

WHATCOM COUNTY PARKS & RECREATION

--PROCEDURE FOR FILMING IN COUNTY PARKS—

Note: These procedures have been adapted from those developed by Washington State Parks and Recreation, updated on August 8, 2001.

APPLICANT

The usual procedure for filming in our parks is as follows:

1. Contact the Parks Operations Manager to discuss the filming activity you have planned. The Parks Operations Manager will provide an information packet to the film production company. The Parks Operations Manager will also discuss the proposed photo shoot with the Park/Facility Manager at this time in order to give park staff an opportunity to provide input on the park and staff availability for the proposal. The film production company will complete the application form and return it to the Parks Operations Manager.
2. The film production company initiates an insurance binder with their insurance company listing Whatcom County Parks and Recreation as “ADDITIONALLY INSURED” for a minimum of \$1,000,000 for the period of the filming. This is sent to the Parks Office to the attention of the Parks Operations Manager. **List park and dates of filming in the “description” section of the insurance binder.** Some filming activities may require additional coverage.
3. The **application fee** is \$100 if submitted more than 7 days in advance of filming date or \$200 if less than 7 days in advance. A **site location** fee is also charged based on filming activity and its impact to the park and public. Fee will be sent to the Parks Office.
4. The Parks Operations Manager will forward the application to the Parks Director for final review and approval. A copy of the approved application is sent to the Park/Facility Manager where the filming will take place.
5. Any restrictions to the filming will be noted by those reviewing the application and must be observed throughout the filming activity.
6. An approved application becomes the permit and is issued only if all requirements have been met and all signatures obtained. When the Park/Facility Manager approves the application, a copy will be kept for the park files and copies will be sent to the requesting film company and Parks Office. The original will be returned to the Parks Operations Manager. **No filming can take place without an approved film permit.**

Frequently the time frame is too short to allow this full process by mail. Seven working days are preferred, if possible, but the use of faxes and express mail services is permitted in order to accommodate short turnaround times. The filming company will be responsible for the faxing in some instances. To ensure a successful completion of the project, it is important to stay in close telephone contact.



WHATCOM COUNTY PARKS AND RECREATION
3373 MOUNT BAKER HIGHWAY
BELLINGHAM, WASHINGTON 98226

APPLICATION FOR FILM PERMIT _____ COUNTY PARK

**NOTE: RETURN COMPLETED FORM TO THE PARKS OPERATIONS MANAGER.
WHEN APPROVED, THIS DOCUMENT BECOMES THE FILM PERMIT**

Filming Date: _____
Title of Project: _____
Name of Production Company: _____
Permanent Company Address: _____
City, State, Zip: _____
Permanent Company Telephone: _____ FAX : () _____
Producer: _____ Phone: () _____
Production Manager: _____ Phone: () _____
Location Manager: _____ Phone: () _____

TYPE OF PRODUCTION:

Feature Film Television Commercial Catalog Photography
Public Service Video Training Still Photography

PRODUCTION DETAILS:

Production Schedule: _____

Proposed location (s) of production (include any public access restrictions): _____

Proposed Staging Area: _____

General description of script or content of production (please attach copy of the script): _____

List two recent site references:

1. Location: _____
Contact: _____
Phone Number: _____

2. Location: _____
Contact: _____
Phone Number: _____

GENERAL CONDITIONS OF FILMING IN WHATCOM COUNTY PARKS

All applicants shall agree to film in a manner which:

- 1) is compatible with the activities of park visitors;
- 2) will not damage facilities or resources where the filming is to take place
- 3) will not disrupt wildlife;
- 4) will not imply the endorsement of County Parks for the content of the film
- 5) will acknowledge the cooperation of Whatcom County Parks and Recreation.

- 6) is not inconsistent in the judgement of the Director with the purposes for, or conditions on which the property where the filming is to take place was acquired; and
- 7) will conform with all the applicable statues, rules, policies, and procedures of Whatcom County, and the instructions of the Parks and Recreation staff who supervise the filming.

*Also see attached list of "Additional Conditions"

AGREEMENT

I, the undersigned, and the organization which I represent, will comply with the rules and procedures of Whatcom County Parks and Recreation on filming. By signature below, I hereby acknowledge understanding and acceptance of the terms and conditions of this Permit, including the additional conditions appended hereto, and agree to comply with Whatcom County Parks and Recreation orders in administration of said Permit requirements.

