

# CALIFORNIA FILM COMMISSION

Many California cities, counties and special districts have adopted this ordinance to ensure uniform film ordinances and permit processes throughout the State. The Model Filming Ordinance is not intended to address the circumstances of each local jurisdiction but provides general guidance for ensuring film friendly policies in a community.

The California Film Commission (CFC) reviews all local ordinances and provides comments to government to ensure uniform procedures for issuing film permits. A local government is required to submit any draft filming ordinance or amendments to the CFC 30 days prior to adoption as per Government Code 14999.21. The CFC will review all drafts and provide comments within five working days. The CFC sees that only reasonable costs are charged to film companies for use of public property or services.

## MODEL FILMING ORDINANCE

### I. DEFINITIONS:

- a. “Motion picture, television, still photography” shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, commercials, and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format.
- b. “Charitable films” shall mean commercials, motion pictures, television, videotapes, digital recording or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- c. “News Media” shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camerapersons.
- d. “Studio” shall mean a fixed place of business certified as such by local fire authority having jurisdiction where filming activities (motion or still photography) are regularly conducted upon the premises.

### II. PERMITS AND EXEMPTIONS:

- a. Permit required: No person shall use any public or private property, facility or residence for the purpose of taking motion pictures, television, or commercial still photography without first applying for and receiving a permit from the officer designated by the city/county.

b. Exemptions:

- 1) News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
- 2) Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
- 3) Studio Filming: Filming activities (motion or still photography) conducted at a studio.

**III. RULES AND REGULATIONS:**

Rules: The designated city/county officer is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Council, governing the form, time and location of any film activity set forth within the city/county. The officer shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

1. The health and safety of all persons;
2. Mitigation of disruption to all persons within the affected area;
3. The safety of property within the city/county; and
4. Traffic congestion at particular locations within the city/county.

**IV. APPLICANTS AND ISSUANCE:**

- a. Issuing Authority: the issuing authority shall be the city/county designee.
- b. Applications: The following information shall be included in the application:
  1. The representative of the property, the address, email address and telephone number of the place at which the activity is to be conducted;
  2. The specific location at such address or place;
  3. The inclusive hours and dates such activity will occur;
  4. A general statement of the character or nature of the proposed filming activity;

5. The name, address, email address, and telephone number of the person or persons in charge of such filming activity;
  6. The exact number of personnel to be involved;
  7. Activity which may cause public alarm such as the use of any animals, gunfire or pyrotechnics and low flying helicopters; and
  8. The exact amount/type of vehicles/equipment to be employed along with a parking plan.
- c. Fee Schedule: The issuing authority may adopt a fee schedule.
  - d. Reimbursement for Personnel: The production company shall reimburse the city/county for any personnel provided to the company (e.g., police, fire, traffic) for the purpose of assisting the production.
  - e. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location.

**V. LIABILITY PROVISIONS:**

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the city/county as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The city/county officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the city/county. A copy of the certificate shall remain on file.
- b. Worker's Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the city/county prior to the issuance of a permit under this ordinance.
- d. Security Deposit: To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the city/county, if no verifiable damage has occurred, the security deposit should be returned to the applicant.

**VI. VIOLATION:**

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the city/county may provide the applicant with verbal or written notice of such violation. If the applicant fails to correct the violation, the city/county may revoke the permit and all activity must cease.

**FILMING REGULATIONS:**

*See Guidelines for Best Practices in Film Regulations and Policies below.*

## **Guidelines for Best Practices in Film Regulations and Policies**

Encouraging film production is an economic development tool that can provide temporary jobs for local residents, generate local revenue and bolster local businesses. One of California's signature industries, motion picture production is an essential source of economic activity, tax revenue, jobs and tourism in California. It contributes \$30 billion dollars annually to our state's economy while supporting over 140,000 well-paying entertainment industry jobs.

It is always important to balance the needs of a production company with the concerns of local government and the local community. Once a city or county has created a film ordinance (see model filming ordinance attached), they should consider establishing permit policies and regulations that are "film friendly" with the intent to increase or retain filming in a community.

