



COMMERCIAL FILMING LIABILITY WAIVER

This Waiver of Liability is by and between _____, a Filmmaker/Production Company (hereinafter the “Undersigned”), and the City of Arlington, Texas, a municipal corporation located in Tarrant County, Texas (hereinafter the “City”).

Whereas, City has created a film-friendly program for promoting economic development activity within the City of Arlington by allowing commercial filming on public property.

Whereas, CITY has outlined specific policies and requirements for film production companies and individuals to film on City-owned property, land, parks, and public rights-of-way through the Guidelines for Filming in Arlington, Texas (herein referenced as **EXHIBIT A**).

Whereas, Undersigned has acknowledged the City’s specific guidelines and requirements by completing an Application for Commercial Filming on Public Property (hereinafter known as “Application”).

Now, Therefore, in consideration of the above recitals and the covenants herein set forth is agreed as follows:

To the extent permissible by Texas law, the Undersigned shall waive all liability and assume the risk of accessing, utilizing, and filming on City-owned property. Undersigned shall hold the City harmless from any injury, damage, or death that may occur from filming on City-owned and/or private property during the duration of the film project and at every location outlined in the Application.

To the extent permissible by Texas law, the Undersigned shall not assert liability against the City for any claim arising from the Application process or for the duration of the film project. Failure to waive liability shall result in the Undersigned’s inability to film on City-owned property.

Please indicate your acceptance or refusal of the waiver of liability by placing a **check** by *Acceptance* or *Refusal* and return this Waiver along with the Application to the City’s Communication and Legislative Affairs Department.

ACCEPTANCE OF WAIVER:

I, THE UNDERSIGNED, DO HEREBY WAIVE ALL CLAIMS, RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF ARLINGTON AND ALL OF ITS OFFICIALS, OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS, AND CONTRACTORS IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES FROM ANY AND ALL LIABILITY, CLAIMS, WHICH MAY ARISE BY REASON OF INJURY OR DEATH TO PERSONS OR LOSS OF, DAMAGE TO OR LOSS OF USE OF ANY PROPERTY OCCASIONED BY ERROR, OMISSION OR NEGLIGENT ACT OF MYSELF OR ANY OTHER PERSONS WITH REGARD TO THIS WAIVER, AND I WILL, AT MY OWN COST AND EXPENSE, MAINTAIN LIABILITY INSURANCE PURSUANT TO CITY REQUIREMENTS AND DEFEND AND PROTECT THE CITY OF ARLINGTON AGAINST ANY AND ALL SUCH CLAIMS AND DEMANDS. I FURTHER WAIVE, RELEASE AND DISCHARGE ANY AND ALL CLAIMS AND DAMAGES FOR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE THAT I MAY SUSTAIN OR WHICH MAY OCCUR OCCASIONED BY ERROR, OMISSION, OR NEGLIGENT ACT OF THE CITY OR ITS EMPLOYEES, OFFICERS, CONTRACTORS, AND VOLUNTEERS.

I UNDERSTAND THAT THIS WAIVER OF LIABILITY AND INDEMNIFICATION IS INTENDED TO BE AS BROAD AS POSSIBLE AND AS INCLUSIVE AS PERMITTED BY THE LAWS OF THE STATE OF TEXAS AND THAT IF ANY PORTIONS ARE HELD INVALID, THEN THE BALANCE SHALL CONTINUE IN FULL LEGAL FORCE AND EFFECT. IT IS FURTHER UNDERSTOOD THAT EXECUTION OF THIS WAIVER AND

INDEMNIFICATION WILL NOT CONSTITUTE A WAIVER BY THE CITY OF THE DEFENSE OF GOVERNMENTAL IMMUNITY, WHERE APPLICABLE, OR ANY OTHER LAWFUL DEFENSE. I AM SIGNING THIS WAIVER AND INDEMNIFICATION VOLUNTARILY AND WITH FULL KNOWLEDGE OF ITS MEANING AND SIGNIFICANCE. I UNDERSTAND THAT I MAY CANCEL THIS CONSENT AT ANY TIME BEFORE A DECISION IS RENDERED ON MY APPLICATION. I FURTHER UNDERSTAND THAT THE CANCELATION OF CONSENT WILL RESULT IN FILM APPLICATION DENIAL.

REFUSAL OF WAIVER:

I, the Undersigned, certify that I have the authority to refuse this liability waiver. Such refusal will result in the City of Arlington denying the Application. Therefore, with this knowledge, I refuse to sign this Waiver and accept the City's right to deny my film Application and restrict my ability to film on City-property for commercial use.

UNDERSIGNED INFORMATION:

Printed Name: _____ Signature: _____ Date: _____

EXHIBIT A

Guidelines for Filming in Arlington, Texas

I. PURPOSE

The Guidelines in this policy are intended to create a program for promoting economic development activity within the City of Arlington (“City”) and its vicinity. The following Guidelines are also designed to protect City residents’ and businesses’ personal and property rights and promote public health, safety, and welfare. The City reserves the right to impose additional requirements or conditions in the interest of public health, safety, and welfare or if otherwise deemed appropriate by the City.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of film projects, including but not limited to motion picture production, feature films, television programs, commercials, music videos, and corporate films.

