

Portrait and Commercial Photography/Videography Policy #90-2

Revised May 2013

This is a policy pertaining to the use of park facilities for the purpose of portrait and commercial photography and filming. This policy was created to protect park resources and prevent significant disruption of normal visitor use. Photography in which someone is hired for a fee, or a commercial product is sold as an end result requires a permit.

All Portrait and Commercial Photographers, and Videographers or their representatives are required to complete a Photography Permit application that lists each day they are using the Elkhart County Parks as a backdrop. A photo permit fee applies to each as following (please see fee schedule or up-to-date application for current fees):

Portrait Photographers are defined as photographers hired for private use for personal wedding, senior, or other family photographs. They must submit an application 3 days in advance and pay the Portrait Photographers fee per day or annually.

Commercial Photographers are defined as a business, photography studio, production company, or advertising/publicity firm creating a product for profit, or photographing a product that will be used to generate profit. They must submit an application 3 days in advance, pay the Commercial Photography fee, and provide a Certificate of Insurance.

Commercial Videography is defined as filming for sales of products, advertising, video, television, sales commercials and other filming. An application for a permit must be submitted 3 days in advance, Commercial Videography fee paid, and Certificate of Insurance provided.

Commercial Photography and Commercial Videography permits may require additional impact and/or rental fees if they cause the Elkhart County Parks to incur additional administrative costs. Any extensive setup must be cleared in advance with administrative office at least 15 business days prior to the photography/filming event.

Educational Photography/Videography that is required as part of a school's curriculum for educational purposes does not require a fee, but the student must apply for a permit. Photography for the sole purpose of publicity/promotion of the parks shall be allowed with no permit or fee.

Commercial Photography and Videography requires a Certificate of Insurance in the amount of \$1 million for general liability with Elkhart County Parks and Recreation Board named as the additionally insured.

Annual Portrait photographers will be given a name badge that must be visible at all times during a photo shoot. Staff may request additional identification and/or copy of approved permit. Annual permits and name badges will expire December 31st of each calendar year.

Photo permits and badges do not allow exclusive use or reserve any park, facility, or location or give the right to impair park visitors from using park amenities as a result of a photo shoot. The photography/videography permits do not waive other permits, rentals, or park entrance fees.

The permit holder must yield any reservable space to the person(s) who have paid for the reservation of that amenity. Garden areas cannot be reserved for photography sessions, unless they are reserved for a wedding. Portrait Photography fees are included in wedding rentals.

No Commercial Photography or Videography will be permitted on Saturdays, Sundays or holidays, unless approved in writing by the Director. Portrait Photography can be done during park open hours. It is preferred that Portrait Photographers utilize Bonneyville Mill as a backdrop *prior* to 11am or *after* 4:30pm during Saturday and Sundays from May to October.

In order to protect resources and visitor experiences, the Elkhart County Parks has the right to limit the number of consecutive photo shoots at any one location in a day.

Photography events in which a photographer advertises their services for a specific day within a park are not allowed per the soliciting policy. Appointments for photo sessions must be pre-arranged and not advertised as a program or event at an Elkhart County Park.

Please use proper park etiquette including:

- Do not use graffiti, stand on fences, or use park property as props.
- Do not build sets, structures, tie, drape, attach props, or equipment to trees, shrubs, fences, benches, structures, statues or other park amenities.
- Entrances of all buildings, trails, walkways, and gardens must be kept clear so that the general public and staff have the capability to enter and exit at all times.
- Be courteous of other visitors and do not leave items unattended and in view of general public.
- Photo permits do not allow interference of work by staff or park activities by visitors.
- All areas should be left in the condition they were found.

Any damage or alteration of park facilities, property, or natural resources will result in a charge for damages commensurate with costs of repair or replacement.

All facility use guidelines listed in Park Department Rules and Regulations found in Ordinance No. 12-177 will be in effect. Any violation of the policy may be subject to prosecution and fine in accordance with Indiana Code and will result in the loss of the right to use the Elkhart County Park facilities. This includes, but is not limited to the following:

- Do not inflict injury to flora or fauna. It is unlawful to cut, trim, break, dig up, collect, or harvest any vegetation within a park.
- Pets must be kept on a 6 foot leash (maximum).
- All notices, prohibitions, instructions, or directions posted on park signs must be obeyed.

- Commercial products shall not be advertised or promoted publicly. No soliciting.
- No vehicle of any type will be permitted off the public roadway with the exception of public parking areas.

Photography and filming will not be permitted where it would compromise the privacy of park patrons, including restrooms. Photography involving nudity and underwear is not permitted. Guests are expected to utilize restrooms as changing facilities.

A portrait and Commercial Photography/Videography session is not allowed inside buildings, including but not limited to Bonneyville Mill, One Room School House, and the Elkhart County Historical Museum. Special exceptions may be given by the Director upon request.

It is the responsibility of the photographer to check the calendar of events at www.elkhartcountyparks.org to ensure they are not requesting a permit at a location where an event or program will take place.

No refunds will be issued for photography cancellations unless the permit is denied by the Elkhart County Parks. If a cancellation is necessary, a new date may be re-scheduled one time.

The photography permit is non-transferable and a copy must be in possession during the photo shoot. Elkhart County Park staff reserve the right to monitor the permit holder's activities and prohibit any use that it deems to be in conflict with this policy or the safety of the visitors.

Photo permit fees are payable through cash, check or money order to Elkhart County Parks, 211 W. Lincoln Ave., Goshen, IN 46526.