



# CITY OF ROSENBERG

Policy and Procedure

Effective Date: March 1, 2023

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## FILM FRIENDLY: ROSENBERG

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### PURPOSE

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

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.

### CITY CONTROL/CITY MANAGER AUTHORITY

The City Manager or designee 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 or designee 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 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 (ex: Police, Fire, Code) 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 or designee.

## **PERMIT REQUIREMENTS**

Before filing an application for filming in Rosenberg, the Director of Communications must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Rosenberg, Texas. Any commercial producer who desires to undertake a commercial production in Rosenberg is required to complete and return the attached application for filming to the Communications Director, 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.

## **APPLICATION FEE**

An application processing fee as noted in the Schedule of Fees should accompany each application for filming in Rosenberg. The City Manager or designee may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the City Manager or designee.

## **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 Finance Director. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Manager or designee may, at his/her discretion, require an advance deposit for all costs related to City personnel and/or the use of City equipment.

The City Manager or designee, 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 fees are reviewed and adjusted periodically by the City to ensure costs are being covered by fees paid. Current rates are available from the Communications Director upon request. The City reserves the right to change the security fees at any time, without notice.

## **USE OF CITY-OWNED REAL ESTATE**

The City Manager or designee may authorize the use of any street, right-of-way, park or public building, use of Rosenberg, Texas name, trademark or logo and/or use of City equipment and/or

personnel for commercial uses in motion picture production. A security or damage deposit may be required within the discretion of the City Manager or designee.

The Applicant shall reimburse the City for inconveniences when using public property. Please see the Schedule of Fees for the rate schedule.

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

In order to leave the City-owned property in as good condition as when received, the Applicant is responsible for and must provide professional cleaning and/or sanitation services upon completion of work, if the City requests such cleaning and/or sanitation services at any time. Upon such a request by the City, the Applicant must obtain approval from the City of the Applicant's arrangements for cleaning and/or sanitation services (which will not be unreasonably withheld). The City may require such approval before use of the City-owned property for Production Activity begins.

#### **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 or designee. 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 or designee.

#### **HOURS OF FILMING**

Unless express written permission has been obtained from the City Manager or designee 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 City Observed Holidays: 8:00 a.m. to 8:00 p.m.

#### **NOTIFICATION OF NEIGHBORS**

The Applicant shall provide a short, written description, approved by the City Manager or designee, 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 or designee, the City Manager or designee may grant or deny the filming application.

**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 Rosenberg 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 \$1,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

**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.

**HOLD HARMLESS AGREEMENT**

The Applicant must sign the Hold Harmless Agreement (Exhibit B) 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.

**SIGNATURES**

  
\_\_\_\_\_  
Communications Director (Responsible Department)

DATE: 2/22/2023

  
\_\_\_\_\_  
Finance Director

DATE: 02/22/2023

  
\_\_\_\_\_  
Assistant City Manager

DATE: 2.22.2023

  
\_\_\_\_\_  
City Manager

DATE: 2-22-2023