

VILLAGE OF CORRALES

ORDINANCE NO. 08-014

AN ORDINANCE PROVIDING FOR THE CONDUCT OF COMMERCIAL FILMING AND PHOTOGRAPHY IN THE VILLAGE OF CORRALES; REQUIRING A FILM PERMIT FOR COMMERCIAL FILMING OR PHOTOGRAPHY INVOLVING MORE THAN TEN (10) PERSONS OR TAKING PLACE ON VILLAGE PROPERTY OR RIGHT OF WAY; ESTABLISHING TERMS, CONDITIONS AND A PROCEDURE FOR THE ISSUANCE OF FILM PERMITS FOR SUCH FILMING OR PHOTOGRAPHY; PROVIDING FOR FEES AND REIMBURSEMENT OF COSTS INCURRED BY THE VILLAGE IN CONNECTION WITH FILMING OR PHOTOGRAPHY; AND PROVIDING A PENALTY FOR VIOLATION.

WHEREAS, the Village of Corrales (the “Village”) is a unique community having characteristics that may be desirable for the filming or photography of movies, advertising commercials, television programs, documentaries, catalog or magazine layouts, and similar presentations; and

WHEREAS, the Village Council, the governing body of the Village (the “Governing Body”) recognizes that filming and photography for commercial purposes may include the assembly of large amounts of equipment and large numbers of persons that may affect traffic flow and on occasion may be detrimental to the peaceful enjoyment of nearby properties; and

WHEREAS, the Governing Body wishes to provide opportunity for commercial filming or photography in the Village while also protecting the health, safety, and general welfare of the residents and property owners in the Village; and

WHEREAS, the Governing Body further wishes to provide appropriate standards for the use of Village property and rights of way by film and photography crews working in the Village.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, as follows:

FILM PERMITS

Section 1. Film permit, when required; effect of permit.

(a) *Permit requirement.* A film permit shall be required prior to any person, organization, corporation, group or other entity engaging in the activity of filming or photographing an advertising commercial, movie, documentary, television program, catalog or magazine layout or similar presentation for commercial purposes at any location or locations within the village, whether on public or private property, except as otherwise specifically provided in this Section. For purposes of determining the requirement for a film permit, filming or photography for commercial purposes shall include all filming, videotaping or photography by any person or organization that plans or intends to sell, rent, screen, display, or otherwise make use of such filming, videotaping or photography for a profit, whether or not a profit is actually realized from the filming or photographic activities.

(b) *Exceptions to permit requirement.* A film permit shall not be required for:

- (1) personal videotaping, filming or photography for non-commercial purposes;
- (2) commercial filming, videotaping or photography if the entire cast and crew engaged in such videotaping, filming or photography consists of ten (10) persons or fewer and no part of the videotaping, filming or photography takes place on public streets or roads or on any other property owned by the village;
- (3) filming, videotaping or photography of weddings and similar social gatherings, regardless of location, whether or not conducted by a professional photographer or for a profit;
- (4) filming, videotaping or photography of activities, including special events, taking place under permit by or sponsorship of the Village, whether on public or private property; or
- (5) filming, videotaping or photography by or under contract to the news media, regardless of location.

(c) *Effect of permit.* Upon the issuance of a film permit pursuant to the provisions of this section, the activities specifically approved under such permit shall be allowed at the locations, dates, and times specified therein, regardless whether such activities would otherwise be deemed a permissive or permitted use in the zone where such activities occur under the Village land use ordinances.

(d) *Compliance with village ordinances and other laws.* Notwithstanding the issuance of a film permit, all filming, videotaping and photography in the village shall be conducted in accordance with all applicable ordinances, rules and regulations of the village and applicable state and federal laws. In particular, no commercial activity, including commercial filming, videotaping or photography, is permitted in the Corrales Bosque Preserve, and no film permit shall be issued for any activities in the Corrales Bosque Preserve, nor shall the issuance of a film

permit for activities anywhere in the village be deemed an approval for any commercial activities, of any nature whatsoever, in the Corrales Bosque Preserve.

Section 2. Application for film permit.

