

CHAPTER 5.36: FILM, VIDEO AND PHOTO PRODUCTION PERMIT POLICY

§ 5.36.010 PURPOSE.

The County of McHenry is committed to promote activities within the County, such as film, video and photo production, to accomplish economic development goals. Although we recognize the potential benefit of commercial filming activities in our County, the potential disruption to businesses and citizens of the community is of primary concern. Therefore, all commercial filming activities occurring within the County of McHenry, requiring public services, and/or impacting neighboring properties, must be approved by permit. Final approval of filming activities will be based on the potential disruption to businesses, public services, and citizens of the community resulting from the proposed filming activities.

§ 5.36.020 DEFINITIONS.

FILM PRODUCTION PERMIT. A permit issued in accordance with the procedures and provisions in this chapter.

FILMING ACTIVITIES. All activity attendant to staging or shooting commercial motion pictures, television shows or programs, commercials, digital media, still photography and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format

NEWS MEDIA: The photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcasts ("breaking news") or reporting for print media by reporters, photographers or camerapersons.

STUDIO: A fixed place of business certified as such by a local fire authority having jurisdiction where filming activities (motion or still photography) are regularly conducted upon the premises.

COUNTY ADMINISTRATOR. The Administrator of the County of McHenry, Illinois, or his/her designee.

§ 5.36.030 PERMITS AND EXEMPTIONS.

Permit required: No person shall use any public or private property for the purpose of taking motion pictures, television, digital media or commercial still photography without first applying for and receiving a permit from the Office of the County Administrator.

Exemptions:

1. The County of McHenry
2. News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons in the employ of a newspaper, news service, or similar entity engaged in creating supplemental "B-roll" footage or on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
3. Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
4. Studio Filming: Filming activities (motion or still photography) conducted at a studio.

§ 5.36.040 PERMIT STRUCTURE AND FEES.

Film, video and photo production activities in the County of McHenry ("County") are classified on three different levels. They are:

LEVEL 1 – Filming activities that do not require access to County property or provision of public services of any kind. These activities would normally take place on private property and should cause no disruptions, including noise disruptions, to other property owners or businesses and no changes in traffic flow or parking.

Permit Fee Requirement: None

LEVEL 2 – Filming activities that require access to County owned properties, County owned equipment on standby, public right-of-way, the direct involvement of any public resources and/or agencies, and/or impact on surrounding properties, such as private property, with regards to lights, sound, access, or disruption of peaceful enjoyment. Activities on this level would normally include one or more of the following elements: street closings or changes in normal traffic patterns, parking requirements or restrictions, disruptions to business, private property owner or resident, multiple locations or advance location "setup".

Fee Requirement: A location fee of \$300 per day/per location is required for the use of County property plus the cost of services provided and/or facility rental.

LEVEL 3 – Filming activities that include any elements of Level 2 but are of a scale or magnitude that will cause major disruptions to the community and its businesses for

extended lengths of time. Production activities on this level need to meet all of the Level 2 requirements plus McHenry County Board approval.

Fee Requirement: A location fee of \$500 per day/per location is required for the use of County property plus the cost of services provided and/or facility rental.

§ 5.36.050 GENERAL RESTRICTIONS.

No production activities shall be conducted before the hour of seven o'clock (7:00) AM or after the hour of ten o'clock (10:00) PM, Monday through Saturday, or between the hours of ten o'clock (10:00) AM or after the hour of five o'clock (5:00) PM on Sundays, if such operations by their nature will alarm or disturb another or create a disturbance of the peace. Special permission may be granted for film activities after ten o'clock (10:00) PM and before seven o'clock (7:00) AM if prior approval is received from a majority of affected business owners and/or residents. Approvals for extended hours may only be granted by the County Administrator, in advance, on a case-by-case basis.

§ 5.36.060 NOTIFICATION OF NEIGHBORS.

Once the application for permit has been approved by the Office of the County Administrator, the applicant must notify all owners of record and occupants of all property situated within a ¼ mile in each direction measured from the property lines of each separate film production location of the proposed film production within 24 hours of approval. The notice must be either delivered personally or via flyer. The notice shall contain a written description of the proposed film production, including the proposed production schedule, the film production location(s), the type of film production activities, and film production equipment the applicant proposes to use.

§ 5.36.070 INSURANCE REQUIREMENTS.

The permit applicant shall take out and maintain during the life of this permit the following insurance, as specified by the insertion of policy limits. The permit application must be accompanied by a certificate of insurance, issued by a company acceptable to the County of McHenry and authorized to do business in the State of Illinois. The Owners Protection Liability Insurance (if indicated) can be substituted by naming the County of McHenry as an additional assured under the Comprehensive General Liability Insurance, with provisions acceptable to the County.

1. WORKERS' COMPENSATION:

Coverage A – Statutory

2. COMPREHENSIVE GENERAL LIABILITY:

Bodily Injury:	Each Person -	\$1,000,000
	Each Occurrence -	\$3,000,000
Property Damage:	Each Person -	\$1,000,000

3. AUTOMOBILE LIABILITY:

Bodily Injury:	Each Person -	\$1,000,000
	Each Occurrence -	\$3,000,000
Property Damage:	Each Person -	\$1,000,000
	In Aggregate -	\$5,000,000

4. OWNER PROTECTIVE LIABILITY: (with County names insured)

Bodily Injury:	Each Person -	\$1,000,000
	Each Occurrence -	\$3,000,000
Property Damage:	Each Person -	\$1,000,000
	In Aggregate -	\$5,000,000

§ 5.36.080 PERMIT PROCESS.

The process for securing a permit for film, video or photo production activities in the County of McHenry begins with the Office of the County Administrator.

After the **Permit Application** is complete it must be submitted to the Office of the County Administrator for review. During the review process the County Administrator will determine what additional departmental approvals, notifications, or cost estimates are required. These requirements will be listed on the **Special Requirements Check List**. The County Administrator will make the initial determination as to what level of permit is required and issue the proper application. This determination is subject to change based on the County Administrator's assessment of the actual scope of filming and impact on public resources and the community. The applicant must then meet with all listed departments, agencies or organizations for project review or cost estimates.

Applicant must also provide proof of insurance, fill out and sign the hold harmless agreement and, if required, provide copies of release forms or contracts with private property owners.

All required location fees, deposits or bonds are due on or before the day of issuance of the permit. THERE ARE NO EXCEPTIONS. All other fees and service charges are due upon invoice from the respective departments.

After approval by the various departments, provision of required documents, and final approval by the County Administrator, applicant will be given a copy of the permit and copy will be sent to each department. If the permit sought is a Level 3 permit, McHenry County Board approval is required.

§ 5.36.090 APPEALS PROCESS.

A. Appeal Process. An applicant may appeal a decision of the County Administrator to the Planning, Environment & Development Committee. Said appeal shall be made in writing within ten (10) calendar days from the date of receipt of the decision. The protestor shall be notified of the time and date when the appeal shall be considered and afforded a reasonable opportunity to state its position. Any party whose interests may be adversely affected by a protest or appeal shall also be notified and have the right to appear for the purpose of protecting those interests.

B. Decision. The Planning, Environment & Development Committee shall hear the appeal at a regularly scheduled committee meeting and shall promptly issue a decision. The decision of the Planning, Environment & Development Committee shall be final and conclusive.