### **A. Consider the following "best practices" when creating film policies:**

1. Rapid film permit issuance: 2 – 5 business days from permit application submission to permit issuance.
2. Establish standard hours for film activities: typically 7:00 a.m. – 10:00 p.m. for residential zones.
3. Establish reasonable permit fees. Compare fees charged by similar surrounding cities and stay within or below those limits. Some cities reduce or waive permit fees for accredited student or charitable productions (while still requiring a permit).
4. Establish and post cost recovery fees for the reimbursement of city or county personnel (e.g., police, fire, traffic).
5. Establish a film permit requirement but waive any requirement for a business license as most film activities are temporary.
6. Appoint a key liaison for coordinating permits. Be sure to appoint a back-up liaison. The liaison will be required to make decisions as the community representative prior to and during filming, and should therefore have full endorsement and authority of the local jurisdiction. The liaison should be aware of any previous film production within the community and remain sensitive to local citizens' concerns.
7. Create a centralized filming section on your city/ county website clearly listing all film regulations, permit and insurance requirements, fee schedules and liaison contact information.
8. Consider adopting an ordinance parallel with the film permit ordinance that protects the orderly conduct of a permitted film event from persons who interfere.

## **B. Specific Guidelines for Filming Regulations:**

1. Timely issuance of film permits: An applicant will be required to submit a permit request at least two business days prior to the date on which such person desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least three business days in advance.
2. Notification: All residents and merchants within a 200 foot radius of the film location must receive notice of filming dates, times, location address and production company contact at least 24 hours prior to the first film activity. When parking production vehicles on a public street, residents and merchants impacted by the parking must receive notice at least 24 hours prior to the arrival of the vehicles.
3. Surveys: Require a survey of affected residents and/or businesses within a 200 ft. radius when the filming includes extraordinary activities such as a street closure, involves pyrotechnics, excessive noise, low flying helicopters, requests to film beyond the standard hours, and requests to film for extended periods of time.
4. Clean up: The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.
5. Filming on Private Property: An applicant is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the city/county.
6. Flood Control (if applicable): When filming in a flood control channel, an applicant must vacate channel when permit indicates because of water releases. Please note that when filming in or on flood control properties, the agency must be named as an additional insured.
7. Public Works Department (Road and Streets): If the applicant must park equipment, trucks, and/or cars in zones that will not permit it, temporary "No Parking" signs must be posted with approval of the local authority. The applicant must also obtain permission to lay and safely mat cable across sidewalks, or from generator to service point.
8. Traffic Control: For filming that would impair traffic flow, an applicant must use California Highway Patrol (CHP), County Sheriff or local law enforcement personnel and comply with all traffic control requirements deemed necessary.
  - a. An applicant shall furnish and install advance warning signs and any other traffic control devices in conformance with the Manual of Traffic Controls, State of California Department of Transportation. All appropriate safety precautions must be taken.

- b. For any lane closure or intermittent traffic control (ITC), the period of time that traffic may be restricted will be determined by the city/county, based on traffic volumes for location and time of day.
  - c. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.
  - d. Unless authorized by the city/county, the camera cars must be driven in the direction of traffic and must observe all traffic laws.
  - e. Any emergency roadwork or construction by city or county crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.
9. Municipal Parking Lots: When parking in a municipal parking lot, an applicant may be billed according to the current rate schedule established by the city/county. In order to assure the safety of citizens in the surrounding community, access roads to beaches, which serve as emergency service roads, must never be blocked. No relocation, alteration, or moving of beach structures will be permitted without prior approval.

### **C. Other Considerations to Encourage Filming:**

A city or county that wishes to actively recruit filming as part of its economic development plan should also consider providing the following services or incentives to encourage filming.

1. Provide service and support to each production company from the initial contact to the close of the production, including problem solving on film related matters. Support should include coordination between the film company, local residents and businesses and the city/county.
2. Offer fee-free city/county owned properties for use as filming locations. Charge applicants for cost recovery only - review time, police, fire or security monitors.
3. Waive permit fees.
4. Provide free vacant office space and / or free parking lots.
5. Create an on-line database of location photos;
6. Upload location photos to the California Film Commission website to market a local region.

Additional resources for jurisdictions interested in recruiting film production can be found at: [www.film.ca.gov/production](http://www.film.ca.gov/production).