(a) *Permit application.* An applicant for a film permit may obtain an application form from the office of the Village Clerk. The applicant must complete all information requested on the application form, which at a minimum shall include the following:

- (1) The name, address, and telephone number of the applicant.
- (2) The proposed location or locations of the filming or photography.
- (3) The dates and times that filming or photography will take place at each location.
- (4) The total number of persons in the cast and crew.
- (5) The total number of vehicles involved in the filming or photography, and the specific location or locations where the vehicles will be stationed or parked during the filming or photography.
- (6) The name and local or mobile telephone number of the person in charge on site.
- (7) If the filming or photography will require the closure or blockage of any street or road, a statement reflecting the dates and times of such anticipated closure or blockage, and the maximum time in minutes of any such closure or blockage.
- (8) Any other information requested by the Village Clerk.

(b) *Indemnification agreement required.* The application form shall include an indemnification agreement, which shall be in a form approved by the village attorney, stating that the applicant agrees to assume all liability for and will indemnify and hold harmless the village from any and all damages or injuries to persons or property that may occur by reason of the proposed filming or photography.

Section 3. Submittal and review of application.

(a) *Submittal of application.* No later than five (5) business days before the first day of any proposed filming or photography requiring a film permit, the applicant shall submit to the Village Clerk the following:

- (1) A completed and signed application form, including the signed indemnification agreement in the required form, with no additions, deletions, or interlineations.

- (2) A non-refundable application fee in an amount that may be determined by resolution of the governing body, but which shall not in any case be less than one hundred dollars (\$100).
- (3) A certificate of insurance evidencing a general liability insurance policy effective during the entire period of the proposed filming or photography, showing the village as an additional named insured, and providing coverage limits of no less than (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate.
- (4) A current list from the office of the Sandoval County Assessor showing the names and addresses of all owners of real property located within three hundred (300) feet of each proposed location where filming or photography will take place, with evidence satisfactory to the village that each such property owner has been individually notified by the applicant regarding the proposed filming or photography, including the specific dates and times when such filming or photography is expected to occur.
- (5) If the filming or photography will require the closure or blockage of any public street or road, a statement (i) signed by the owner of each property located adjacent to such street or road within a distance of three hundred (300) feet from the location of such closure or blockage, and (ii) if the street or road terminates in a dead end or cul-de-sac beyond the point of closure or blockage, signed by each business owner or adult occupant of any residence between the point of closure or blockage and the dead end or cul-de-sac, in each case reflecting that the signatory has been made aware of the proposed dates and times of such closure or blockage and has no objection to them, or in the alternative stating the signatory's objection and reasons for such objection. No public road may be blocked for more than three (3) minutes at any time. Any blockage must be immediately vacated if access is needed by emergency vehicles.

(b) *Review of application.* The Village Clerk shall forward the film permit application and supporting materials to the Chief of Police, the Fire Chief, the Village Administrator, the Village Building Inspector and the Village Attorney for review and approval or disapproval. Approval or disapproval by the Chief of Police, the Fire Chief, or the Village Administrator, or a recommendation for approval or disapproval by the Village Building Inspector or the Village Attorney, shall be based upon a determination whether the proposed filming or photography will constitute a threat to public health, safety or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular, pedestrian, or horse traffic. Approval of an application may be conditioned upon the payment of a traffic control fee or fire department stand-by fee as provided in Section 6 of this ordinance, and may also be conditioned upon such limitations as to time, place and duration as are deemed by the Village to be reasonably necessary for the protection of the public health, safety and welfare.

Section 4. Issuance of film permit; requirement for business license.

- (a) *Issuance of film permit.* Upon approval by the Chief of Police, the Fire Chief, and the Village Administrator, and payment by the applicant of all required fees, the Village

Clerk shall endorse the application reflecting its approval, shall return the original application with such endorsement to the applicant, and shall provide copies thereof to the Chief of Police and the Fire Chief. The endorsed application with all attachments and conditions thereto shall constitute a film permit for the proposed filming or photography in accordance with the terms stated in the application, including such attachments and conditions.

- (b) Applicants will be informed of a Village of Corrales website listing local shops and services and providing guidance for property owners who may lease to film companies.

