# ORDINANCES
# SECOND READING/RECOMMENDATIONS

Description of Vote:
Maker/Second Ayes/Noes/Abstain/Absent

Legend:
JD: Dear RR: Ruiz-Raber DH: Davis-Holmes MG: Gipson ES: Santarina

| ITEM NO. | ORD. NO. | TITLE | DISPOSITION |
|---|---|---|---|
| 18 | 12-1490 | AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE § 63127.5 THROUGH § 63127.16 REGARDING THE UPDATING OF FILMING POLICY | Introduced: 6/6/12<br>Item No. 21<br>JD/RR 4/0/0/MG |

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ORDINANCE NO. 12-1490

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE CARSON MUNICIPAL CODE § 63127.5 THROUGH 63127.16 REGARDING THE UPDATING OF FILMING POLICY

The CITY COUNCIL of the CITY of CARSON, CALIFORNIA, does hereby ordain as follows:

**Section 1.** Carson Municipal Code § 63127.5 through 63127.16 are hereby amended, to read in their entirety, as follows:

63127.5 Filming.

The permit fee is $650.00 per week and $500.00 each additional week thereafter, per production, for "filming," as defined in CMC 63127.6, and $100.00 for "still photographic production," as defined in CMC 63127.6. However, charitable and student films, as defined in CMC 63127.6, are exempt from the fee. (Ord. 06-1354, § 1)

The Home Depot Center located on property owned and adjacent to California State University, Dominguez Hills, shall not be required to obtain a film permit, still photography permit or business licenses for film and still photo productions occurring and contained within their premises. The Home Depot Center will, however, be responsible for paying a fee for all film and still photo productions occurring on their property at a rate of 650.00 per week and $500.00 each additional week, per production, for "filming," as defined in CMC 63127.6, and $100.00 for "still photographic production," as defined in CMC 63127.6. However, charitable and student films, as defined in CMC 63127.6, are exempt from the fee. (Ord. 06-1354, § 1)

63127.6 Filming – Definitions.

(a) "Charitable or student film" means any filming by (i) a nonprofit organization, which qualifies under Section 501(c)(3) and (4) of the Internal Revenue Code as a charitable organization; or (ii) is an accredited educational institution, and for which 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.

(b) "Commercial film" means and includes all activities attendant to filming any entertainment or advertising programs for any media now known or hereafter created.

(c) "Director" means the city's Finance Officer or his or her designee.

(d) "Filming" means all activities attendant to a staging or a shooting of commercial motion pictures, television shows or programs, commercial still photography, video tapes, computer-based programs or other visual reproduction technology now known or hereafter created and the filming

of commercial radio station promotional events. The period of filming includes the set-up, strike and time of photography.

(e) "News media" means filming for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.

(f) "Private property" means any property not owned by the city on which filming would not interfere with public rights-of-way, access or safety.

(g) "Still photographic production" means all activity attendant to the staging or shooting of commercial still photographic production.

(h) "Strike day" means the work at a filming location that includes the removal of equipment at the end of film activities. These activities may include but are not limited to set removal, repainting, relandscaping, and unrigging from stunts/special effects. (Ord. 06-1354, § 2)

63127.7 Filming – Permit Required.

(a) No person shall use any city street, alley, sidewalk, parkway or other public property owned or controlled by the city for the purpose of making commercial films and/or commercial still photographs without first applying for and receiving a permit from the Director; provided, that the provisions of CMC 63127.5, et seq., shall not apply to or be construed to affect (1) spontaneous, unplanned filming by the news media and (2) filming solely for private family use.

(b) No person shall use any private property for the purpose of making commercial films and/or commercial still photographs without first applying for and receiving a permit from the Director. Notwithstanding the foregoing, the provisions of CMC 63127.5, et seq., shall not apply to or be construed to affect (1) news media and (2) filming solely for private family use.

