

PARKS & OPEN SPACE

FILM PRODUCTION/PHOTOGRAPHY/VIDEOGRAPHY

POLICY & PERMIT APPLICATION

FILM PRODUCTION/PHOTOGRAPHY/VIDEOGRAPHY POLICY

Any person or entity that seeks to film ("Film Producer") or take commercial photography/videography ("Photographer/Videographer") on San Miguel County ("County") property shall be subject to the following orders, rules, and regulations. The term "filming" shall include filming of any kind including, but not limited to, commercials, movies, and television programs. The term "photography/videography" includes photography or filming intended for financial gain.

Permission. The Film Producer and/or their client; and the Photographer/Videographer and/or their client shall ensure all appropriate applications and permits have been granted and obtained from all appropriate San Miguel County Departments prior to filming and/or photography/videography. All Applications/Permits must be approved by the County's Parks & Open Space Department (970-369-5469), however additional approval may be required from the following County Departments - the Sheriff's Office (970-728-4442), the Road & Bridge Department (970-327-4835), and/or the Planning Department (970-728-3083). The Parks & Open Space department can assist with making the determination as to whether or not other County departments need to be involved for approval.

Costs. The Film Producer and/or their client; and the Photographer/Videographer and/or their client shall be responsible for all costs incurred by the County due to the production of the film and/or photos/videos including, but not limited to, all legal fees and legal costs incurred by the County and costs incurred by the Sheriff's Office to ensure the public's safety and welfare during the film production process or damage to any County roads. Any costs incurred by a County Department shall be at the sole discretion of that Department. The Board of County Commissioners may require any additional costs and fees of the Film Producer and/or their client; and the Photographer/Videographer and/or their client as it deems expedient at the Board's sole discretion.

Film Producer's and/or Photographer/Videographer's Property. The Film Producer and/or their client; and the Photographer/Videographer and/or their client has full responsibility for their property used in the production of the film and/or photos/videos. The County, which shall include San Miguel County's elected officials, employees, agents, attorneys, and personal representatives, shall have no responsibility or liability for the destruction or theft of any property owned or used by the Film Producer and/or their client; and the Photographer/Videographer and/or their client. The Film Producer and/or their client; and the Photographer/Videographer and/or their client shall not use or leave any personal property on the property of San Miguel County, except during such times as the film production and/or photos/videos are occurring.

Damage and Indemnification. The Film Producer and/or their client; and the Photographer/Videographer and/or their client shall be liable for any and all damage to persons or property that occurs as a result of the Film Producer's and/or their client's; and the Photographer/Videographer's and/or their client's use of County-owned property. The Film Producer and/or their client; and the Photographer/Videographer and/or their client shall indemnify the County and its elected officials, employees, agents, attorneys, and personal representatives for any and all legal claims and actions, including the County's attorney's fees and costs that may arise due to the Film Producer's and/or their client's; and the Photographer/Videographer's and/or their client's use of property owned by the County.

The Film Producer and/or their client; and the Photographer/Videographer and/or their client must clean and restore the County-owned property to its condition prior to the use, including, but not limited to, the complete removal of the Film Producer's and/or their client's; and the Photographer/Videographer's and/or their client's property, no later than specified end date of the permit term or within 30 days after receiving written notice from the County terminating this permit, whichever occurs first. During the term of this permit, the Film Producer and/or their client; and the Photographer/Videographer and/or their client shall not materially change or alter the conditions of the County-owned property without the consent of the County. The Film Producer and/or their client; and the Photographer/Videographer and/or their client shall not permit any mechanic's or materialmen's liens to be placed on the County-owned property, shall indemnify the County from and against any such claims and expenses, include costs incurred by the County in responding to any such claims, and shall post and maintain no lien notices on the County-owned property during the entire duration of this permit.

The County and the Film Producer and/or their client; and the Photographer/Videographer and/or their client shall meet prior to the commencement of use and determine the manner and form by which these requirements shall be met. In addition, the parties shall review the conditions of the property prior to the commencement of usage and the same parties shall promptly meet and review the conditions of the property upon the completion of the usage.

Use of Images. The Film Producer and/or their client; and the Photographer/Videographer and/or their client may use film or other photographs taken on County-owned property in print media, on a website, or in other promotional materials without further authorization from the County. However, this authorization does not include permission to use an image or rendition of County-owned property for a trademark or service mark.

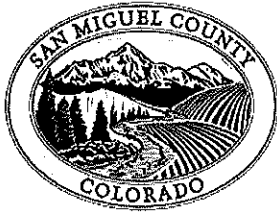
Termination. The Board of County Commissioners may terminate the Film Producer's and/or their client's; and the Photographer/Videographer's and/or their client's use of the County-owned property at any time at the sole discretion of the Board.

Governmental Immunity. Nothing in this Policy is, or shall be construed to be a waiver, in whole or in part, by the County of the governmental immunity provided by the Colorado Governmental Immunity Act or otherwise.

