



Newton County is a Camera Ready Community and we welcome the opportunity to work with production companies. The County has numerous locations that will efficiently accommodate on-location filming.

Contact LaTonja Threets- Hamp
Newton County Film Coordinator
LHamp@co.newton.ga.us
678-625-1225 (office)

Along with this information sheet you will find the documentation pertaining to the requirements for filming in Newton County.

1. Newton County Film Ordinance Section 32-204 Motion picture, television and photographic productions
2. Newton County Film and Television Production Permit Application
3. Indemnification & Hold Harmless

Please review the ordinance as it will give you information regarding our requirements, regulations, and fee schedules. Complete the permit application and the Indemnification & Hold Harmless Agreement. Return to me along with the permit fee of \$50.00 to begin the application process.

Section 32-204 Motion picture, television and photographic productions

A. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

Applicant shall mean the individual, organization, corporation, or any other entity that is ultimately responsible for the filming that is the subject of a permit application.

County shall mean Newton County.

Motion picture, television and photographic production shall mean all activity attendant to staging or shooting (videotaping or filming) commercial motion pictures, television shows, programs or commercials, and to the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or the public right-of-way in any one location for longer than five (5) consecutive minutes.

Newton County Film Coordinator or Coordinator shall mean the employee designated by the Board of Commissioners to work with and be the County's point of contact with media productions, and to assist in coordinating the permitting or authorization process for the County.

B. Notification and Permit or Authorization Required.

- I. No person shall use any public right-of-way, or any public property or facility for the purpose of producing, taking or making any commercial motion picture, television or photographic production as defined in Section A without notification to the County and a permit issued pursuant to the provisions of this chapter.
2. No person shall use any private property, facility or residence for the purpose of producing, taking or making any commercial motion picture, television or photographic production as defined in Section A without notification to the County and authorization issued pursuant to the provisions of this chapter.

C. Exemptions.

The provisions of this chapter shall not apply to the following:

- I. Current news productions, which includes reporter, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of a news event.
2. Productions which are conducted by Newton County and the municipalities in Newton County, the Newton County Board of Education, or other governmental agencies as approved by the Board of Commissioners.

3. Productions which are conducted within legally established commercial motion picture/television/still photography studios.
4. Student filming. (Current Student ID and School Letterhead required signed by Instructor)

D. Application.

Any person desiring a permit or authorization under the provisions of this chapter shall make application on forms provided by the Newton County Film Coordinator at least ten (10) working days prior to any filming activity taking place. The form must be signed and accompanied by all required fees, deposits, hold harmless agreements and insurance certificates required by this chapter before it will be processed. If the application satisfies the criteria of this chapter, the permit or authorization shall be issued within ten (10) working days of submittal.

Any person seeking to apply for a permit or authorizations under the provisions of this chapter may submit a completed application to the Coordinator fewer than ten (10) working days prior to any filming activity, provided that such application shall be accompanied with an additional \$500 rush fee, which shall be nonrefundable. No application may be submitted to the Coordinator later than one full business day in advance of the effective date of the requested permit. The Coordinator may refuse to accept an application submitted fewer than ten (10) working days prior to any filming activity and may deny an application accepted for processing that was submitted fewer than ten (10) working days prior to any filming activity when, in the reasonable discretion of the Coordinator, the processing of the application is not feasible.

At a minimum, Applicant shall provide the following information:

- I. Applicant's contact information, including the name and phone number for a 24-hour contact person.
2. Project information including the filming locations, dates and time.
3. Description of proposed parking arrangements for vehicles and equipment.
4. Description of the type of sound equipment to be used and the timing of the use of amplified sound.
5. Information on any special effects to be used. A fire watch may be required of the Newton County Fire Service. See Section J(9) below.
6. Details of planned lane or road closures, including required detours and traffic control plans. Emergency vehicle access shall be maintained at all times. Road closures require on-duty POST certified law enforcement officers on site as determined and directed by the Newton County Sheriff's Office, at the production company's expense.