(c) Any permit issued by the city for filming shall only be valid for the approved duration of that shoot. (Ord. 06-1354, § 3)

63127.8 Filming – Permit Application.

(a) Any person desiring a film permit or a still photography permit shall submit a completed application for filming on a form furnished by the Director. Each film permit application shall be accompanied by the permit fee specified in CMC 63127.5. Completed film permit applications shall be approved or denied by the city within 5 business days. Permit application packets shall include the following information:

(b) The name, address and telephone number of both the applicant and the person in charge of the filming activity.

(c) The specific dates, times and location of filming.

(d) A general statement of the character or nature of the proposed filming activity, including a detailed description of any potentially disruptive activities.

(e) The names and telephone numbers of on-site contacts.

(f) The number of personnel to be involved.

(g) A statement regarding the use of animals, pyrotechnics, gunfire, sirens, bullhorns or other noise-creating devices or any other hazardous activity. No noise-creating devices may be used in violation of Chapter 5 of Article V of this Code without prior approval from the city.

(h) A staging plan illustrating the placement of material and equipment that will be located in the public right-of-way or where traffic flow and pedestrian access may be affected.

(i) A copy of written evidence that all residents and merchants who will be affected by the filming have been notified.

(j) The maximum number and type of vehicles and other equipment which will be used.

(k) An executed hold harmless agreement on a form approved by the City Attorney.

(l) The applicant shall submit a performance bond or post a refundable security deposit in the amount determined by the Director to be sufficient to ensure that the applicant cleans up or restores all of the property used during filming. Upon completion of filming and inspection of the site by the city, if no verifiable damage has occurred, the security deposit should be returned to the applicant.

(m) The applicant shall remit payment equal to the estimated value of the anticipated city staff time, pursuant to CMC 63127.12.

(n) Such additional information as the Director may reasonably require.

(o) The Director may refer the application to such appropriate city departments as are directly impacted by the application and as the Director deems necessary from the nature of the application for review, evaluation, investigation and recommendations by the departments regarding approval or disapproval of the application.

(p) The Director shall issue a permit under CMC 63127.5, et seq., if it is determined that the following criteria have been met:

(q) The proposed use will not unreasonably interfere with traffic or pedestrian movement, or unreasonably interfere with or endanger the public peace or rights of nearby residents and merchants to the quiet, peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare;

(r) The proposed use will not unduly impede, obstruct or interfere with the operation of emergency vehicles or equipment in or through the permit area, or adversely affect the city's ability to perform municipal functions or furnish city services in the vicinity of the permitted area;

(s) The proposed use will not constitute a fire or safety hazard and all proper safety precautions will be taken as are reasonably necessary to protect the public peace, health, safety or general welfare; and

(t) A complete application, including the payment of all applicable fees, proof of all required insurance, an executed hold harmless agreement and any required performance bond or security deposit have been submitted and are satisfactory to the Director.

(u) The Director has the discretion to impose any conditions on the permit that the Director believes are necessary to facilitate the filming and to lessen any adverse effects the filming may have on the community. (Ord. 06-1354, § 4)

63127.9 Filming – Permit Rider.

Changes, revisions and/or additions to the permit conditions require a permit rider. Each application for a permit rider shall be accompanied by a fee of $50.00 for filming and $25.00 for still photography. (Ord. 06-1354, § 5)

63127.10 General Requirements for Filming Permits.

(a) Notification. All residents and merchants within a three hundred (300) foot radius of the film location must receive notice of filming at least forty-eight (48) hours prior to the first day of filming. Notwithstanding the foregoing, the city reserves the right to impose additional notice requirements beyond three hundred (300) feet and/or require more than forty-eight (48) hours' notice if, in the city's discretion, extraordinary circumstances of the filming warrant additional notice.

(b) Filming Hours. The hours for filming are 7:00 a.m. to 10:00 p.m. Filming activities occurring outside the designated hours require signature approval by eighty (80) percent of residents and businesses within a three hundred (300) foot radius. (Applicants must document two (c) separate attempts for signature approval where they have been unsuccessful in their endeavor.)

(d) No Interference. Filming shall not interfere with normal activities of any neighborhood, such as refuse collection, street sweeping, gardening, deliveries or ingress or egress to public or private property without permission of the appropriate authority.

