

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0213
COMMITTEE OF REFERENCE:
4 TECHNOLOGY & GOVERNANCE

5 **A BILL**

6 **for an ordinance amending Article VIII of Chapter 2 of the Revised**
7 **Municipal Code of the City and County of Denver by amending the**
8 **language of Sections 2-191 and 2-193 and deleting Section 2-193 which**
9 **shall be, and is relocated to Division 4, Section 39-88 of Article II of**
10 **Chapter 39 of the Revised Municipal Code of the City and County of**
11 **Denver.**
12

13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14 **Section 1.** That Section 2-191, “Arts and venues Denver”, of the Revised
15 Municipal Code is hereby amended by adding language underlined and deleting language
16 stricken as follows:

17
18 **Sec. 2-191. Arts and venues Denver.**

19 Arts and venues Denver shall be the division of general services
20 responsible for operations of all facilities, structures, or parts of structures
21 owned or leased by the City and County and used for theatre, concert,
22 auditorium, convention, or arena purposes, for management of the City and
23 County cultural and arts events, and for administration of the public art
24 program ~~and for issuance of film permits and coordination of special event~~
25 ~~permits~~, creative sector development programs, and all related duties as
26 described in this division. The division of arts and venues Denver may
27 perform other duties assigned by the manager of general services not
28 inconsistent with the Charter or the Code.

29
30 **Section 2.** That Section 2-193(1) through (20), “Powers and duties”, of the
31 Revised Municipal Code is amended by adding language underlined and deleting language
32 stricken as follows:

1
2 **Sec. 2-193. Powers and duties.**
3

4 (1) Work with the mayor, the city council, and all affected or interested
5 departments, commissions, boards, officers, offices, agencies and
6 employees of the city in cultural development activities and in operation
7 and management of theatre, concert, auditorium, convention or arena
8 venues; and
9

10 (2) Coordinate the activities of contractors and coordinate the various
11 departments, commissions, boards, officers, offices, agencies and
12 employees of the city in the preparation of those activities; and
13

14 (3) Review and analyze provisions of ordinances, rules, executive
15 orders and other regulatory documents that may affect ~~film-making or~~
16 ~~other~~ artistic activity in the city and advise the mayor and city council; and
17

18 (4) Administer the city's public art program, whereby a portion of
19 capital improvement resource is utilized for public art; and
20

21 (5) Attract creative businesses and operations to Denver; and
22

23 ~~(6) — Coordinate film and special event permitting in the city; and~~
24

25 (67) Act as liaison between the city and the Colorado creative industries
26 or its state-authorized successor; and
27

28 (78) Assist the Denver district county cultural council and the Denver
29 metropolitan scientific and cultural facilities district with administration and
30 distribution of revenues under state law; and
31

1 (89) Encourage the utilization of creative local professionals and
2 businesses; and

3
4 (940) Coordinate the efforts of arts and venues in assisting increasing
5 tourism and visitorship in the city; and

6
7 (1044) Provide technical assistance and information to arts and cultural
8 ~~and film~~ groups concerning funding, grants, loans, and other forms of
9 assistance available to them; and

10
11 (1142) Promote the venues and arts of the city to connect community
12 members and visitors with Denver's arts and entertainment sector; and

13
14 (1243) Encourage the incorporation of art in privately funded activities and
15 capital improvements; and

16
17 (1344) Work with the departments designated by Charter to acquire and
18 construct all facilities, structures, or parts of structures owned or leased by
19 the City and County and used for theatre, concert, auditorium or arena
20 purposes; and

21
22 (1445) Maintain, repair, manage and operate all facilities, structures, or
23 parts of structures owned or leased by the city and county and used for
24 theatre, concert, auditorium, convention, or arena purposes; and

25
26 (1546) Perform centralized administrative functions for all arts and venues
27 facilities, including budgeting, revenue receipt, and coordination of capital
28 improvements; and

29

1 (1617) Provide event support services, including booking, contract
2 administration, ticketing, customer service, parking, and production
3 services; and

4
5 (1718) Oversee the utilization of city venues and generation of revenue by
6 promoting cultural tourism; and

7
8 (1819) Develop policies and procedures for fair corporate access to
9 sponsorships of city events, arts, and venues; and

10
11 (1920) Develop financial processes with a goal of maintaining and
12 preserving the agency's venues.

13
14 **Section 3.** That Section 2-195, "Film permits", of the Revised Municipal Code is
15 repealed by deleting language stricken as follows:

16
17 **~~Sec. 2-195. Film permits.~~**

18
19 ~~The arts and venues Denver director is hereby delegated the~~
20 ~~authority to review applications for a permit to allow filming operations~~
21 ~~upon the following terms and conditions:~~

22 ~~(1) Upon receipt of an application for a film operations permit, the~~
23 ~~following actions are taken:~~

24 ~~A) Arts and venues Denver shall notify and coordinate specific details~~
25 ~~with affected city department(s) including, but not limited to, the permitting~~
26 ~~division of the department of public works and parks and recreation, the~~
27 ~~Denver Police Department, and the Denver Fire Department. Notification~~
28 ~~for significant productions will also include council members within whose~~
29 ~~district the proposed filming will take place and neighborhood~~

1 organizations within whose district the proposed filming will take place;
2 and

3
4 ~~B) — A certificate of insurance in the face amount of not less than one~~
5 ~~million dollars (\$1,000,000.00) showing coverage for general liability,~~
6 ~~including the operations under the permit and showing the City and~~
7 ~~County of Denver and specific Denver departments as additionally~~
8 ~~insured. Exemptions to the insurance requirements may be granted by~~
9 ~~arts and venues Denver, in consultation with Denver's Risk Management~~
10 ~~Office, for filming by noncommercial, educational, charitable, and public~~
11 ~~service organizations.~~