7. Applicant's security plan. If necessary to address public safety considerations, Applicant may be required to hire off-duty POST certified law enforcement officers as determined and directed by the Newton County Sheriff's Office. See Section J (1 I) below.

E. Fees.

Each application shall be accompanied by fees in accordance with the fee schedule as identified in Section N below. Except as set forth below, all fees shall be nonrefundable.

F. Issuance of permit or authorization; conditions.

The Newton County Film Coordinator, or designee, shall issue a permit or authorization as provided for in this chapter when, from a consideration of the application, and from such other information as may be otherwise obtained, the Coordinator, after consultation with the Newton County Sheriff's Office, the Newton County Fire Service, public works department, and building and grounds department, finds that:

1. The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time; and
2. The conduct of such activity will not unduly interfere with normal governmental or County operations, threaten to result in damage or detriment to public property, or result in the County incurring costs or expenditures in either money or personnel not reimbursed in advance by Applicant; and
3. The conduct of such activity will not constitute a fire hazard or any other type of hazard and all safety precautions will be taken as determined by the heads of the aforementioned departments or their designees.

Notwithstanding the above, the Coordinator may deny an application if:

1. The Applicant production company owes an outstanding debt to the County; or
2. The Applicant production company previously caused significant damage to County property and failed to adequately repair the damage or reimburse the County for repair or restoration; or
3. The Applicant previously violated a Newton County ordinance or other applicable federal or state law in connection with filming activity in Newton County.

The decision of the Coordinator to issue, conditionally issue, or deny a permit or authorization shall be final unless appealed in writing within five (5) working days of the decision to the Chairman of the Board of Commissioners. The Chairman will render a decision to issue,

conditionally issue or uphold the denial of a permit or authorization within two (2) days of the appeal. The decision of the Chairman will be final.

When more than one permit application is received for filming at the same location at the same time, and the Coordinator reasonably determines both productions cannot occur, the first complete application that is received by the County shall receive priority as to the requested location and time. The Coordinator shall make reasonable efforts to accommodate any other applications to identify alternative suitable filming locations and times. Any fees paid by an unsuccessful applicant due to the unavailability of a requested filming location shall be fully refundable, notwithstanding any provision in this ordinance to the contrary.

G. Cost of additional services.

If deemed necessary, additional law enforcement, code enforcement, fire, and other County services shall be required for the purpose of protecting, assisting and regulating the proposed activity. The reasonable cost of providing such additional services shall be paid in advance to the County by Applicant.

H. Insurance.

Applicant agrees to maintain the following insurance for any permit to film on County property, utilize County right-of-way, or utilize County vehicles or equipment:

<u>Coverage</u>	<u>Limit</u>
I. Worker's Compensation	
Statutory Benefits (Coverage A)	Statutory
Employers Liability (Coverage B)	\$500,000 Each Accident
	\$500,000 Disease/Employee
	\$500,000 Disease/Policy
2. Automobile Liability	
Owned Vehicles	\$1,000,000
Non-owned Vehicles	\$1,000,000
Hired Vehicles	\$1,000,000
3. Commercial General Liability	
Aggregate Limit	\$2,000,000
Each Occurrence Limit	\$1,000,000
Products / Completed Operations	\$1,000,000
Personal/ Advertising Injury	\$1,000,000
Damage to Rented Premises	\$ 100 , 000

Medical Payments

\$5,000

All insurance shall be provided by an insurer(s) acceptable to the County, and shall name Newton County as an additional insured on the general liability, auto liability. Applicant shall include a certificate or policy of insurance evidencing compliance with these requirements.

I. Hold Harmless Agreement.

Applicant shall execute an indemnification and hold harmless agreement as provided by the County prior to the issuance of any permit.