Organization (Typed or Printed)

Title

Signature

Date

APPROVAL

By signature below, County Parks does hereby grant this Film Permit, subject to the terms and conditions as set forth above and accepted by the Permittee.

By: _____

Date

Title: _____

MAKE CHECKS PAYABLE TO: WHATCOM COUNTY PARKS AND RECREATION

NOTE: APPLICATION FEE IS \$100. APPLICATION FEE IS INCREASED TO \$200 IF APPLICATION IS RECEIVED LESS THAN 7 DAYS PRIOR TO FILMING.

APPLICATION FEE: _____

SITE FEE: _____

INSURANCE BINDER: YES NO

- Application Fee Paid \$_____
- Site Fee Paid \$_____
- Damage Deposit Paid \$_____
- Certificate of Insurance Attached

ADDITIONAL CONDITIONS FOR FILMING IN WHATCOM COUNTY PARKS

RESTRICTED ACTIVITIES:

The following are restricted and must be approved in advance by County Parks: (1) use of animals or children, (2) discharge of blank ammunition, (3) mechanical or pyrotechnic special effects, (4) stunts, (5) amplified music, (6) placing of large set dressings, (7) filming or photography within interiors of County Parks employee housing or administrative work areas. Generators may not be placed within 100 feet of residences or occupied buildings.

PROHIBITED ACTIVITIES:

Activities having the potential to significantly impact, alter or damage park resources are prohibited. The following are also prohibited: (1) altering, damaging or removing vegetation, (2) vehicle use off established roads and parking areas, (3) use of insecticides, herbicides and pesticides, (4) loud noises 160 decibels or higher, between 11:00 p.m. and 6:30 a.m., (5) smoking in buildings, on boardwalks or in vegetated areas, (6) disrobing in public or nudity, (7) use of meadow areas except on trails or already disturbed areas as determined by County Parks, not the Permittee, (8) harassment of wildlife (filming of wildlife is permitted if there is no disturbance, feeding, teasing, or manipulation of resident or free-roaming animals). The use of domesticated dogs and cats is permitted if humane treatment is accorded the animal at all times and County Parks regulations are strictly observed. For example, domesticated animals must be under physical control at all times. Wildlife captured elsewhere may not be used in any in-park filming, whether trained or not. Animals may not be tethered to trees at any time.

FILMING FEES: The Permittee has paid an application fee for this Permit. In addition to the application fee, designated site fees (copy attached) are due and payable to County Parks upon signature of this Permit.

BONDS AND DAMAGE DEPOSITS:

County Parks may require the Permittee to post a bond or damage deposit payable to County Parks in an amount sufficient to cover any damages to park resources or facilities that may occur during filming.

DISRUPTION OF VISITOR ACTIVITIES:

Filming activities may not unduly conflict with visitor use or experience in the park. The public shall be informed, at the Permittee's expense, of any unusual or long-term closure or delay expected due to the filming activity. The Permittee should avoid filming in high public use areas and on weekends and holidays. The Permittee understands that this Permit may be cancelled for those locations that are subject to intensive public use, or if filming is scheduled during busy weekend and holiday dates. To the extent possible, the public must be allowed to view production activities.

SET CONSTRUCTION:

Set construction must be approved in advance by a County Parks' representative, and plans and drawings may be required. Sets may be constructed on highly disturbed areas (i.e. parking areas, road turnouts, etc.). Undisturbed areas may be used, provided all materials and equipment are hand carried to the site, no vehicles are used, and the area is returned to its original condition following filming. No foundations may be poured, and structures must be self-supporting.

CLOSURES:

The Permittee is not allowed to conduct activities or have access to areas not generally accessible to the general public, unless specific written approval is received from County Parks. No filming will be permitted during periods of extreme weather conditions, fire danger or fire closure.

ADDITIONAL CONDITIONS FOR FILMING IN WHATCOM COUNTY PARKS (CONT.)

COUNTY PARKS LOGO:

If the Permittee wishes to use the County Parks logo, written permission of County Parks is required. This shall not be construed to prohibit incidental filming of the logo, except where that filming is for advertising, promotional or commercial purposes. Incidental filming includes casual appearance of the logo, as on the shoulder patch of an uniformed employee, a County Parks vehicle or an entrance or similar sign.

USE OF AIRCRAFT:

Aircraft may not land in any park area without the express written permission of County Parks. The use of aircraft in connection with filming may require a Certificate of Waiver issued by the Federal Aviation Administration, granting a waiver of FAR 91.119(b) and (c), Minimum Safe Altitude. The Permittee should determine the need for this waiver prior to applying for a permit. If a waiver is required, a copy of the waiver and the Motion Picture and Television Flight Operations Manual must be provided to County Parks. Use of helicopters may require an additional cash deposit as determined by County Parks. All other requirements of County Parks' regulations regarding use of aircraft must be complied with.

NATURAL AND CULTURAL RESOURCES:

Geological and archaeological resources must not be disturbed. No materials, adhesives, paints, etc. may be used on any of these park resources. Any rocks, sand, or other material that is needed for production must be brought onto the set and then removed after the shoot, by the Permittee. No devices may be driven into the rocks, or cliff areas. Any damage to park resources may result in closing the area to future filming.

CLEAN UP:

All shooting locations, storage areas, etc. are to be cleared of all equipment, props and trash and returned to their original condition to the satisfaction of the monitoring a County Parks' representative following completion of filming. Major sets may receive extensions on clean up times based on the judgement of a County Parks' representative. All garbage and debris, including any animal feces, must be removed from the park and properly disposed of upon completion of each day's shooting. Film companies will provide and utilize their own trash receptacles. It is the Permittee's responsibility to inform contracted companies (caterers, etc.) of these requirements.

SECURITY:

The Permittee may, at Permittee's expense, provide security guards for site locations and storage areas. If County Parks' personnel are used for providing security or traffic control; the Permittee will be responsible for the costs of staff time involved. Non-commissioned security personnel may not be in possession of firearms on County Parks' property. Authorized and uniformed law enforcement officers (rangers, police, sheriff, state patrol) will be allowed to carry firearms. Public access to the set, storage and staging areas may be restricted as determined by a County Parks' representative. The Permittee will provide signs explaining that filming is underway, and will also provide barricade tape as necessary for the safety of the public.

MOTOR VEHICLES:

The Permittee agrees to abide by all motor vehicle laws of the State of Washington.

INSURANCE:

The Permittee agrees to provide a certificate of insurance in the amount of \$1,000,000 general liability and \$1,000,000 personal injury naming County Parks as an additional insured. The Permittee shall provide to County Parks a copy of the certificate of insurance evidencing such coverage prior to filming. Should claims arise which result in an award in excess of \$1,000,000, the Permittee shall be wholly responsible for the amount of the excess.

ADDITIONAL CONDITIONS FOR FILMING IN WHATCOM COUNTY PARKS (CONT.)

ILLEGAL DISCRIMINATION:

The Permittee shall comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 200d); Section 504 of the Rehabilitation Act of 1973 (29 USC 794); Chapter 49.60, Revised Code of Washington; and Title I of the Americans with Disabilities Act (42 USC 12111-12117), as now or hereafter amended. The Permittee shall not discriminate on the grounds of race, color, national origin, sex, religion, marital status, age, creed, Vietnam-era and disabled veterans status, or the presence of any sensory, mental, or physical handicap.

PERMIT ASSIGNMENT:

This Permit is non-transferable and non-assignable. Any attempt to transfer or assign an issued permit shall cause immediate cancellation of the Permit.

WAIVER OF RIGHTS:

County Parks' failure to insist upon the strict performance of any provision of this Permit or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this Permit.

HOLD HARMLESS:

It is understood and agreed by County Parks and the Permittee that this Permit is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of this Permit. Each party hereto agrees to be responsible and assumes liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the fullest extent required by law, and agrees to save, indemnify, defend, or hold the other party harmless for any such liability. In the case of negligence of both County Parks and the Permittee, any damages allowed shall be levied in proportion to the percentage of negligence attributable to each party, and each party shall have the right to seek contribution from the other party in proportion to the percentage of negligence attributable to the other party.

SUSPENSION OF FILMING:

County Parks reserves the right to suspend production if, in the opinion of a County Parks' representative, there appears to be abuse of or a likelihood of damage to any of the properties, road surfaces, or facilities of County Parks.

CANCELLATION OF PERMIT:

The Permittee, by signature of this Permit, agrees that County Parks may cancel this Permit for any of the following reasons: (1) if there is clear danger to public health and safety; (2) if, in the opinion of a County Parks' representative, the filming activity requested represents an unreasonable threat to park resources, facilities, or wildlife; (3) if it is determined that supervisory requirements for the proposed filming project will place unreasonable burdens on staff capacity, irrespective of the Permittee's willingness to pay supervisory costs; (4) if the proposed filming would unduly conflict with visitors' normal use of the park; (5) if film-makers enter areas closed to the general visiting public, or allow activities not permitted to the average visitor except for cooperative activities as an agent of County Parks.

