

**ORDINANCE NO. 2018-18**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS; AMENDING THE CODE OF ORDINANCES, CHAPTER 4 TITLED "BUSINESS REGULATIONS," ARTICLE 4.08 TITLED "COMMERCIAL FILM MAKING," SECTIONS 4.08.002 TITLED "CITY CONTROL/AUTHORITY OF CITY ADDING THE PROVISION THAT ALLOWS THE CITY MANAGER TO ASSIGN A DESIGNEE AND REPEALING ALL PRIOR ORDINANCES THAT ARE IN CONFLICT HEREWITH; AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Bastrop ("City") is a Home Rule municipality incorporated and operating under the Laws of the State of Texas; and

**WHEREAS,** the City passed an Ordinance regarding regulations and procedures of commercial filming in Bastrop to ensure public safety and minimize citizen and City inconvenience; and

**WHEREAS,** with the increase in commercial film making in the City, the City finds it necessary to repeal and replace the existing Ordinance to further the goals of the community related to protecting the personal and property rights of citizens, as well as enhancing the public's health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:**

**SECTION 1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ENACTMENT**

Chapter 4, Article 4.08, et. Seq. of the Code of Ordinances to the City of Bastrop, which is entitled "COMMERCIAL FILM MAKING" is amended to read as described and attached hereto as *Exhibit "A."*

**SECTION 3. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage.

**SECTION 4. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SECTION 5. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

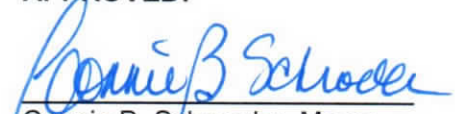
**SECTION 6. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.


**READ & ACKNOWLEDGED** on First Reading on this, the 11<sup>th</sup> day of September 2018.

**READ & APPROVED** on the Second Reading on this, the 25<sup>TH</sup> day of September 2018.



**APPROVED:**

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

 *with permission*   
\_\_\_\_\_  
Alan Bojorquez, City Attorney

City of Bastrop Code of Ordinances

Chapter 4 – BUSINESS REGULATIONS

ARTICLE 4.08 - COMMERCIAL FILM MAKING

Sec. 4.08.002 - City control/authority of City Manager.

- (a) In this Article, the term "City Manager" shall be construed to include the City Manager's designee. The City Manager may authorize the use of any city street, right-of-way, park, public area, public building, equipment or personnel for commercial use in the filming, taping, or production of any film project, including but not limited to movies, television, commercials, or training films.
- (b) In conjunction with the production of any film project, the City Manager may require that one or all of the conditions and/or remunerations provided on the application for a film permit, (see exhibit A to Ordinance 2008-28) be satisfied as a prerequisite to use of city streets, rights-of-way, parks, public areas, public buildings and/or equipment or personnel.
- (c) The city, by and through the City Manager, shall have full control over the general location, hours, and use of public streets, buildings, equipment and personnel while being used for filming, taping, or production purposes.
- (d) The city, by and through the City Manager, shall have the full and absolute right to prohibit and/or order the cessation of filming, taping and/or the production of any project if such acts are determined to be detrimental to the public health, safety and welfare.
- (e) The City Manager may require any city department, including but not limited to the police, fire, utility, and building departments, to inspect any structure, device, mechanism, and/or equipment arising out of or related to a film project.
- (f) The City Manager shall retain final approval authority over all aspects of commercial film-related activity in the city and may, at his sole discretion, impose additional regulations under this article for the protection of public safety and welfare.