J. Conditions; restrictions.

- I. Applicant shall maintain a copy of the permit or authorization on-site at all times.
2. Applicant shall comply with any and all conditions or restrictions the County may impose as a condition to issuing a permit or authorization. No changes in conditions or restrictions shall be made without first obtaining written approval of the Newton County Film Coordinator, which approval shall not be unreasonably withheld.
3. Applicant shall have nonexclusive use of County facilities unless otherwise granted in writing.
4. Newton County and its agents are not responsible for disturbances caused during film activities.
5. Filming in residential areas.
 - a. Filming shall be conducted between the hours of 7:00 a.m. and midnight. All set up, filming and take down shall occur during these hours unless all residents within 200 linear feet of the filming location are notified and compensated by Applicant at a rate of \$50 per each day of film activity. No exceptional activities such as pyrotechnics or explosions shall be conducted between midnight and 7:00 a.m.
 - b. Impacted residents shall be notified in writing at least three (3) days in advance of filming of any road closures and shall be compensated by Applicant at a rate of \$100 per day for their inconvenience. Such notification shall include information regarding the relevant filming location, as well as the use of any special effects.
6. Filming in business areas.
 - a. Impacted businesses shall be notified in writing at least three (3) days in advance of any filming that may impede customer access to such businesses. If customer access to a business is directly impeded during business hours, the business owner shall be

compensated by Applicant at a rate of \$200 per day for filming activity, including set up, filming and take down.

- b. If a business is otherwise affected by the filming, compensation will be decided between the filming company and the business owner.

7. Permits are not transferable.

8. Permit Modifications.

- a. All filming activity shall be confined to the locations, times, and conditions specified in permit.
- b. Any Applicant seeking to modify a previously issued permit shall submit such request to the Coordinator in writing no later than one full business day in advance of the effective date of a permit.
- c. There shall be no additional application fee associated with modifying a permit when, in the reasonable discretion of the Coordinator, the requested modification is not material. For the purposes of this ordinance, a "material" change means that the processing of the requested change will result in the expenditure of County staff time or services that is more than *de minimus*.
- d. Where an Applicant requests a material modification to a filming permit at least three (3) days in advance of the effective date of such permit, there shall be no additional application fee for the processing of such modification.
- e. Where an Applicant requests a material modification to a filming permit fewer than three (3) days in advance of the effective date of such permit, the Applicant must pay a \$500 rush fee for the processing of such modification.
- f. Where an Applicant notifies the County at least three (3) days in advance of the effective date of a permit of a modification or cancellation resulting in the decrease or elimination of fees for filming in a Newton County facility, the Applicant shall be entitled to a refund of fifty percent (50%) of the relevant facility fee.
- g. Any request to modify a permit that results in additional fees shall be accompanied by payment for any applicable fees at the time of the submission of the request.

9. Special Effects, Fire, Explosives, and Similar Devices.

- a. No filming involving the use of fire, explosives, pyrotechnics, smoke machines, or other similar special effects may be permitted unless specifically approved by the Newton County Fire Service. If, in the reasonable discretion of the Newton County Fire Service, a fire watch is required, Applicant shall be responsible for paying fees for the supervision of any film activity involving fire, explosives, pyrotechnics, smoke machines, or other similar special effects by a Newton County firefighter.

I 0. Applicant shall not remove, cut, trim, or otherwise alter the vegetation on Newton County land in connection with any filming activity unless specifically authorized in writing.

I. Security.

- a. Applicant's security plan is subject to approval by the Newton County Sheriff's Office. If necessary to address public safety considerations or the security of County facilities, Applicant may be required to hire off-duty POST certified law enforcement officers as determined and directed by the Newton County Sheriff's Office.

12. In advance of the issuance of any permit, the Coordinator may schedule a meeting with the Applicant and any applicable Newton County Department Heads, or in the absence of any Department Head, his or her designee. Participation may be in person or via teleconference. Such meeting shall occur to coordinate the approval of any filming activity and to determine any additional requirements necessary for the approval of the permit application. The County reserves the right to require any additional reasonable requirements identified by the Coordinator or any Newton County Department Heads, or in the absence of any Department Heads, his or her designee, to address concerns regarding filming activities.

K. Cleanup/restoration.

- I. For filming on County owned property, Applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area and the cleanup of trash and debris. The areas used shall be cleaned of trash and debris to County's satisfaction within two (2) hours of the completion of the activity or within such other time established in the permit. Applicant shall be responsible for restoring any area damaged or disrupted before leaving the site, reasonable wear and tear excepted. If, after notice and a reasonable opportunity to provide repairs, the site is not repaired or restored to the County's reasonable satisfaction, the County shall have the necessary restoration and/or repairs performed and shall bill Applicant for any reasonable costs incurred by the County. Applicant shall reimburse County for the reasonable cost of such work within thirty (30) days of receipt of the invoice.

2. Applicant shall be responsible for repairing damage to any public right-of-way to the satisfaction of the County, as determined in the County's reasonable discretion.

L. Upon issuance of a permit to an Applicant, the County grants to Applicant the following rights with respect to the filming location ("Premises") specified in the permit application:

- I. To enter and remain upon the Premises with personnel, equipment and sets for the sole and express purpose of recording and photographing (still or moving) scenes live or on tape, film or by any other process on the Premises during the term specified in the permit.
2. To photograph (still or moving) and record the exterior and interior of buildings, ("Buildings") and other structures ("Structures"), including, but not limited to, signs, furniture, and pictures contained in or on such Buildings and/or Structures, which are on the Premises and to photograph (still or moving) and record any animals on the Premises.

3. To change the location of and/or replace furnishings in Buildings located on the Premises for the purpose of photographing (still or moving) and recording scenes pursuant; provided however, that Production Company shall return and put back all such furnishings to their rightful place prior to vacating the Premises.
 4. To use the name of the Premises and/or the name of any Buildings or Structures located on the Premises or to represent each of the foregoing as another real or fictional location, or use a fictional name, in connection with Applicant's use of the recordings and photographs (still or moving).
 5. To construct and photograph a set duplicating all or part of the Premises and Buildings or Structures (including but not limited to, any signs or any interiors of Buildings and Structures).
 6. To use all recordings and photographs (still or moving) made by Applicant pursuant to the permit in all media now known or hereafter devised throughout the universe, in perpetuity, including the in-context advertising and promotion of the Project and customary in-context clip licensing and freely assign such rights.
 7. To remove any and all of its sets, structures, and other materials and equipment from the Premises upon completion of the term of this Agreement.
- M. Nothing in this Ordinance shall be interpreted in any way to limit the police power of the County.
- N. Fee Schedule and Payment Obligations:
- I. Application Fee: \$50.00
 2. Fees for filming in a Newton County facility:
 - a. \$750 per day for **preparation**, construction, **take down**, and clean up in all locations except at Gaither's at Myrtle Creek Farm, Factory Shoals and Lake Varner/Cornish Creek Reservoir. A fee of \$1000.00 per day shall apply for Prep/Strike at Historic Courthouse, Gaither's at Myrtle Creek Farm, Factory Shoals and Lake Varner/Cornish Creek Reservoir
 - b. \$1000 per day for **filming** in all locations except at Historic Courthouse, Gaither's at Myrtle Creek Farm, Factory Shoals and Lake Varner/Cornish Creek Reservoir. A fee of \$2000 per day shall apply for filming at Historic Courthouse, Gaither's at Myrtle Creek Farm, Factory Shoals and Lake Varner/Cornish Creek Reservoir
 - c. Access to the building after hours requires two on-duty deputies at a fee of \$40 per hour per deputy with a four (4) hour minimum
 - d. County Attendant is required to be on site at a rate of \$40.00 per hour with a four (4) hour minimum, paid directly to the County Attendant Staff as contract labor by film staff.
 - e. Special Permitting or Special Circumstances: County Attendant will be paid at a rate to be negotiated between the County Attendant and the film staff not to exceed \$40.00 per hour
 3. Fees for use of Newton County Fire Service Vehicles and Equipment Use:
 - a. Administrative/Chief Spolt Utility Vehicle (Tahoe/Expedition): \$200/day
 - b. Fire Engine: \$325/day

- c. Ladder Truck: \$500/day
 - d. Tanker: \$250/day
 - e. Brush Truck: \$275/day
 - f. Squad/Rescue (not an ambulance): \$275/day
 - g. Support vehicle (boat, supply truck, ATV, fire safety trailer): \$175/day
 - h. All apparatus/vehicles require I driver minimum to be paid by the film staff
 - 1. All apparatus will be available 8 hours prior to first call date/time for signage and lettering if needed, all signs/lettering must be removed within 8 hours of final cut time
 - J. Any damage incurred to apparatus/vehicles due to signage or lettering will be replaced by our vendor and the cost will be billed directly to the film staff
 - k. Fuel will be billed at current industry rates and billed directly to the film staff
 - I. Loose equipment on apparatus/vehicles is not included in rental pricing, please see below. Pricing for loose equipment varies based on requested equipment; please contact Newton County Fire Services for specific needs and pricing
4. Newton County Fire Service Personnel (firefighters) Fees:
- a. \$40/hour per firefighter with a four (4) hour minimum, paid directly to the firefighter as contract labor by film staff
 - b. If personnel are utilized as part of an apparatus rental, they are to be paid I hour prior to call time and I hour after cut time for vehicle handling
 - c. Fire watch fee; please contact Newton County Fire Services for specific needs and pricing
5. Newton County Sheriff's Office Personnel Fees:
- a. On-duty deputies at a fee of \$40 per hour per deputy with a four (4) hour minimum
6. County Parking Lot behind the Mystic Grill: \$1,000-\$2,000 per day.
- a. The You/Your Company are required to communicate with each business that will be impacted by reserving the Parking Lot



NEWTON COUNTY Motion Picture, Television and Photographic Productions Permit Application

This information is necessary to process a request for a film and television production permit from Newton County, Georgia. A permit is required for any filming activity taking place within unincorporated Newton County, whether on public or private property. For filming entirely contained on private property this is merely a formality, however, notification using the County's permit application form is nonetheless required.

Please fill in all of the blanks, using "none" or "not applicable" where necessary. Return a completed copy of this application and all other required documentation to LaTonja Threets-Hamp 1124 Clark St., Covington, GA 30014 or Lhamp@co.newton.ga.us at least 10 working days in advance before the filming activity takes place. Rush Fee will be applied to applications received less than 10 working days of requested film activity. Earlier application is recommended, as all permits are issued on a first-come-first served basis, and time may be needed to work out any difficulties or county services associated with the planned activities. Exceptions may be granted due to weather constraints or other emergencies.

CONTACT INFORMATION

Production Company: _____ **Project Title:** _____

Permanent Company Address

Local Company Address: _____

Name and Title of Contact Person: _____ **Cell Phone Number:** _____

Email: _____

Name and Title of Contact Person: _____ **Cell Phone Number:** _____

Email: _____

PROJECT INFORMATION

Filming Locations: Name and Complete Address

DATES REQUESTED FOR FILMING: _____

Specify specific dates and time frames

Prep: _____ **Shoot:** _____ **Strike:** _____

Inclement Weather Alternative Dates: _____

Number in Crew: _____ **Number in Cast:** _____ **Number of Extras:** _____

VEHICLES AND PARKING

Describe proposed parking plan: Staging Area, Base Camp, Crew Parking, Craft Services, Portable Restroom Facilities, Roll-Off for trash, Equipment..... Attach Overhead Diagram

REQUIRED CERTIFICATE OF LIABILITY

General Insurance Carrier Name: _____ Telephone Number: _____

Automobile Liability Insurance Carrier Name: _____ Telephone Number: _____

Worker's Comp and Employer's Liability Insurance Carrier Name and Number: _____

All productions are required to maintain public liability insurance policies for filming on locations within unincorporated Newton County. All applications must include certificates of insurance for at least the following amounts: general liability-\$1,000,000 per occurrence, \$2,000,000 aggregate limit; automotive liability-\$1,000,000 and worker's comp and employer's liability - \$500,000 per incident

AMPLIFIED SOUND FOLLOW NOISE ORDINANCE REQUIREMENTS

Do you plan to use amplified sound: _____ Type of Sound to be Used: _____

Type of Sound to be Amplified: _____ Start Time of Sound: _____ End Time of Sound: _____