(e) Roadwork and Construction. Any roadwork or construction by city crews and/or private contractors under permit or contract to the city or any other public agency has priority over filming activities.



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(f) Inspections. The production company must allow site inspections by city staff at any time. A copy of the approved city license and permit must remain at the filming location.

(g) Crew Behavior. Cast and crew are to refrain from nonscripted, off-camera language that is loud or lewd within earshot of the general public.

(h) Condition of the Site. The production company shall conduct operations in a neat and orderly fashion, and upon completion of filming, the area shall be cleaned of trash and debris and restored to its original condition.

(i) Oversight Personnel. The production company shall ensure that the necessary oversight personnel, as described in CMC 63127.13, are on-site during filming.

(j) At the city's request, a briefing between city staff and the production company may be required. (Ord. 06-1354, § 6)

63127.11 Filming – Traffic Control.

(a) Interim traffic control on roadways is limited to three (3) minutes maximum and shall not occur more than once during any twenty (20) minute period on any major street and more than once during any ten (10) minute period on any minor street unless authorized by the appropriate city personnel.

(b) When interim traffic control measures are necessary, the permittee shall furnish and install advance warning signs and any other traffic control devices required to ensure that the measures are being undertaken in conformance with the Manual of Traffic Controls, state of California, Department of Transportation. All appropriate safety precautions must be taken, to the satisfaction of the Director of Public Works.

(c) Traffic may be restricted to one (1) twelve (12) foot lane of traffic and/or stopped intermittently, but not more often than permitted pursuant to CMC 63127.11(a). The period of time that traffic may be restricted will be determined by the Development Services General Manager based on location and other factors deemed relevant. When necessary circumstances exist, traffic may be rerouted as provided in a detour plan approved by the Development Services General Manager or his designee.

(d) Traffic may not be detoured across a double centerline without prior written approval from the city.

(e) Any emergency road work or emergency construction by city crews and/or private contractors, under permit or contract to the appropriate city department or any other public agency, shall have priority over filming activities.

(f) No existing traffic signs may be "bagged" without prior city approval.

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(g) Camera cars must drive with the flow of traffic and must not interfere with other vehicles in the road unless the production has obtained approval for a road closure from the property authority.

(h) Stationary cameras should be mounted off the roadway. If a stationary camera is to be located in the traffic lane, all necessary lane closures must be provided and approved in writing in advance by the city.

(i) If the production company wets the roadway for filming purposes, the filming company may not remove cautionary warning signs until the roadway is dry and deemed safe to the city's satisfaction. A professional lane closure company shall be hired to install the lane closure area for the wet-down and shall maintain said closure until the roadway is dry. "Wet Pavement" signs are required at either end of the wet-down. (Ord. 06-1354, § 7)

63127.12 Filming – Insurance.

(a) As a condition of issuance of a permit hereunder, every permittee must procure and maintain in full force and effect during the term of the permit a policy (or policies) of insurance from an insurance company licensed to do business in California, which policy (or policies) names the city, its officers, employees and agents as additional insureds insuring against any and all liability of permittee in connection with the filming and permittee's obligations and liabilities under its permit, CMC 63127.5, et seq., any other regulations contained in this Code and its indemnities, including, but not limited to, commercial general liability insurance on an "occurrence" basis against claims for personal injury, including death, bodily injury or property damage liability and in an amount not less than $1,000,000, or such additional amounts the Director deems necessary to provide sufficient coverage that is adequate under the circumstances. Proof of insurance in a form acceptable to the city's Risk Manager shall be submitted to the city in advance of the issuance of the permit. The Director may waive the requirement of insurance or a particular type of coverage if the Director determines that the intended use does not present any significant exposure to liability for the city, its officers, employees and agents or to public property damage.

(b) The permittee shall conform to all applicable federal and state requirements for Workers' Compensation Insurance for all persons operating under a permit. (Ord. 06-1354, § 8)

63127.13 Police, Fire and Other City Personnel.

(a) At the Director's discretion, the presence of a law enforcement entity or private security may be required. The production company shall be solely responsible for coordinating availability with the law enforcement agencies including but not limited to the Los Angeles County Sheriff's Deputy, Highway Patrol, on-duty or retired Los Angeles Police Department (LAPD) or private security.