Section 5. Denial of film permit.

An application that proposes any filming or photography that would be in violation of any ordinance, resolution, rule or regulation of the Village shall be denied. An application that has been disapproved by the Chief of Police, the Fire Chief, or the Village Administrator pursuant to Section 3 hereof shall be denied. The Village Clerk shall promptly notify the applicant in writing when an application for a film permit is denied.

Section 6. Fees.

Prior to and as a condition for the approval of a film permit, the applicant shall pay to the village, in cash or certified check, the following mandatory fees, which may be modified from time to time by resolution of the governing body, but which shall in no case be less than the amounts here shown:

- (1) Film fee. No less than two hundred fifty dollars (\$250) per day for each day of filming or photography in the Village. The fee may be waived at the Mayor's discretion for Public Service Announcement filming.
- (2) Traffic control fee, if traffic control is required by the Chief of Police or requested by the applicant. The traffic control fee shall be sufficient to cover Chief's overtime and costs for all periods during which traffic control services will be required.
- (3) Fire Department stand-by fee, if fire or rescue stand-by is required by the Fire Chief or requested by the applicant. The Fire Department stand-by fee shall be sufficient to cover Chief's overtime and costs for all periods during which Fire Department stand-by will be required. Fees will be charged for standby fire equipment as determined by the Fire Chief under rates published by the State Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department.
- (4) Cleanup deposit. If any portion of the filming or photography will take place upon a street, road, or any other public property owned by the Village, a certified check shall be deposited with the Village Clerk in an amount no less than two hundred fifty

dollars (\$250) for each day of filming or photography on such street, road, or other public property. Upon the completion of all filming or photography in the Village, the Village Clerk shall return such deposit to the applicant, less the costs incurred by the Village for any cleanup, restoration, or repair of public property or facilities that is made necessary by the filming or photography.

Section 7. Alterations to Village property.

No alteration of any nature, whether temporary or permanent, shall be made to Village property in connection with any filming or photography, including, without limitation, cutting or trimming of trees or vegetation, digging of holes, or modification of structures, unless such alteration is specifically approved in advance, in writing, by the Village Administrator and the Village is compensated for any damages or costs incurred as a consequence of such alteration.

Section 8. Extension of time.

An applicant who has been granted a film permit for filming or photography in accordance with Section 4 hereof may make application to the Village Clerk for an extension of time to provide for additional days of filming or photography at the same location or locations stated in the original permit. Such application for an extension of time must be submitted no less than three (3) business days before the first proposed extension date. The extension of time shall be granted following review by the Chief of Police, the Fire Chief, and the Village Administrator, unless denied upon a determination by any of them that the proposed extension of time for filming or photography will constitute a threat to public health, safety or welfare or will unduly interfere with vehicular, pedestrian, or horse traffic. The applicant shall pay all additional fees for the additional day or days of filming or photography as provided in Section 6 hereof or by resolution of the governing body. Upon approval and payment of the required fees, the Village Clerk shall amend the permit to reflect the approved extension of time.

Section 9. Penalties and recovery for damages.

(a) A violation of any provision of this Ordinance shall be punishable in accordance with Section 1-6. Each day that a violation continues shall constitute a separate offense.

(b) In addition to any penalties under Section 9(a) hereof, the Village may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to enjoin the violation of, any provision of the Village Code, and may also bring an action in a court of competent jurisdiction to recover the Village's costs, including costs of litigation and attorney fees, incurred as a result of damages to Village property or violations of village ordinances, resolutions, rules, or regulations in connection with any filming or photography, permitted or unpermitted.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or

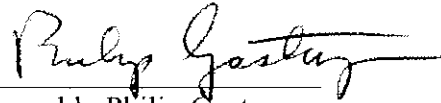
unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

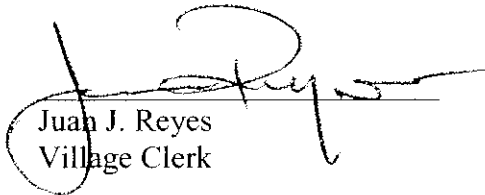
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 10th day of November, 2008.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk