

EXHIBIT "A"
**GUIDELINES FOR FILMING AND PHOTOGRAPHY IN THE CITY OF MARFA,
TEXAS**

I. PURPOSE

The following guidelines are intended to protect the personal and property rights of our residents and businesses. The City Manager reserves the right to impose additional regulations in the interest of public safety if deemed necessary.

These guidelines cover requests for commercial use of City-owned property (streets, right-of-ways, and public buildings), commercial use of private property which may affect adjacent public or private property, equipment and personnel in the filming of movies, TV shows, commercials, and related activities including photography.

II. CITY CONTROL/CITY MANAGER AUTHORITY

The City Manager may authorize the use of any street, right-of-way, 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 may require that any or all of the conditions and/or remuneration as specified on the application be met as a prerequisite to that use.

The applicant agrees that The City of Marfa shall have full control over the use of public streets and buildings of the City while being used, 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 and/or shooting if determined to be detrimental to the public health, safety or welfare.

The applicant shall agree to allow the respective City departments (i.e., Police, Fire, Building) to inspect all structures and/or devices and equipment to be used in connection with the filming and taping if required by the City Manager.

The Mayor is authorized to act under these Guidelines in the absence of the City Manager.

III. PERMIT REQUIREMENTS

Before filing an application for filming the Office of the City Manager must be contacted to discuss the production's specific filming requirements and the feasibility of filming.

Any commercial producer who desires to undertake a commercial film or tape production is required to complete and return the attached application for filming to the Office of the City Manager, for:

- **Commercials or episodic television** a minimum of fourteen (14) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films** a minimum of fourteen (14) business days prior to the commencement of filming or any substantial activity related to the project.
- **Commercial photography** a minimum of fourteen (14) business days prior to the commencement of filming or any substantial activity related to the project.

IV. FEES

A non-refundable application processing fee of \$250.00 should accompany each application for filming.

The City Manager may waive this fee for non-profit organizations and student productions.

All fees contained within these Guidelines may be modified as appropriate based upon the scope of the production, at the City's sole discretion.

V. USE OF CITY EQUIPMENT AND PERSONNEL

The applicant will agree to pay for the costs of any Police, Fire, Public Works, EMS, or other City personnel assigned to the project (whether specifically requested by the producer or not). Remuneration rates for the use of any City equipment, including Police squad cars and fire equipment, will be established on a case-by-case basis. The applicant will agree to pay in full, promptly upon receipt of an invoice, the charges incurred or the City Manager may require a deposit for proposed use of the equipment in advance.

The City Manager has the authority to require additional police, fire, or EMS coverage if it is determined to be in the best interest of public safety. Off-duty police officers, EMS personnel, or firefighters are to be paid two times their hourly rate per officer per hour plus benefits.

VI. USE OF CITY PROPERTY

The City Manager may authorize the use of any street, right-of-way, public building, name, trademark or logo, 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 may require that any or all of the conditions and/or remuneration as specified on the application be met as a prerequisite to that use. A security or damage deposit may be required based on production activity.

Depending upon the extent of the use of City property, the producer agrees to reimburse the City for inconveniences when using public property. Following is the rate schedule:

- | | | |
|----|---|-----------|
| A. | Total or partial use (regular operating hours) per day of a public building: | \$500/day |
|----|---|-----------|

- B. Total or partial use of a public building (after hours): \$250/day
- C. Total closure of public street or right-of-way (including parking lots and on-street parking): \$150/hour per block
- D. Partial closure or obstruction of public street or right-of-way (including parking lots and on-street parking): \$ 75/hour per block

The applicant agrees that The City of Marfa shall have full control over the use of the name, trademark and logo, public streets and buildings of the City while being used, 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 and/or shooting if determined to be hazardous to the public health, safety or welfare.

VII. SPECIAL EQUIPMENT AND VEHICLES

The applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming including their proposed hours of use and their proposed parking locations. Such locations will need to be specifically approved by the City in order to maintain traffic safety. 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.