SPECIAL EFFECTS (MAY REQUIRE A SPECIAL PERMIT AND/OR LICENSE)

___ Aerial ___ Animals ___ Candles ___ Gunfire ___ Construction ___ Explosions ___ Fire Effects

___ Stunt ___ Open Campfire ___ Propane ___ Sparks ___ Tent ___ Cooking on Site

___ Other(Explain) _____

___ Water Activities(Explain) _____

___ Lighting, Describe _____

Pyro Technician _____

Name: _____ License Number: _____

Certified Rescue Diver: _____ License Number: _____

Lane Closure Street Closure Sidewalk Closure

Location(s) _____

Date(s) _____ Start Time _____ End Time _____

Attach overhead view labeling streets, cross streets and/or alleys to be used. Indicate all streets/walks subject to closure or traffic control

For full street closures, all affected residents must be contacted in writing, notifying them of your filming activities. This office requires a copy of that letter for your file. Newton County Sherriff's Office must be on site, at the production company' s expense, during all road closure activities. You may be required to install signage at the location. Additional requirements for a State Route.

Emergency vehicle access must be maintained at all times. Upon completion of work, all Newton County right-of-way must be left in pre-permit condition.

SECURITY PLAN

Description of Shoot as detailed as possible. You may insert an additional page to be a part of this application.

Location(s)/Route (If there are moving components) _____

Security Plan: _____
Number of Post-Certified off-duty Law Enforcement Personnel from the Newton County Sheriff's Office _____
Lead Officer's Name: _____ Telephone Number: _____
Private Security: _____ Company Contact Name: _____ Telephone Number: _____

Based upon the circumstances of the shoot, the applicant may be required to hire off-duty POST-certified police officers as determined and directed by the Newton County Sheriff's Office based upon public safety and security considerations. These officers must have the jurisdictional authority to enforce County ordinances and State law.

Film and Television Production Permit Guidelines

The following items must be submitted with your application for a Newton County Film and Television Production Permit:

- 1. Certificate of insurance coverage for general liability, automotive liability and worker's comp and employer's liability..
- 2. Completed Hold Harmless and Indemnification
- 3. A security plan, if not thoroughly detailed above.
- 4. A check made payable to Newton County Board of Commissioners in the amount of \$50.00 for the general Film and Television Production Permit.
- 5. A check made payable to Newton County Board of Commissioners for any additional fees, if applicable.

Return the completed application and additional required information to the Newton County Board of Commissioners attention LaTonja Threets-Hamp email lhamp@co.newton.ga.us or by mail to 1124 Clark Street, Covington, GA 30014. This application must bereceived by the County no later than 10 days before filming.

Terms and Conditions

The applicant must agree to all of the terms and conditions set forth in the permit, including without limitation compliance with the following rules:

1. The undersigned hereby acknowledges responsibility for adherence to all of the terms and conditions hereof as well as all Federal and State laws and Newton County ordinances.
2. The undersigned assumes liability for any and all damages occurring as the result or in connection with the undersigned's use of any Newton County property.
3. The undersigned acknowledges that Newton County assumes no liability for any damages, injuries, or expenses incurred as a result of or in connection with the above described event.
4. The undersigned certifies that the Information contained herein and in the application form is true and correct.
5. All applicants must submit a security plan that is approved by the Newton County Sheriff's Office and/or Newton County Fire Services or his/her designee. Based upon the circumstances of the shoot, the applicant may be required to hire off-duty POST-certified police officers as determined and directed by the Newton County Sheriff 's Office based solely upon public safety considerations. These officers must have the jurisdictional authority to enforce County ordinances and State law.
6. Any and all change requests must be received at least one business day prior to the shoot.
7. The applicant must obtain insurance coverage for the shoot.
8. If permission Isgranted by the County, a written permit will be issued including time, date and location of filming and acceptable activities within the scope of the permit.

I have read and understand this application in its entirety and agree to the terms and conditions.

I have read and understood Newton County Ordinance Section 32-204 Motion picture, television and photographic productions. Signed this _____ day of _____.

