

Chapter 5.04 - MOTION PICTURE, TELEVISION AND PHOTOGRAPHIC PRODUCTION

Sections:

5.04.010 - Title.

This chapter shall be known as the Motion Picture, Television and Photographic Production Rules of the city of Calabasas.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004; Ord. 93-58 § 1, 1993)

5.04.020 - Purpose and intent.

This chapter is to establish procedures for the review and issuance of city filming permits allowing work associated with the production of commercial filming activities, within the city of Calabasas, subject to the permit requirements. The intent of this chapter is to facilitate the production of such work while protecting the residents and property owners from the potential adverse impacts of filming activities.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004; Ord. 93-58 § 2, 1993)

5.04.030 - Definitions.

For purposes of this chapter, the following definitions shall apply:

"City filming permit" means a permit issued by the city of Calabasas to allow the activities associated with the production, filming or video taping of motion picture and television shows, programs, commercials and still photography.

"City filming permit coordinator" means the city manager of the city of Calabasas or designee.

"City-produced or city-sponsored government or educational access productions" means motion picture, television, or still photography produced by or in association with the city.

"Family video" means the filming or videotaping of motion pictures or taking of still photographs solely for private use.

"Motion picture, television, or still photography" means and includes all activity attendant to staging or shooting motion pictures, television shows or programs, and commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than five consecutive minutes.

"News media" means the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or cameramen.

"Student films" means motion picture, television, or still photography produced to satisfy a course or curriculum requirement at an educational institution. The student film maker must supply proof that he or she is currently enrolled.

"Studio" means a legally established, commercial, motion picture/television/still photography place of business where filming activities (motion or still photography) are regularly conducted inside a studio/stage upon the premises.

(Ord. 2007-238 § 1 (part), 2007; Ord. 2005-201 § 7, 2005; Ord. 2004-187 § 1 (part), 2004; Ord. 93-58 § 3, 1993)

5.04.040 - Permit required.

No person shall use any public or private property, building, facility or residence for the purpose of producing, taking or making any motion picture, television or still photography production without first obtaining a permit issued pursuant to the provisions of this chapter.

(Ord. 2007-238 § 1 (part), 2007; Ord. 2005-201 § 8, 2005; Ord. 2004-187 § 1 (part), 2004; Ord. 93-58 § 4, 1993)

(Ord. No. 2010-270, § 2, 2-10-2010)

5.04.050 - Permit exceptions.

The provisions of Section 5.04.040 shall not apply to the following:

- A. News media;
- B. Family video;
- C. Studio productions.

(Ord. 2007-238 § 1 (part), 2007; Ord. 2004-187 § 1 (part), 2004; Ord. 93-58 § 5, 1993)

5.04.060 - Permit application and issuance.

- A. Permit Application. Any person desiring a permit under the provisions of this chapter shall fill out an application provided by the city. The form must be signed and accompanied by all required fees, deposits, and the insurance certificate required by this chapter before the permit will be processed. Such application shall be submitted at least two working days prior to the date on which such person desires to conduct the activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application shall be submitted at least five working days in advance.

Written evidence of permits and/or coordination with other public agencies may be required upon submission of an application for a film permit. Requirements of these responsible agencies shall be requirements of this permit. Examples of such agencies include, but are not limited to, the California Highway Patrol, the Los Angeles County sheriff's department and the Los Angeles County fire department.

- B. Permit Issuance. The city manager shall designate the person or body responsible for issuing permits under this chapter.

The city manager or his or her designee shall issue a permit as provided for in this chapter when, from a consideration of the application and from such other information as may be otherwise obtained, the application complies with the provisions of this chapter and he or she finds that:

1. The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Seventy-two (72) hours' notice of any street closure shall be given;
2. The conduct of such activity will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant; and
- 3.

At the determination of the city's public works department as well as the Los Angeles County sheriff's department, Los Angeles County fire department, and Los Angeles County public works department, that the condition of such activity will not constitute a fire hazard or any other type of hazard and all proper safety precautions will be taken as determined by the heads of the aforementioned departments or their designee.

- C. Cost of Additional Services. If deemed necessary by the city manager or his or her designee, additional sheriff, code enforcement, fire, and other city services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The cost of providing such additional services shall be paid in advance to the city by the applicant. Any additional city services will be provided/coordinated through the city manager or his or her designee.
- D. Additional Conditions. The city manager may impose any conditions found necessary to protect the public health safety and welfare. The applicant shall comply with any conditions or restrictions the city may impose as a condition to issuing a permit. No changes shall be made without first obtaining the city's approval.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004; Ord. 93-58 § 6, 1993)

5.04.070 - Appeal procedures.

