

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, AMENDING CHAPTER IX ENTITLED “OFFENSES AND MISCELLANEOUS PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA TO CREATE A NEW SECTION ENTITLED “FILM PERMIT REQUIREMENTS”; PROVIDING FOR DEFINITIONS, PROVIDING APPLICABILITY; ESTABLISHING PERMIT REQUIREMENTS; PROVIDING NOTICE TO OWNERS; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, recent articles in the Miami Herald have deemed South Florida as a premier location for the film and television industry to film or record movies and televisions shows; and

WHEREAS, certain areas in the City of North Miami Beach have been selected by film and television studios for the purposes of filming or recording certain movies, television shows, or music videos; and

WHEREAS, while the film and television industry may have a positive impact on the South Florida economy, the filming and television industry may disturb the quality of life of residents in certain neighborhoods if the film and television industry representatives are not required to obtain a film permit before commencing filming or recording of shows in the City; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interest of its citizens to adopt this Ordinance to require operators in the film and television industry to obtain a film permit before commencing activities in the City of North Miami Beach.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. That the recitals and finding contained in the forgoing “whereas” clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter IX, entitled “Offenses and Miscellaneous Provisions,” shall be amended as follow to create a new section (*deletions and additions are identified using a strike-through and underline format, respectively*):

9-37- Film Permit Requirements

Sec. 9-37.1 - Definitions.

For the purpose of this Section, the following terms, phrases, and words shall have the following meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and

the words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (1) Film or filming shall mean any and all still, live, or motion picture productions whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television commercials, or print media. Filming shall include the erection and dismantling of the equipment associated therewith.
- (2) The City Manager shall mean the City Manager of the City North Miami Beach or designee.
- (3) Permit shall mean a permit issued by the City in accordance with the terms of this Section.
- (4) Person shall mean any individual, partnership, firm, corporation, association or other entity.
- (5) City shall mean the City of North Miami Beach.

Sec. 9-37.2- Applicability

This Section shall apply to all the lands within the boundaries of the City of North Miami Beach.

Sec. 9-37.3- Permits

- (a) Permit required. No Person shall film within the City without first applying for and obtaining a Permit from the City Manager or designee and a permit from Miami-Dade County. All permits shall be conspicuously displayed at the Filming location.
- (b) Permit Application for the City. Applications for the Permit shall:
 - (1) Be on the form provided by the City Manager or designee.
 - (2) Identify the Applicant.
 - (3) Identify the location(s) where Filming will be conducted. If applicant is the owner of the property where Filming is going to be conducted, the City shall require the ownership, such as the deed, or if applicant is not the owner, the City shall require the owner’s sworn consent to the Filming and proof of ownership.
 - (4) Require that the Applicant provide evidence of public liability insurance in the minimum amount of \$1,000,000.00 or as otherwise established by the City. All insurance policies shall name the City as additional insured.
 - (5) Include a parking plan for automobiles, trucks and other vehicles connected with the Filming.
 - (6) Include a site plan for location(s) where Filming is conducted.
 - (7) Require that applicant post a \$5,000.00 cash bond to be held by the City to be used, if necessary, to repair damage to public property caused by the Filming.
- (c) Limitations on permits. Permits issued by the City shall be subject to following:
 - (1) Permit shall not be issued more than two times per year for each filming location. In no event may filming exceed three consecutive days or six days in any calendar year.
 - (2) No filming shall be permitted from 11:00 pm to 7:00 am.
 - (3) Any other limitations imposed by the City Manager or designee to protect the general welfare of the residents.

- (d) Limitation on Location. No filming shall be conducted at a particular location if either the City Manager or designee determines that a film production at that location would in any way adversely affect the public health, safety or general welfare of the community or environment of the City. There shall be a minimum period of 30 calendar days of filming inactivity following the expiration of a permit for a particular location.
- (e) Permit fees. A permit fee in the amount of \$300.00 shall be due and payable at the time of a permit application. Permit fee shall be doubled for all filming which is done without an initial permit.

Sec. 9-37.4- Notice to Owners

48 hours prior to commencing any permitted filming, the permit holder shall notify in writing all property owners within 300 feet of the filming location. The notice to the owners shall include but not be limited to the location, date, hours, and subject matter of the filming.

Sec. 9-37.5- Permit Criteria.

A filming permit shall be granted unless the City Manager or designee finds that the proposed filming:

- (1) Unduly impedes governmental business or public access; or
- (2) Conflicts with previously scheduled activities; or
- (3) Imperils public safety; or
- (4) Violates the provisions of this Section.

Sec. 9-37.6- Penalties.

Any person who violates the provisions of this Section shall be subject to a \$500.00 daily fine and revocation of the permit.

Sec. 9-37.7- Exemptions.

The following shall be exempt from the provisions of this Section:

- (1) Individuals filming or videotaping only for their own personal or family use.
- (2) Employees of print or electronic news media when filming on-going news events.
- (3) Indoor motion picture studios.
- (4) Government agencies or news service created by government agencies.

Sec. 9-37.8- Appeals.

Any person aggrieved by the terms of the permit issued by the City Manager or designee, by the decision not to issue a permit, or by a revocation of a permit, may within ten (10) days of the decision, appeal to the City Commission whose decision shall be final.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of

the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

APPROVED on this first reading this **19th day of October, 2021.**

APPROVED AND ADOPTED on second reading this _____ day of _____, 2021.

ATTEST:

ANDRISE BERNARD, CMC
CITY CLERK

ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

HANS OTTINOT,
INTERIM CITY ATTORNEY

Sponsored by: Commissioner Fortuna Smukler