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**ARTICLE III. - FILMING** [18]

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**Sec. 7-101. - Definitions.**

For the purposes of this article, the following terms, phrases, words and derivations shall have the 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.

*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 entertainment motion pictures, industrial motion pictures, television commercials, or print media. Filming shall include the erection and dismantling of the equipment associated therewith.

*Manager* shall mean the Village Manager or authorized designee.

*Permit* shall mean a permit issued by the Village in accordance with the terms of this article.

*Person* shall mean any individual, partnership, firm, corporation, association or other entity.

*Village* shall mean the Village of Key Biscayne.

(Ord. No. 94-8, § 1(1), 11-15-94)

*Cross reference—* Definitions and rules of construction generally, § 1-2.

**Sec. 7-102. - Applicability.**

This article shall apply to all the lands within the Village's jurisdiction whether public or private.

(Ord. No. 94-8, § 1(2), 11-15-94)

**Sec. 7-103. - Permits.**

- (a) *Permit required.* No Person shall Film within the Village without first applying for and obtaining a Permit from the Manager. All Permits shall be conspicuously displayed at the Filming location.
- (b) *Permit application.* Applications for a Permit shall:
- (1) Be on the form provided for by the Village;
  - (2) Identify the applicant;
  - (3) Identify the location(s) where Filming is going to be conducted. If applicant is the owner of the property where Filming is going to be conducted, the Village shall require proof of ownership, such as the deed, or if applicant is not the owner, then the Village shall require the owner's sworn consent to the Filming and proof of ownership.
  - (4) Shall require that applicant provide evidence of public liability insurance in the minimum amount of \$1,000,000.00 or as otherwise established by the Village. All insurance policies shall name the Village as additional insured.
  - (5) Shall include a parking plan for automobiles, trucks and other vehicles connected with the Filming.  
Shall include a site plan for the location(s) where Filming is conducted.

- (6) Shall require that applicant post a \$5,000.00 cash bond to be held by the Village to be used, if necessary, to repair damage to public property caused by the Filming.
  - (7) *Limitations on permits.* Permits issued by the Village shall be subject to the following:
    - (c) Permits 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.
      - (1) No Filming shall be permitted from 11:00 p.m. to 7:00 a.m.
      - (2) Other limitations as specified by the Manager depending on the location and type of Filming such as, and by way of example, requiring an off-duty police officer to be present during Filming.
    - (d) *Limitation on location.* No Filming shall be conducted from a given permitted location more than four times during a 12-month period. 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 \$100.00 shall be due and payable at the time of Permit application. Permit fees shall be doubled for all Filming which is done without first obtaining a Permit.
- (Ord. No. 94-8, § 1(3), 11-15-94)

#### **Sec. 7-104. - Notice to owners.**

Forty-eight 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 owners shall include but not be limited to the location, date, hours and subject matter of the Filming.

(Ord. No. 94-8, § 1(4), 11-15-94)

#### **Sec. 7-105. - Permit criteria.**

A Filming Permit shall be granted unless the Manager 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.

(Ord. No. 94-8, § 1(5), 11-15-94)

#### **Sec. 7-106. - Penalties.**

Any Person who violates the provisions of this article shall be subject to a \$500.00 fine and revocation of the Permit.

(Ord. No. 94-8, § 1(6), 11-15-94)

#### **Sec. 7-107. - Exemptions.**

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

- (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. This exception shall not apply to simulations or re-enactments orchestrated by print or electronic news media.
- (3) Indoor motion picture studios.
- (4) Governmental agencies or instrumentalities including, but not limited to, a news service created or established by the United States Information Agency, provided that notification is received by the Village prior to filming.

(Ord. No. 94-8, § 1(7), 11-15-94; Ord. No. 95-7, § 1, 6-13-95)

#### **Sec. 7-108. - Variances.**

Upon application to the Manager, variances may be granted from the terms of this article, provided that:

- (1) Signatures indicating consent have been obtained from all of the owners of property located within 300 feet of the Filming location; and
- (2) A finding is made by the Manager that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- (3) The Filming proposed to be done as a result of the variance will be conducted in accordance with all standards in this article other than those for which a variance is being granted.

(Ord. No. 94-8, § 1(8), 11-15-94)

#### **Sec. 7-109. - Appeals.**

Any Person aggrieved by the terms of a Permit issued by the Manager, by the decision not to issue a Permit, by the revocation of a Permit, or by the denial of a variance may, within ten days of the decision, appeal to the Village Council whose decision shall be final.

*(Ord. No. 94-8, § 1(9), 11-15-94)*

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FOOTNOTE(S):

<sup>(18)</sup> **Editor's note**— *Ord. No. 94-8, adopted Nov. 15, 1994, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. III, §§ 7-101—7-109. [\(Back\)](#)*