Waiver. Waiver of any breach of a term, provision, or requirement of this Policy or the agreement entered into between San Miguel County and the Film Producer and/or their client; and the Photographer/Videographer and/or their client, or any right or remedy under either, whether explicitly or by lack of enforcement, shall not be construed or deemed as a waiver of any subsequent breach of such term, provision or requirement, or of any other term, provision, or requirement.

This application and payment (checks payable to San Miguel County) should be returned to the following –

Janet Kask, Director
San Miguel County
Parks & Open Space Department
P.O. Box 1170
333 W. Colorado Ave., 3rd Floor
Telluride, CO 81435
Office: (970)369-5469
janetk@sanmiguelcountyco.gov



PARKS & OPEN SPACE

FILM PRODUCTION AND/OR PHOTOGRAPHY/VIDEOGRAPHY APPLICATION

- Filming and/or Photography/Videography permits do not include traffic control or street closure permission. You may need to contact the San Miguel County Road & Bridge Department at (970)327-4835.
- Filming and/or Photography/Videography permits do not include the use of the San Miguel County Sheriff's Office for maintaining the public's safety and welfare. You may need to contact the Sheriff's Office at (970)728-4442.
- Filming and/or Photography/Videography permits do not allow for the alteration of County-owned property. You may need to contact the San Miguel County Planning Department at (970)728-3083.
- Applicants must be 18 years or older.
- Applications must be complete (see attached checklist) and be submitted a minimum of 15 days prior to the requested date(s).
- The County-owned property must remain open to the public at all times.
- Trash and equipment must be removed immediately after the event.
- Commercial advertisements, commercial logos, web addresses, and so forth, are not allowed.
- The County reserves the right to charge a fee for the use of the County-owned property and/or resources.

Applicant/Organization: _____

Mailing Address: _____

Contact person: _____ **Daytime phone:** _____

E-mail: _____

Location(s) of requested filming: _____

Date(s) and time(s) of requested filming:

Date(s)

Time(s) - indicate a.m or p.m.

_____	_____ until _____
_____	_____ until _____
_____	_____ until _____

Filming and/or Photography/Videography description:

REQUIRED SUBMISSIONS WITH APPLICATION

- _ 1. *Location map.* The map should be large enough and to scale to show activities as requested.
- _ 2. *Proof of permits/permission from other County Departments as applicable to the project.*
- _ 3. *The non-refundable fee for this permit application and approved daily use is \$75, payable to San Miguel County.* Refundable damage/performance deposits (\$500.) are required for secure/contained County locations.
- _ 4. *Certificate of insurance* including the following:
 - o San Miguel County named as an additional insured **as shown as being endorsed on the policy.**
 - o A minimum of \$1,000,000. per occurrence **primary** coverage & \$2,000,000. annual aggregate.
 - o A minimum 30 day notice of cancellation.
 - o A minimum of \$1,000,000. personal and advertising injury coverage.
 - o A minimum of \$50,000. fire damage.
 - o A minimum of \$1,000,000. comprehensive auto liability (if applicable).

Conditions for Use of County-owned Property

- Glass is not permitted.
- Film Producer and/or their client; and the Photographer/Videographer and/or their client is responsible for cleanup and trash removal. *Film Producer and/or their client; and the Photographer/Videographer and/or their client must bring their own trash bags and cleaning supplies.*
- Grass/landscape protection for high traffic areas is required.
- Motorized vehicles are not allowed on the grass or pathways and must park in designated areas.
- Landscape or facility damage will be billed to event organizers at replacement costs plus 15%.
- Signage shall comply with all applicable County policies.
- Applicant and all attendees shall comply with all San Miguel County Codes and Resolutions.
- Commercial advertisements, commercial logos, web addresses, and so forth are not allowed.
- Attaching signs, decorations, etc. to trees is prohibited.
- Tents or other temporary structures may not be placed without obtaining permission first.
- No person shall use this property for business purposes or monetary gain unless approved.
- Film Producer and/or their client; and the Photographer/Videographer and/or their client has inspected the premises and agrees to accept premises in such condition at the time of the use.
- Wood fires and firearms are prohibited.
- Pets must be on a leash and not left unattended.
- Pet owners are responsible for cleaning up after their pet.

I hereby agree to indemnify SAN MIGUEL COUNTY, its officers, agents, and employees, pursuant to the Colorado Governmental Immunity Act (C.R.S. §24-10-101 et seq.) and to hold them harmless as to any claim, liability or damages, including attorney fees and court costs, arising out of, or directly or indirectly resulting from the conduct of the above event. I further understand that the above use conditions must be adhered to.

APPLICANT (print)

APPLICANT (signature)

Date

For Internal Use: APPROVALS			
_____ Parks & Open Space Director	Date	_____ Sheriff's Office	Date
_____ Road & Bridge Superintendent	Date	_____ Planning Department	Date