MARFA TEXAS FILM PERMIT

RESOLUTION NO 09-;4

RESOLUTION AUTHORIZING ADOPTION OF GUIDELINES TO BECOME
A TEXAS FILM FRIENDLY COMMUNITY.

WHEREAS, the Marfa City Council fully supports becoming a Texas Film Friendly
Community; and

WHEREAS, the purpose of the Film Commission’s new Film Friendly Texas program
is to provide information to communities on how to effectively handle on-location
filming, for film projects large and small; and

WHEREAS, on-location filming is good business for a community, and for Texas
overall; and

WHEREAS, production of a film/generates revenue from incurred expenses, anywhere
from lumber to groceries to gas to hotel rooms to furniture rentals; and

WHEREAS, adoption of the guidelines to become a Texas Film Friendly Community
will create additional revenues to the City’s General Fund through sales taxes and
encourage tourism to Marfa to see where movies are filmed.

NOW THEREFORE, BE IT RESOLVED by the Marfa City Council that·~

Marfa, Texas wishes to be enrolled as a Texas Film Friendly Community with the
Texas Governor’s Office, adopts the attached Guidelines for Filming in the City,
and that the City Administrator has the authority to complete the proper
certification from the Texas Film Commission to participate in this program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MARFA, TEXAS ON THIS THE atll DAY OF DECEMBER, 2009.

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Daniel P. Dunlap, Mayor



Guidelines for Filming in City of Marfa, Texas

I. Purpose

II. City Control/City Administrator Authority
III. Permit Requirements and Fees

IV. Fees

V. Use of City Equipment and Personnel
VI. Use of City Property

VII. Special Equipment and Vehicles
VIII. Hours of Filming

IX. Notification of Neighbors
X. Certificate of Insurance

XI. Hold Harmless Agreement
XII. Liability

Guidelines for Filming in Marfa, Texas

I. PURPOSE

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

These guidelines cover requests *tor* commercial use of City-owned property (streets, right-ot-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.

II. CITY CONTROUCITY ADMINISTRATOR AUTHORITY

The City Administrator 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 Administrator 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, Texas 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 if determined to be detrimental to the public health, safety and welfare.

The applicant shall agree to allow the respective City departments to inspect all structures and/or devices
and equipment to be used in connection with the filming and taping if required by the City Administrator.

III. PERMIT REQUIREMENTS

Before filing an application for filming in Marfa, Texas, the Office of the City Administrator must be
contacted to discuss the production’s specific filming requirements and the feasibility of filming in Marfa,
TX.

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

* Commercials or episodic television a minimum of 2 business days prior to the commencement
of filming or any substantial activity related to the project.
* Feature films a minimum of 5 business days prior to the commencement of filming or any
substantial activity related to the project.

IV. FEES

An application processing fee of $25.00 should accompany each application for filming in Marfa, Texas.

The City Administrator may waive this fee tor non-profit organizations.

V. USE OF CITY EQUIPMENT AND PERSONNEL

The applicant will agree to pay for the costs of any City personnel assigned to the project (whether
specifically requested by the producer or not). Remuneration rates for the use of any City 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 administrator may require a deposit for proposed use of the
equipment in advance.

The City Administrator has the authority to require additional law enforcement or fire coverage if it is
determined to be in the best interest fo’r public safety. Off-duty officers or firefighters are to be paid one
and one-half their hourly rate based on their rank.

VI. USE OF CITY PROPERTY

The City Administrator may authorize the use of any street, right-of-way, or public building, use of Marfa,
Texas 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 Administrator 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:

1. Total or disruptive use (regular operating hours)
per day of a public building:

B. Partial non-disruptive use of a public building:

1. Total closure of public street or right-of-way
(including parking lots and on-street parking):
2. Partial closure or obstruction of public street
or right-of-way (including parking lots and
on-street parking):

$500

$250 per day

$50 per day

$25 per day

The applicant agrees that The City of Marfa, Texas 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 if determined to be hazardous to the public
health, safety and 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 so as 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. NOTIFICATION OF NEIGHBORS

The applicant shall provide a short written description, approved by the City Administrator, 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 Administrator). The applicant, or his 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.

X. CERTIFICATE OF INSURANCE

The producer shall attach a certificate of insurance, naming The City of Marfa, Texas as an additional
insured, in an amount not less than $1,000,000 general liability, including bodily injury and property

damage with a $5 million umbrella; and automobile liability (if applicable) in an amount not less than
$1,000,000 including bodily injury and property damage.

**XI. 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-ot-way, or equipment in conjunction with
the permitted use:

*I certify that I represent the firm that 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, Texas, and that I and* my *firm will indemnify and hold
harmless The City of Marfa,* Texas *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: \_

 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.

**THE CITY OF MARFA, TEXAS**

**Application for Commercial Filming**

Title of commercial / film/photo shoot \_

Type of production:

Commercial
Television \_
Public service

Feature Film
Training film \_\_

Other \_

 Location of filming: \_

 Date(s) of filming: \_

**CONTACTS**Production Office:

 name: \_

 address:

 phone: fax: \_

Production~

 name: \_

 address:

 phone: fax: \_

Location Manager:

 name: \_

 address:

 phone: fax: \_

 Texas Film Commission representative: \_

**PRODUCTION** *(Attach additional* sheets *if necessary.)*

1. 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. Ameliorated need of City personnel, equipment or property:

4. Describe any areas in which public access will be restricted during production:

5. Describe alterations to property:

6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:

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

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

**Application completed by:**

 Name/Title: Date: \_

 Approved by: Date: \_

*The “Guidelines for Filming in Marfa, Texas” apply to all filming activities, and the Office of the City
Administrator may require the applicant to acknowledge receipt of the guidelines prior to approving
this application.*