Company Name: _____

By: _____

Name and Title

(Must be Location Manager of Above, NCBOC reserves the right to require the signature of the Producer)

Given all information being true and correct, the above company is hereby granted a permit to conduct the activities listed in this application for filming at the time and located and for the purpose stated.

Signature: _____ Date: _____ Signature: _____ Date: _____

Chairman Marcello Banes

Newton County Sheriff's Office

Signature: _____ Date: _____ Signature: _____ Date: _____

Newton County Recreation Commission

Newton County Fire Services

Signature: _____ Date: _____ Signature: _____ Date: _____

Newton County Water Resources

Other Department Head

Signature: _____ Date: _____ Signature: _____ Date: _____

Public Works

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT is effective as of this ____ day of _____, 20__, by and between **NEWTON COUNTY, GEORGIA**, a political subdivision of the State of Georgia, acting by and through its governing authority, the Newton County Board of Commissioners ("County"), and _____ [insert full legal name], a _____ [insert State where Consultant entity was formed (e.g., Georgia) and the type of entity (e.g., corporation, limited liability company, partnership, etc.)], ("Applicant"), collectively referred to as the "Parties."

WITNESSETH THAT:

WHEREAS, the Applicant desires to obtain a film and television production permit from the County; and

WHEREAS, a permit is required for any filming activity taking place within unincorporated Newton County; and

WHEREAS, the County requires that any applicant for a film permit sign an indemnification and hold harmless agreement for the benefit of the County; and

WHEREAS, the public interest will be served by this Agreement;

NOW, THEREFORE, for and in consideration of receiving a film and television production permit to film within unincorporated Newton County, together with other good and adequate consideration, the sufficiency of which is hereby acknowledged, the Applicant hereby covenants and agrees to take and assume all responsibility for any activity connected with the Applicant's filming within Newton County. The Applicant shall bear all losses and damages directly or indirectly resulting to it and/or the County on account of the performance or character of any production pursuant to the issuance of any film and television production permit. Applicant shall defend, indemnify and hold harmless the County and the County's elected and appointed officials, officers, boards, commissions, employees, representatives, consultants, servants, agents and volunteers (individually an "Indemnified Party" and collectively the "Indemnified Parties") from and against any and all claims, suits, actions, judgments, injuries, damages, losses, costs, expenses and liability of any kind whatsoever, including but not limited to attorney's fees and costs of defense ("Liabilities"), which may arise from or be the result of alleged willful, negligent or tortious conduct arising out of the production referenced in the permit or operations by the Applicant, any subcontractor, anyone directly or indirectly employed by the Applicant or subcontractor or anyone for whose acts the Applicant or subcontractor may be liable, regardless of whether or not the act or omission is caused in part by a party indemnified hereunder. This indemnity obligation does not include Liabilities caused by or resulting from the sole negligence of an Indemnified Party. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this provision. In any and all claims against an Indemnified Party, by any employee of the Applicant, its subcontractor, anyone

directly or indirectly employed by the Applicant or subcontractor or anyone for whose acts the Applicant or subcontractor may be liable, the indemnification obligation set forth in this provision shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Applicant or any subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. This obligation to indemnify, defend, and hold harmless the Indemnified Party(ies) shall survive expiration or termination of the permit, provided that the claims are based upon or arise out of actions or omissions that occurred in the connection of the production referenced in the permit.

APPLICANT:

By: _____
Its: _____ (circle
one) President/Vice President (Corporation)
General Partner (Partnership/Limited Partnership)
Member/Manager (LLC)

[CORPORATE SEAL]
(required if corporation)

Attest: _____

By:•
Its: _____
(Assistant) Corporate Secretary (required if corporation)

ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A PROVISION PROHIBITING THE MAKING, CONTINUATION OR CAUSING OF LOUD, UNNECESSARY OR UNUSUAL SOUND OR NOISE WHICH UNREASONABLY ANNOYS, DISTURBS, INJURES OR ENDANGERS THE COMFORT, REPOSE, HEALTH OR SAFETY OF OTHERS IN THE COUNTY; PROVIDING FOR THE REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The Board of Commissioners of Newton County, Georgia hereby ordains:

SECTION I

Loud, unnecessary or unusual noise - Title

This Ordinance shall be entitled the "Noise Ordinance of Newton County, Georgia."

