marcos.

The Film Friendly Team may require the applicant to acknowledge receipt of the Guidelines prior to approving this application.

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 San Marcos, Texas, and that I and my firm will indemnify and hold harmless the City of San Marcos, 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 San Marcos, Texas on behalf of the firm.

Signed: _____

Title: _____

Date: _____

Questions? Please contact our Film Friendly Liaison:

Sarah Smith
512-393-5935
SSmith2@sanmarcostx.gov