

RESOLUTION NO. 4049

A RESOLUTION ESTABLISHING FEES FOR VIDEO AND PHOTOGRAPHY AT THE ARBORETUM AND BOTANICAL GARDENS, THE DEANNA ROSE CHILDREN'S FARMSTEAD AND CITY PARKS; AUTHORIZING RULES AND PROCEDURES FOR VIDEO AND PHOTOGRAPHY; RESCINDING RESOLUTION NO. 3577.

WHEREAS, the City of Overland Park, Kansas, owns and operates the Arboretum, the Children's Farmstead and multiple City parks for public recreation purposes; and

WHEREAS, the City establishes and administers rules, regulations and fees for use of said facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

- A. Permit and Fee Requirement - A permit shall be required for all commercial, professional, portrait or posed video/photography activities at the Arboretum, the Children's Farmstead and City parks. The permit fee for the Arboretum and the Children's Farmstead shall be \$25 per hour; provided, however, an annual permit can be obtained for \$400. The permit fee for City parks shall be \$50 per permit (no permit shall extend beyond 5 days without the approval of the Director of Parks Services or the Director's designee). All video/photography activities of this nature without a required permit are prohibited.

Commercial, professional, portrait or posed video/photography activities are defined as any video/photography activity that involves:

1. The taking of any video/photography for a fee or other consideration or with the intent to create any video/photography to be sold or distributed for consideration;
2. Setting up, carrying or using any equipment such as a tripod, medium or large format camera, long lenses, light meter, strobes, interchangeable lenses, reflectors or other equipment not normally carried or used by casual visitors to the facility;
3. Product or service advertisements;
4. The use of models, sets, changes of clothes or props;
5. The occupancy of an area or space longer than normal or usual visitors, or requires other visitors to move or be diverted from their intended path of travel;
6. Entering into prohibited areas;
7. Disrupting or interfering with the public use and enjoyment of any area of the facility; or
8. Creating any risk of harm to the natural resources.

- B. Exemptions - The permit and fee requirement shall not apply to any video/photography activities that are:

1. Conducted by normal or usual visitors of the facility for casual or tourist purposes and which do not meet any of the categories set forth above in the definition of commercial, professional, portrait or posed video/photography activities;

2. Conducted or sponsored by the City; and
3. Conducted or sponsored by the Arts and Recreation Foundation of Overland Park.

C. Rules and Regulations

1. The Director of Parks Services is authorized to adopt Rules and Regulations to govern the time, location, manner and conduct of all video/photography of any kind within the Arboretum and City parks, as well as to implement the permit and fee requirements established by this Resolution.
2. The Director of Recreation Services is authorized to adopt Rules and Regulations to govern the time, location, manner and conduct of all video/photography of any kind within the Children's Farmstead, as well as to implement the permit and fee requirements established by this Resolution.
3. Persons damaging any facility from or related to any type of video/photography activity shall be held responsible.

D. Resolution No. 3577 is hereby rescinded.

This Resolution shall take effect and be in force from and after the 13th day of January, 2014.

ADOPTED by the Governing Body this 13th day of January, 2014.

APPROVED AND SIGNED by the Mayor this 13th day of January, 2014.

Carl Gerlach, Mayor

ATTEST:

APPROVED AS TO FORM:

Marian Cook
City Clerk

Stephen B. Horner
Senior Assistant City Attorney