II. CITY APPROVAL REQUIRED

The City Manager has delegated the authority to oversee and administer the filming application and approval process to the Director of the Communication and Legislative Affairs (CLA) Department and their designees. Prior to engaging in filming activities involving any of the following uses of City property or personnel, a person must file an application with and receive approval from the City. The City has exclusive authority to approve the use of any street, right-of-way, park, public building, equipment, City staff, or the City’s name, trademarks, or logos for commercial uses associated with a film project and related activities, including regulation of the hours of production and the general location of the film project. In conjunction with these uses, the City may require that any or all of the conditions and/or remuneration specified herein and on the application be met as a prerequisite to that use. The City may also require a security or damage deposit.

The City reserves the full and absolute right to deny an application, prohibit all filming, or order the cessation of filming activity if the City determines such action will protect the health, safety, and welfare of the public or property within the City.

The City does not and shall not own any rights or claim to the film project or content produced or created on City property, except the City maintains its exclusive copyright to any trademarks, symbols, logos, images, or likeness of the City of Arlington, Texas.

The Applicant shall allow City departments (e.g., Police, Fire, Public Works, Planning and Development Services) to inspect all structures, property, devices, and equipment to be used in connection with the film project.

III. REQUIREMENTS AND APPLICATION PROCESS

Before filing an application, an Applicant must contact the City’s Communication and Legislative Affairs Department at Film@arlingtontx.gov to discuss the film project’s specific filming requirements and the feasibility of filming within the City.

Prior to the commencement of filming or any substantial activity related to the film project, an Applicant must complete and return to the City their application,

a signed Commercial Filming Liability Waiver, a Certificate of Insurance, a signed Facilities Use Agreement, if applicable, and any additional documents or forms required by the City. As part of the application process, the City may impose any conditions that it reasonably determines are necessary to protect the health, safety, and welfare of the public or property within the City, including but not limited to a condition that City staff and/or City equipment from specified departments, such as Police, Fire, or Public Works, be present for any activity related to the film project.

Request must be submitted at least 10 business days before principal day of filming. Within fifteen (15) days of receiving a fully and technically complete application, the City will render a decision and send notice to the Applicant that the application is either: (1) approved, (2) approved with conditions, or (3) denied. Submitted applications that are not fully and technically complete may result in the City's review and rendering a decision on the application being delayed.

If the City requests additional information from Applicant, Applicant has ten (10) days to provide the requested information. Failure to provide additional information within this timeframe may result in an application denial.

If approved, Applicants are required to have on their person or virtual access to their Notice of Approval letter for the duration of the film project.

IV. OTHER PERMITS AND APPROVALS

In addition to an approved application under these Guidelines, certain aspects of a film project may require applicants to obtain a permit, approval, authorization, or other permission from additional City departments under the City's Code of Ordinances or other rules and policies, including but not limited to the following:

- Filming on City-owned property requires the approval or permission from the City department(s) responsible for or otherwise in control of such property.
- Closing or barricading a street, sidewalk, or right-of-way requires a Temporary Traffic Control Permit issued by the Public Works Department, which may also require submission of a traffic control plan and notification of residents and businesses along a proposed street closure. Streets & Sidewalks Chapter § 2.01 and Work Area Traffic Control Manual § 2.1(A) (available online at https://www.arlingtontx.gov/city_hall/departments/public_works)
- Filming in a City Park requires a Photography/Filming Permit issued by the Parks & Recreation Department. Parks & Recreation Chapter §§ 6.04(5) & 7.01(A)(4).
- Filming that involves pyrotechnics or flame effects will require a permit issued by the Fire Prevention Division of the Fire Department. Fire Prevention Chapter § 1.03, adopting IFC § 5610.6, as amended.
- Use of the City's name, logos, trademarks, or other intellectual property requires the City Manager's or their designee's approval, including approval

pursuant to Flag & Logo Chapter Article 5 and other applicable internal processes.

Most permitting and approval requirements can be found in the City's Code of Ordinances, which is available online at

https://www.arlingtontx.gov/city_hall/departments/city_secretary/city_code_of_ordinances

Please note that some permits require the payment of associated fees.

V. USE OF CITY STAFF AND EQUIPMENT

If an application for a film project is approved, the Applicant shall pay for all costs of any City staff and/or City equipment from specified departments, such as Police, Fire, or Public Works, that the City requires to be present for any activity related to the film project (whether or not specifically requested by the Applicant). Remuneration rates for using any City equipment, including police vehicles and fire equipment, will be established on a case-by-case basis as determined by the City. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice from the City or as otherwise required by law. In addition, the City may, at its discretion, require an advance deposit for all costs related to the use of City staff and/or City equipment. Applicant must provide receipts of all paid deposits to the Office of CLA upon request.