The decision of the city manager or designee to issue, conditionally issue, or not issue a permit shall be final unless appealed in writing within five working days of the decision by requesting a hearing of the city council at the next available meeting. The appeal must include copies of all pertinent material necessary to reinforce the permittee's position supporting the appeal. Written notice of the appeal must be mailed to residents within a five-hundred-foot radius of each filming location. Any actions of the city council shall be final. Such written request for an appeal consideration shall be accompanied by a fee, as established by city council resolution.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004; Ord. 97-126 § 1, 1997: Ord. 93-58 § 9, 1993)

5.04.080 - Rules and regulations.

- A.

Rules. The city manager, or his or her designee, is authorized and directed to promulgate rules and regulations governing the form, time and location of any film activity set forth within the city. He or she shall also set forth the procedures for the issuance of permits. The rules, regulations, and procedures shall be based on the criteria set forth in Section 5.04.060.

- B. In accordance with city of Calabasas Ordinance No. 2006-217, a comprehensive Second Hand Smoke Control Ordinance is in effect. All applicants shall comply with said ordinance which is available at www.cityofcalabasas.com.
- C. Maximum Number of Filming Days Allowed. The maximum number of filming days that will be allowed for filming activity at the same location is fourteen (14) days within the immediately prior twelve-month period of the date(s) for which a film permit is sought. The Calabasas film office may grant an extension to the fourteen-day limit only due to acts of God or force majeure. Any such event must be reported to the Calabasas film office immediately in order to be evaluated for an extension in filming days.

To extend the filming period for up to and including twenty (20) total days of filming activity during a twelve-month period, an application including one hundred (100) percent approval signatures from properties within five hundred (500) feet of the filming location shall be obtained and submitted to the Calabasas film office. The film office will provide a radius map or list of addresses within the five-hundred-foot area. A signature form will also be provided. To extend beyond the twenty (20) days, an applicant shall be required to obtain approval from the city council at the next available meeting.

- D. Filming Hours. In addition to any special conditions imposed by the permit, the following restrictions shall apply to all filming activity: Filming activities may occur between the hours seven a.m. and seven p.m. Monday through Sunday. Applications to film from six a.m. to seven a.m. and seven p.m. to midnight must include one hundred (100) percent signature consent from the current residents, whether they are the owner of the property or the lessee, whose properties are immediately contiguous to a filming location and written consent of at least seventy-five (75) percent of the remaining properties within the five-hundred-foot radius.
- E. Applications that fail to include the minimum amount(s) of consent shall require approval from the city council at the next available meeting.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004)

5.04.090 - Permit fees.

Each application shall be accompanied by:

- A. A security deposit to ensure cleanup and restoration of the site at the time application is submitted. The deposit, in full or part thereof, may be returned to the applicant upon completion of filming and inspection of the site by the city; and
- B. A processing fee in an amount established by resolution of the city council to reimburse the city for staff time required to evaluate the application and establish conditions of approval and to monitor the activity. The processing fee shall not apply to or affect:
 1. City-produced or city-sponsored government or educational access productions, and
 2. Student productions;
- C. A daily property use fee in an amount established by resolution of the city council to compensate the city for the use of public property and its unavailability for ordinary and usual purposes resulting from the filming activity. The property use fee shall not apply to or affect:
 1. City-produced or city-sponsored government or educational access productions,
 2. Student productions, and
 3. Productions conducted wholly on private, county, or state property where no vehicles or equipment are parked or stored on city property or rights-of-way, where no traffic control measures are required and where the production activity will not in any respect interfere with the use and enjoyment of city property, public streets and neighboring property.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004)

5.04.100 - Liability provisions.

- A. **Liability Insurance.** Before a permit is issued, a certificate of insurance will be required in an amount not less than one million dollars (\$1,000,000.00) naming the city of Calabasas as an additional insured for protection against claims of third persons for

personal injuries, wrongful deaths, and property damage and to indemnify the city for damage to city property arising out of the permittee's activities. The certificate shall not be subject to cancellation or modification until after thirty (30) days' written notice to the city. Such insurance shall be evidenced by the standard General Liability Special Endorsement Form mandated by the California Film Commission which will remain on file with the Calabasas film office.

- 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.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004)

5.04.110 - Enforcement.

If an applicant violates any provisions of this chapter or a permit issued pursuant thereto, the city may cancel the permit. Violation of the provisions of this chapter shall be a misdemeanor and may be punishable by a fine, or imprisonment, or by both such fine and imprisonment.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004)

5.04.120 - Administrative procedures.

The city manager and his or her designee is authorized to promulgate and enforce administrative procedures in the implementation and enforcement of this chapter.

(Ord. 2007-238 § 1 (part), 2007: Ord. 2004-187 § 1 (part), 2004)