



## LO PARKS PHOTO PASS – CONDITIONS OF USE

Commercial photography LO PARKS PHOTO PASS permits are issued to ONE individual for the express purpose of Still Portrait Photography or Videography in any Lake Oswego Parks & Recreation park and open space.

**The LO PARKS PHOTO PASS permit is intended for shooting pictures or video of a non-commercial Client by a Photographer or Videographer.** With this Pass, the Photographer/Videographer is shooting pictures and or video of the client only.

*For example: A Photographer is contracted by a couple to take their wedding photos in a park following their church wedding, park wedding or park reception; or, a Photographer is contracted by parents who want their family pictures taken in a park.*

**An LO PARKS PHOTO PASS permit does not allow third party commercial activity.**

*For example: Advertising or marketing photo shoots where a company contracts with an outside photographer or uses its in-house photographer to shoot advertising stills that will be used for sale or promotion of a product, advertising or marketing photo shoots where a company contracts with an outside photographer or uses its in-house photographer to shoot models or talent.*

This type of third party commercial activity is covered under the City of Lake Oswego Film/Photo PERMIT program and policies and must be issued 45 days prior to the event and on a per occurrence basis and charged at current Master Fee rates. The Film/Photo PERMIT program and policies and form can be found at <http://www.ci.oswego.or.us/publicworks/film-photo-permits>.

**The following are limitations and guidelines for use of the LO PARKS PHOTO PASS.**

One LO PARKS PHOTO PASS per Photographer/Videographer.

An LO PARKS PHOTO PASS limits the number of participants in the shoot to 20 or less.

An LO PARKS PHOTO PASS permit is nonrefundable, non-transferable.

An LO PARKS PHOTO PASS expires one year from the date issued.

The LO PARKS PHOTO PASS holder is subject to all provisions of Parks Rules and Parks Guidelines. These can be found online at <http://www.ci.oswego.or.us/parksrec/parks-rules> and <http://www.ci.oswego.or.us/parksrec/parks-guidelines>.

An LO PARKS PHOTO PASS permit requires Liability Insurance coverage in the amount of \$1M, \$2M aggregate and an Additional Insured Endorsement naming the City of Lake Oswego that covers the full year(s).

The LO PARKS PHOTO PASS permit provides access to all outdoor park facilities that are not currently permitted for use.

The LO PARKS PHOTO PASS permit does not provide exclusive use of any park, open space, facility or location.

The LO PARKS PHOTO PASS permit does not reserve park facilities or locations. This PHOTO PASS permit does not take the place of or waive other permits or rental requirements. The holder of this PHOTO PASS permit must yield any reservable space, facility or location to any valid permit holder.

The LO PARKS PHOTO PASS does not authorize access to the Adult Community Center, Municipal Golf Course, Indoor Tennis Center, Charlie S. Brown Water Sports Center or West End Building. Permission to shoot in these facilities must be granted by the supervisor of each specific facility.

The LO PARKS PHOTO PASS does not allow for any interference with prescheduled maintenance work in any Lake Oswego Parks & Recreation park, open space or facility, including, but not limited to, mowing, infrastructure repair, garden maintenance, weed control application or tree maintenance.

### **Applying for a PHOTO PASS Permit**

The applicant must complete the LO PHOTO PASS application which can be found at <https://www.ci.oswego.or.us/parksrec/lo-parks-photo-pass>. Return the application, payment\* made out to City of Lake Oswego, and valid certificate of insurance\*\* with the appropriate coverage amounts and naming The City of Lake Oswego as a secondary insured to:

City of Lake Oswego  
Parks & Recreation Department  
LO PARKS PHOTO PASS  
P.O. Box 369  
Lake Oswego, OR 97034

\*LO PHOTO PASS permits cost \$150 per year for Lake Oswego residents and \$173 per year for Non-Residents. (The fee includes Application/Processing and Usage fees). The permit expires one year from the date issued. Resident criteria is defined as:

- An individual who rents or owns property inside the incorporated city limits of Lake Oswego
  - An individual who lives within the LO School District boundaries
  - An individual who owns a business inside the incorporated city limits of Lake Oswego
- Tax receipts or utility bills may be used as proof of residence and must be provided prior to issuance of the LO PARKS PHOTO PASS. PO Boxes are not acceptable.

\*\*The permit holder shall maintain liability insurance in the amount of not less than \$1,000,000 combined single limit for injury or death to more than one person in any one occurrence, property damage including loss of use, and \$2,000,000 general aggregate coverage. City shall be named as an additional insured, providing that no acts on the part of the insured shall affect the coverage afforded to the above policy and providing the city will receive thirty (30) days written notice of cancellation or material modification of the insurance contract.

The applicant will be issued a bright green, laminated LO PHOTO PASS permit which must be prominently displayed during every photo shoot.

### **Release and Indemnity**

In consideration of being permitted to photograph in the public areas of the City of Lake Oswego parks for itself, legal representatives and assigns, shall defend, indemnify and hold the city, its officers, agents and employees harmless against all liability loss or expenses, including attorney fees, and against all claims or actions based upon or arising out of damage or injury (including death) to persons, animals or property caused by any negligence on the part of the sponsor, its agents or employees.

### **Licensing and Copyrights**

A PHOTO PASS permit issued by Lake Oswego Parks & Recreation provides the Permittee the rights to reproduce photos taken on park property.

Lake Oswego parks contain many pieces of public art that may be protected by copyright.

The Arts Council of Lake Oswego - ACLO is responsible for art objects on loan to or in its permanent collection owned by the City of Lake Oswego. Most of these objects were made by living artists and are covered by copyright protection. It is the policy of ACLO to leave the copyright protection with the artist, reserving for itself a non-exclusive license to reproduce the object for standard collection purposes.

Any reproduction of an artwork with copyright protection is subject to federal copyright law. ACLO maintains that it is the responsibility of the person or agency requesting the use of a reproduction to determine whether or not the object is protected, and if so, gain permission to create and/or use the reproduction.

In many cases the use of a reproduction can be considered fair use, meaning that the copyright is infringed, but the use is allowed. Considerations in determining fair use include the purpose

or character of the use, the nature and character of the copyrighted work, the amount and substantiality of the portion of the work used, and the market effect on the original work. It is the responsibility of the person or agency creating/using the reproduction to make the determination of fair use.

Any questions about reproducing public art should be directed to Nancy Nye, Executive Director Arts Council of Lake Oswego, at [nnye@ci.oswego.or.us](mailto:nnye@ci.oswego.or.us), 503-675-3738. Visit the Arts Council website at <http://www.artscouncillo.org/>.