At any point during the filming process, the City may impose any additional conditions that it reasonably determines are necessary to protect the health, safety, and welfare of the public or property within the City, including but not limited to a condition that City staff and/or City equipment from specified departments, such as Police, Fire, or Public Works, be present for any activity related to the film project. Any associated costs shall be the sole responsibility of the Applicant.

Police officers can be hired for off-duty or extra-duty employment by calling the Arlington Police Department at 817-459-5733. Firefighters can be hired by calling Arlington Fire Department at 817-459-5500. The Applicant shall pay hired police officers and firefighters at no less than one and one-half times their hourly rate.

The Arlington Police and Fire Departments have a distinct corporate brand for which the departments must carefully manage their image and representation. In Addition, the City of Arlington's logo is trademarked, and it is in the City's authority to uphold and protect its brand, logos, imagery, and symbols. For these reasons, the Applicant shall not, for the purpose of the film project for commercial use, film firefighters or police officers in uniform without City approval.

VI. USE OF CITY-OWNED PROPERTY

If an application for a film project is approved, the Applicant shall pay for all costs related to using any City-owned property. The Applicant shall pay all fees in full within ten (10) days after receipt of an invoice from the City or as otherwise required by law. The City may, at its discretion, require an advance deposit for all costs related to the use of City-owned property. Applicant must provide receipts of all paid deposits to the Office of CLA upon request.

Three major stadiums are located within the City: Globe Life Field and Choctaw Stadium, which are leased and operated by the Texas Rangers, and AT&T Stadium, which is leased and operated by the Dallas Cowboys. Applicants should contact the Texas Rangers or Dallas Cowboys, as appropriate, about filming on the grounds of or inside the facilities they lease and operate.

VII. VEHICLES AND EQUIPMENT INVOLVED IN THE FILM PROJECT

As part of the application process, the Applicant shall provide the City with a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and parking locations. All parking locations for vehicles involved in the film project, including on-street parking or use of public parking lots, are subject to City approval. All vehicles, including equipment, must be registered and insured as required by law. The City is not liable for damage to any vehicles or equipment utilized during the film, nor is the City liable for any damage or injury caused by Applicant’s vehicles or equipment to any third party.

The use of exterior lighting, power generators, or any other noise or light-producing equipment is subject to an on-site inspection and approval by the City.

VIII. DRONE USAGE

A Commercial Filming Application is required for commercial drone videography or photography in the Arlington, Texas city limits. All Federal Aviation Administration (FAA) procedures, polices, and guidelines apply (<https://www.faa.gov/uas/>). Within the application, submit copies of Commercial Drone Pilot License, Certificate of Registration, Insurance AND Confirmation of FAA Airspace Approval.

IX. HOURS OF FILMING

In general, filming may only occur during the following hours:

Monday through Friday:	7:00 a.m. to 9:00 p.m.
Saturday, Sunday, and holidays:	8:00 a.m. to 8:00 p.m.

However, the City may impose more restrictive hours for filming or extend the hours if the Applicant has obtained express written permission from the City and has notified all affected property owners, tenants, and residents.

X. NOTIFICATION OF NEIGHBORS

Upon submission and review of an application for a film project that is proposed to occur on both City property and private property, the City may determine that the Applicant must contact owners, tenants, and residents of each property in an affected neighborhood in or adjacent to the filming locations. At the City’s request, the Applicant, or their designee, shall notify each owner, tenant, and resident of all such property and provide a short, written description of the proposed film project along with the filming schedule. The Applicant shall also provide each owner, tenant, and resident a Notice of Film Project and Comment Form and allow the owner, tenant, or resident to provide commentary. The form includes the owner, tenant, or resident’s name, address, phone number, and any comment, along with their signature.

The Applicant must notify all owners, tenants, or residents in an affected film project neighborhood and provide the City with the completed forms within ten (10) days of being informed by the City to provide the Notice of Film Project and Comment Form.

The Applicant shall submit all completed Notice of Film Project and Comment Forms to the City before a final application decision can be rendered. Based upon this community feedback and other appropriate factors considered by the City, the City may grant or deny the filming application.

XI. CERTIFICATE OF INSURANCE

The Applicant is responsible for all incidents that arise out of or related to the film project and must carry an insurance policy in the event of film project incidents. The Applicant shall attach a valid certificate of insurance issued by a company authorized to conduct business in the state of Texas, naming the City of Arlington, Texas (101 W Abram Street Arlington, Texas 76010) and its agents, officers, elected officials, employees, and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage, and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage. In addition, the Applicant may be required to obtain Worker's Compensation insurance and/or an Umbrella policy. Upon review of the application, the City, in its sole discretion, may require the Applicant to obtain additional insurance policies or increased policy amounts based on the complexity or high-liability risks associated with the film project. Additionally, the City may require any and all cast, crew, and film volunteers not formally employed by the Applicant to sign a waiver of liability depending on their role and involvement in the film project.

XII. RESTORATION OF PUBLIC OR PRIVATE PROPERTY

At the conclusion of the film project, the Applicant shall restore the property to its original or better condition before the start of production, e.g., cleaning up any trash/discarded materials, repositioning the property back to its original location, and removing any signage or other filming materials.