SECTION II

Loud, unnecessary or unusual noise - Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county, and which is audible to a person of normal hearing ability more than 75 feet from the point of origin of this sound or noise.

SECTION III

Loud, unnecessary or unusual noise - Enumeration

The following acts, among others, are declared to be loud, disturbing, and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the county for an excessive period of time, the creation of any unreasonably loud or harsh sound by means of this signaling device and the sounding of this device for an excessive period of time.

- (2) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle or chamber in which this machine or device is operated and who is a voluntary listener thereto. The operation of the set, instrument, phonograph machine or device between the hours of 11:00p.m. and 6:00a.m. in such a manner as to be plainly audible at a distance of 75 feet from the room, building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. Announcements over loudspeakers shall only be made by the announcer in person and without the aid of any mechanical device. See Section IV (3).
- (4) *Noisy animals or birds.* Anyone who keeps or maintains an animal or bird that unreasonably disturbs the comfort or repose of any person, because the animal or bird is emitting frequent or long continued sound or noise, and who continues to keep, maintain or allow any animal or bird to so disturb the comfort or repose of any person or persons shall be deemed in violation of this section, provided that the person keeping or maintaining the animal or bird has been first notified in writing by certified mail, return receipt requested, by the complaining party that this animal or bird being kept by the addresser is unreasonably disturbing his or her comfort or repose. This section shall be liberally constructed to accomplish the objective of the section, and the person making this written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by the animal or bird. Upon receipt of a certified letter notifying the person keeping or maintaining such animal or bird, such person shall be required to immediately comply with this section. This section shall not apply to horses, livestock, poultry or other farm animals, provided they are maintained in accordance with other ordinances and the Newton County Zoning Ordinance.

- (5) *Construction or repair of buildings.* The erection, excavating, demolition, alteration or repair of any building between the hours of 11:00 p.m. and 6:00 a.m. which causes unreasonably loud noises or which unreasonably disturbs the peace and quiet, except that the building inspector may grant a permit for a period not to exceed with ten (10) days for this work to be done between the hours of 11:00 p.m. and 6:00 a.m. when the building inspector determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. Such activity shall be allowed during the hours of 6:00 a.m. to 11:00 p.m. notwithstanding the amount or level of noise created thereby.
- (6) *Blowers and motors.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noises due to the explosion of operation gases or fluids, unless the noise from this blower or fan is muffled and the engine is equipped with a muffler device reasonably sufficient to deaden the noise. The operation of such nonmuffled equipment shall be allowed during the hours of 6:00 a.m. to 11:00 p.m. notwithstanding the amount or level of noise created thereby.
- (7) *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes. The use of sound trucks for noncommercial purposes during such hours, and with such unreasonable volume as would constitute a public nuisance.
- (8) *Loading, unloading, opening boxes.* **The** creation of unreasonably loud and excessive noise in a residential area during the hours of 11:00 p.m. to 6:00 a.m. in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (9) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution or learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of the institution, or which disturbs or unduly annoys patients in the hospitals, provided that conspicuous signs are displayed in the streets indicating that it is a school, hospital or court street.
- (10) *Hawkers, peddlers, vendors.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

SECTION IV
Loud, unnecessary or unusual noise - Exceptions

The provisions of this section shall not apply to or be enforced against:

- (1) Any vehicle of the county while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform this work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial.

SECTION V
Loud, unnecessary or unusual noise - Penalty

The penalty for violating this ordinance shall not exceed a fine of \$1,000.00 or 60 days imprisonment or both.

SECTION VI
Loud, unnecessary or unusual noise - Repeal

All Ordinances or parts of ordinances in conflict herewith are, to the extent of any conflict, repealed.

SECTION VII
Loud, unnecessary or unusual noise - Effective Date

This Ordinance shall be in force and effect beginning the 16th day of September 1997. SO ORDAINED this the 16th day of September 1997.