

COMMERCIAL FILMING DISCUSSION

The following is provided as a preliminary framework to guide further discussion and review by the Town. This draft is intended as a springboard for refinement, including potential revisions to structure, definitions, permitting requirements, fees, enforcement mechanisms, and related cross-references within the Town Code.

Chapter 1 Art III – Definitions

COMMERCIAL FILMING

The recording, videotaping, or livestreaming of content for compensation, monetary gain, advertising, promotion, broadcast, publication, sale, or other commercial purpose, including but not limited to motion pictures, television programs, documentaries, music videos, commercials, corporate videos, and video content created for monetized digital or social media platforms. The term shall not include casual photography or videography for personal, noncommercial use, or photography or videography conducted in connection with private events, celebrations, reunions, or ceremonies, provided such activities do not materially interfere with public access, traffic, or public safety. The term shall not include the gathering and dissemination of news by bona fide members of the press.

Consideration: Should verbiage be added to ensure in-town businesses may film promotional material without a permit?

Chapter 93 – Fees

Add § 93-6.2 Commercial Filming

- A. Non-refundable application fee: \$100
- B. Filming Fees
 - 1) Up to five (5) cast, crew and/or support staff: \$150/day
 - 2) Six (6) to fifteen (15) cast, crew and/or support staff: \$300/day
 - 3) Sixteen (16) to fifty (50) cast, crew and/or support staff: \$600/day
 - 4) Fifty-one (51) to one hundred (100) cast, crew and/or support staff: \$1200/day
 - 5) Over one hundred (100) cast, crew and/or support staff: \$1800/day

Part II General Legislation

Add Chapter 83 Commercial Filming

§ 83-1 Permit Required.

No person, firm, corporation, partnership, association, or other entity shall engage in commercial filming within the Town of Dewey Beach without first submitting an application to the Town and obtaining a commercial filming permit approved by the Town Manager or the Town Manager's designee. The Town Manager or the Town Manager's designee may impose reasonable conditions on any permit to protect the public health, safety, and welfare, minimize disruptions to traffic and pedestrian circulation, and ensure the orderly use of public property.

§ 83-2 Application

Applications for commercial filming permits shall be submitted on forms prescribed by the Town and shall contain such information as the Town Manager or the Town Manager's designee deems necessary to evaluate the proposed activity and its potential impact upon public safety, traffic, parking, municipal services, and the use and enjoyment of public property by residents and visitors. Depending upon the location, timing, and scope of the proposed filming activity, the Town Manager or the Town Manager's designee may require review and approval by the Police Department and/or the Beach Patrol Captain, who may impose reasonable operational requirements and conditions necessary to protect public safety and ensure the orderly use of public property.

§ 83-3 Insurance required

As a condition of the issuance of a commercial filming permit, the applicant shall procure and maintain commercial general liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, personal injury, and property damage arising out of or in connection with the permitted activity. Such insurance shall name the Town of Dewey Beach, its elected and appointed officials, officers, employees, agents, and volunteers as additional insureds and shall be evidenced by a certificate of insurance in a form acceptable to the Town. The Town Manager or the Town Manager's designee may require higher limits of coverage when warranted by the nature, scope, or location of the proposed filming activity.

§ 83-4 Business license required

No person, firm, corporation, partnership, association, or other entity shall engage in commercial filming within the Town without first obtaining and maintaining a valid business license as required by Chapter 117 of the Town Code. Issuance of a commercial filming permit shall not relieve any person or entity from compliance with the requirements of Chapter 117, and no commercial filming permit shall be issued unless the applicant has demonstrated compliance with the business licensing requirements set forth therein.

Failure to maintain a valid business license during the term of the permit shall constitute grounds for suspension or revocation of the commercial filming permit.

§ 83-5 Fees

Fees for commercial filming permits shall be as provided in Chapter 93 of the Town Code. In addition, if, upon review of the application, the Chief of Police determines that the presence of one or more police officers is necessary to protect public safety, maintain traffic control, or otherwise facilitate the proposed filming activity, the applicant shall be responsible for all costs associated with such police presence, including any overtime or related expenses

§ 83-6 Violations and penalties

Any person, firm, corporation, partnership, association, or other entity that violates any provision of this section, including but not limited to engaging in commercial filming without an approved permit, shall be subject to a civil penalty in the amount of [INSERT FINE AMOUNT] per violation. Each day that a violation continues shall constitute a separate and distinct violation. The imposition of a penalty under this section shall not preclude the Town from seeking any other remedies available at law or in equity, including but not limited to injunctive relief.