12
13 ~~(2) — The applicant shall, under determined conditions, distribute leaflets~~
14 ~~at least forty-eight (48) hours prior to the proposed filming operations~~
15 ~~explaining the proposed operations to inform adjoining residents and~~
16 ~~businesses located within two hundred (200) feet of the proposed filming~~
17 ~~site or sites. The leaflet shall contain the phone number of the production~~
18 ~~company and arts and venues Denver. Arts and venues Denver may, in~~
19 ~~its sole discretion, shorten this notice period or waive this requirement~~
20 ~~entirely if an applicant has sufficiently demonstrated that the filming~~
21 ~~operations will not unduly disturb the neighborhood or affected~~
22 ~~businesses.~~

23
24 ~~(3) — Arts and venues Denver shall establish Film and TV Production~~
25 ~~Rules and Regulations. Compliance by filming operations shall be~~
26 ~~mandatory. Immediately upon formal notification to the production~~
27 ~~company by arts and venues Denver, the film permit may be cancelled if~~
28 ~~there is a failure to comply with the rules and regulations and all~~
29 ~~operations allowed by the permit may be ordered to cease.~~

1 ~~(4) — Film permits shall state on their face the duration of the filming.~~
2 ~~Filming at any one location shall not exceed fourteen (14) calendar days.~~
3 ~~A permit may be extended by arts and venues Denver, to allow filming to~~
4 ~~exceed this 14 calendar day limit upon the determination that additional~~
5 ~~time is necessary, that appropriate notifications are given and that~~
6 ~~operations are in compliance with the rules and regulations.~~

7
8 ~~(5) — Arts and venues Denver director may add conditions to the permit,~~
9 ~~to protect the safety and comfort of the neighborhood in which the filming~~
10 ~~is taking place. If a filming permit is denied, an appeal shall be reviewed~~
11 ~~by the director of the arts and venues Denver in accordance with the~~
12 ~~guidelines set under rules and regulations.~~

13
14 ~~(6) — Arts and venues Denver shall refuse to grant a film permit to any~~
15 ~~applicant which has not obtained necessary permits from other~~
16 ~~departments of the City and County of Denver.~~

17
18 **Section 4.** Division 4 of Article II, Chapter 39 of the Revised Municipal Code is
19 renamed to be “Extraordinary Events and Film Permits”.

20
21 **Section 5.** Division 4 of Article II, Chapter 39 of the Revised Municipal Code is
22 amended by adding a new Section 39-88 to read as follows:.

23
24 **39-88 Film Permits**

25
26 The Mayor or Mayor’s designee shall have the authority to review
27 applications for a permit to allow filming operations under the following terms
28 and conditions on city-owned or operated property:

29 (1) Upon receipt of an application for a film operations permit, the
30 following actions are taken:

1 A) The mayor or designee shall notify and coordinate specific details
2 with affected city department(s) including, but not limited to, the permitting
3 division of the department of public works and parks and recreation, the
4 Denver Police Department, and the Denver Fire Department. Notification
5 for significant productions will also include council members within whose
6 district the proposed filming will take place and neighborhood
7 organizations within whose district the proposed filming will take place;
8 and

9
10 B) A certificate of insurance as required by the film and video rules
11 and regulations showing coverage for general liability, including the
12 operations under the permit and showing the City and County of Denver
13 as additionally insured. Exemptions to the insurance requirements may be
14 granted by the Mayor or designee, in consultation with Denver's Risk
15 Management Office, and any adopted policy of the office of special
16 events.

17
18 (2) The applicant shall, pursuant to the film and video production rules
19 and regulations, provide notice of the proposed filming operations. The
20 mayor or designee may, in its sole discretion, waive this requirement
21 entirely if an applicant has sufficiently demonstrated that the filming
22 operations will not unduly disturb the neighborhood or affected
23 businesses.

24
25 (3) The mayor or designee shall establish film and video production
26 rules and regulations. Compliance by filming operations shall be
27 mandatory. Immediately upon formal notification to the production
28 company by the mayor or designee, the film permit may be revoked if
29 there is a failure to comply with the film and video production rules and
30 regulations and all operations allowed by the permit may be ordered to
31 cease.

1 (4) The mayor or designee may add conditions to the permit, to protect
2 the safety and comfort of the neighborhood in which the filming is taking
3 place. If a filming permit is denied, an appeal shall be reviewed by the
4 mayor or designee in accordance with the guidelines set under the film
5 and video production rules and regulations.

6
7 (5) The mayor or designee may refuse to grant a film permit to any
8 applicant which has not obtained necessary permits from other departments
9 of the City and County of Denver, or which has failed to comply with the film
10 and video production rules and regulations.

11
12 COMMITTEE APPROVAL DATE: April 23, 2015 (on Consent Agenda).

13 MAYOR-COUNCIL DATE: April 28, 2015.

14 PASSED BY THE COUNCIL _____ 2015

15 _____ - PRESIDENT

16 APPROVED: _____ - MAYOR _____ 2015

17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2015; _____ 2015

21 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: May 7, 2015

22 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the
23 office of the City Attorney. We find no irregularity as to form, and have no legal objection to
24 the proposed ordinance. The proposed ordinance is not submitted to the City Council for
25 approval pursuant to §3.2.6 of the Charter.

26
27 D. Scott Martinez, Denver City Attorney

28
29 BY: _____, Assistant City Attorney DATE: _____, 2015