This Permit may also be cancelled by County Parks without notice if the terms of the permit are violated. Deliberate infractions of the terms of the filming permit or the deliberate making of false or misleading statements concerning intended actions in order to obtain a permit are causes for immediate cancellation of the permit and cause for possible prosecution. The Permit may be cancelled by County Parks if the location is changed and/or expanded without the written permission of County Parks.

Reimbursement for services performed by County Parks and not otherwise paid for by the Permittee prior to the effective date of such cancellation shall be as County Parks reasonably determines.

ADDITIONAL CONDITIONS FOR FILMING IN WHATCOM COUNTY PARKS (CONT.)

SEVERABILITY:

In the event any term or condition of this Permit or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Permit which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Permit are declared severable.



PERMIT REVIEW

1. Park / Facility Manager

<p>Park facilities required during filming: _____</p> <p>Anticipated impact on other park uses: _____</p> <p>Anticipated possibility of damage to park facilities and/or resources: _____</p> <p>Possibility for disruption of wildlife: _____</p> <p>Anticipated impact on staff time: _____</p> <p>Additional comments (Attach additional sheets if necessary): _____ _____</p> <p><input type="checkbox"/> Recommend Approval <input type="checkbox"/> Recommend Disapproval</p> <p>Signature: _____ Date: _____</p>

2. Parks Operations Manager, Whatcom County Parks and Recreation

<p><input type="checkbox"/> Recommend Approval <input type="checkbox"/> Recommend disapproval for following reasons: _____ _____</p> <p><input type="checkbox"/> Approved (list conditions, if any, and sign permit) _____ _____</p> <p>Signature: _____ Date: _____</p>
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3. Director, Whatcom County Parks and Recreation

<p><input type="checkbox"/> Recommend approval in accordance with recommendations of Parks Operations Manager <input type="checkbox"/> Recommend approval in accordance with recommendations of Parks Operations Manager except for the following: _____ _____</p> <p><input type="checkbox"/> Recommend disapproval for following reasons: _____ _____</p> <p><input type="checkbox"/> Approved (list conditions, if any, and sign permit): _____ _____</p> <p>Signature: _____ Date: _____</p>
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WHATCOM COUNTY PARKS AND RECREATION FILMING SITE LOCATION FEES

<i>STILL & VIDEO PHOTOGRAPHY</i>	1-2 photo staff 1-2 vehicles	No site location fee. <u>Application fee of \$100 or \$200 only.</u> Permit may be issued for up to one year prior to photography.	
<i>STILL & VIDEO PHOTOGRAPHY AND COMMERCIALS</i>	\$200/DAY* PLUS APPLICATION FEE 3-8 photo staff or 3-5 vehicles	\$250/DAY* PLUS APPLICATION FEE 8-20 photo staff or 3-8 vehicles	\$350/DAY* PLUS APPLICATION FEE Over 20 persons or Over 8 vehicles
<i>TV MOVIE/EPISODE, SPECIALTY PRODUCTIONS, FEATURE FILMS</i>	\$300/DAY* PLUS APPLICATION FEE 8-20 photo staff or 5-10 vehicles	\$350/DAY* PLUS APPLICATION FEE 20-30 photo staff or 5-20 vehicles	\$700/DAY* PLUS APPLICATION FEE Over 30 persons or Over 15 vehicles

*** Higher impact fees may be negotiated depending on degree of disruption of normal park use and activities.**

Site Location Fees will be charged whenever the filming activity requires a film permit that gives exclusive use of an area of a park to a film maker and/or excludes an area of a park from normal public recreational use for an identifiable period of time. A permit will be issued for a period of time that is adequate for set-up, filming and take down with allowances for inclement weather. Site location fees will be charged only for the set-up, filming, and take down time during which the filmmaker is on site. If the activity takes more time than projected by the filmmaker, that time will be charged at the “filming” rate. Site Location Fees are in addition to any rental fees that would normally be charged for the use of specific facilities or space, such as cabins, shelters, meeting rooms, etc.

Criteria to be considered when establishing a fee includes:

- period of time for set up, filming, and cleanup
- magnitude of the filming activity to include size of crew, number of vehicles, size of area to be used, magnitude of impact on normal public use of the park
- uniqueness of the resource
- existing facility use charges
- damage to park resources
- others unique to filming project