VIII. HOURS OF FILMING

Unless permission has been obtained from the City in advance and affected property owners are notified, filming will be limited to the following hours: Monday thru Friday 7:00 a.m. to 9:00 p.m. and Saturday, Sunday and holidays 8:00 a.m. to 8:00 p.m.

IX. PAYMENTS TO BUSINESS OWNERS, NON-PROFITS, LANDOWNERS, AND THIRD-PARTY CONTRACTORS

As a condition of a Film Permit, the applicant agrees to negotiate and pay upon presentation all applicable fees (location, inconvenience, copyright and trademark) with all affected business owners, non-profits, landowners, and third-party contractors.

X. NOTIFICATION OF NEIGHBORS

The applicant shall provide a short written description, approved by the City Manager, of the schedule for the proposed production to the owners and residents of each property in the affected neighborhood (as defined by boundaries set by the City Manager). The applicant, or their designee, shall talk with owners and residents of all such property and submit as part of this application a report noting any owner or resident's reaction along with the address and phone numbers of all such property owners and residents and their signatures.

XI. CERTIFICATE OF INSURANCE

The producer shall attach a certificate of insurance which complies with the following:

- A. names The City of Marfa as an additional insured with a waiver of subrogation;
- B. General Liability insurance in an amount not less than \$1,000,000, including bodily injury and property damage;
- C. Umbrella coverage policy of no less than \$1,000,000 and no more than \$5,000,000, to be determined by the City Manager depending on the scope of the production; and
- D. (if applicable) automobile liability coverage in an amount not less than \$1,000,000, including bodily injury and property damage.

XII. HOLD HARMLESS AGREEMENT

The producer 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 Marfa, and that I and my firm will indemnify and hold harmless The City of Marfa for and from any loss, damage, expense, claims and costs of every nature and kind arising out of or in connection with the filming/taping pursuant to this permit.

Signed: _____

Title: _____

Company: _____

Date: _____

XII. LIABILITY

The applicant agrees to pay in full, promptly upon 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 condition prior to the production.

City of Marfa
Application for Commercial Filming

Title of commercial/film/photo shoot:

Type of production: Commercial _____
Television _____
Public Service _____

Feature Film _____
Photography _____
Other _____

Location(s) of filming: _____

Date(s) of filming: _____

CONTACTS:

Production Office

Name: _____

Address: _____

Phone: _____ Email: _____

Producer

Name: _____

Address: _____

Phone: _____ Email: _____

Location Manager

Name: _____

Address: _____

Phone: _____ Email: _____

COVID-19 Safety Officer:

Name: _____

Address: _____

Phone: _____ Email: _____

Texas Film Commission Representative:

Name: _____

Address: _____

Phone: _____ Email: _____

PRODUCTION (Attach additional sheets if necessary.)

1. On a separate sheet, please specify your production schedule and activities to include 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. Number of persons involved with the production, including cast and crew:
3. Number of local extras required:
4. Will street closure or rerouting of traffic be required for the shoot? If so, please specify dates, locations, and times:
5. Anticipated need of City personnel, equipment or property (police, fire, EMS, buildings, etc):
6. Describe any areas in which public access will be restricted during production (please specify street names and/or applicable businesses and addresses):
7. Describe alterations to property, if any, required for the shoot:
8. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

9. Location where crew will be fed, if not at production location:

10. Location where extras will be held, if not at production location:

11. Have all fees (location, inconvenience, copyright and trademark etc.) been negotiated with private businesses/landowners/non-profits for the use of their property?

Business/Landowner #1:

Name: _____
Address: _____
Phone: _____ Email: _____

Business/Landowner #2:

Name: _____
Address: _____
Phone: _____ Email: _____

Business/Landowner #3:

Name: _____
Address: _____
Phone: _____ Email: _____

Please add more sheets if there are more shooting locations/landowners/business owners involved.

12. Have neighbors who will be affected by the production been given the Notification to Neighbors form? Please attach all applicable forms to this application.

Application completed by:

Name & Title: _____ Date: _____

Approved by: _____ Date: _____ *The*

"Guidelines for Filming in the City of Marfa, Texas" apply to all filming activities, and the Office of the City Manager may require the applicant to acknowledge receipt of the Guidelines prior to approving this application.