(b) The production company must comply with all Los Angeles County Fire Department requirements, including obtaining all required permits.

(c) In the Director's discretion, one or more members of city staff shall be on-site at all times during filming and related activities to assist the production company's compliance with the requirements of this Code.

(d) Any required city personnel, law enforcement or private security services shall be retained at the production company's sole cost and expense. The anticipated value of the staff time shall be remitted to the Director concurrent with the permit application. After filming has been completed, the Director shall review the actual amount of staff time used by the production company and shall reconcile whether the production company is owed a rebate or owes the city additional amounts. Any rebate from the city or additional amounts owed to the city shall be paid within seven (7) days of the Director's determination thereof. (Ord. 06-1354, § 9)

63127.14 Nonprofit and Student Filming.

(a) Nonprofit organizations desiring a film permit must complete an application form and must provide a copy of their proof of tax-exempt status.

(b) For student film projects, students must supply a written certificate from the school of their attendance stating that the filming project is an assignment for the class and is not intended for commercial distribution. (Ord. 06-1354, § 10)

63127.15 Filming – Permit Denial or Revocation.

(a) The Director shall deny the permit if the conditions of CMC 63127.5, et seq., and any other applicable laws and regulations have not been met or if the application contains incomplete or false information.

(b) The Director may immediately revoke or suspend a permit which has been granted, if the conditions of CMC 63127.5, et seq., and all applicable laws and regulations are no longer being met, if the information supplied by the applicant becomes, or is determined to be, false or incomplete, or if any substantial change in circumstances results in the proposed use becoming detrimental to the public peace, health, safety or general welfare.

(c) Upon revocation of a permit, the permittee may be prohibited from applying for another permit for a period of one (1) year if it is determined by the Director that the application was filed under false pretenses or that future filming may be detrimental to the public peace, health, safety or general welfare. (Ord. 06-1354, § 11)

63127.16 Filming – Notification and Appeals.

(a) The Director shall act upon the application in a timely fashion and shall approve or disapprove the application or request additional information within two (2) business days when possible, but not longer than ten (10) business days following the date of filing of the application. The applicant shall be immediately notified of the action of approval, denial or revocation of the permit application or permit issued under CMC 63127.5, et seq.

(b) The notice of denial or revocation shall state the reasons for such action and the appropriate remedy or cure, if applicable.

(c) The notification shall be deemed satisfied when the notice is sent by facsimile to the facsimile number listed on the application, or if no number is listed, when notice is placed, postage prepaid in the United States mail addressed to the applicant at the address shown on the permit application.

(d) An applicant or permittee aggrieved by a decision or action of the Director or City Manager under CMC 63127.5, et seq., shall have the right to appeal such decision to the City Council.

(e) Any appeal shall be filed with the City Clerk within five (5) business days after notice of denial, approval or revocation has been received by the applicant or permittee. The City Council shall act upon the appeal within twenty-eight (28) calendar days of the filing of the appeal.

(f) Upon receipt of an appeal, the City Clerk shall set a date for a hearing of the matter and give notice of the date, time and place of the hearing to the applicant/appellant. Prior to such hearing, the Director shall transmit to the City Clerk a report of his/her findings and at the City Council hearing shall present all documents on file.

(g) The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify in whole or in part the action that was appealed. The City Council may also make or substitute additional decisions or determinations as it finds warranted under the provisions of CMC 63127.5, et seq., and may waive any requirement of CMC 63127.5, et seq., where it is found to be in the public interest. The City Council shall transmit a copy of its decision to the applicant/appellant. (Ord. 06-1354, § 12)

**Section 2.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or contrary to state law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or contrary to state law.

**PASSED, APPROVED** and **ADOPTED** this _____ day of June, 2012.

_____
Mayor Jim Dear

ATTEST:

_____
City Clerk Donesia L. Gause

APPROVED AS TO FORM:

_____
City Attorney