

**ITEM 6 ATTACHMENT A
ORDINANCE NO. 2020-388U**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CALABASAS, CALIFORNIA, AMENDING
CHAPTER 5.04 - MOTION PICTURE, TELEVISION AND
PHOTOGRAPHIC PRODUCTION OF THE CALABASAS
MUNICIPAL CODE**

WHEREAS, the City of Calabasas (the "City"), under the police powers delegated to it by the California Constitution, has the authority to enact laws that promote the public health, safety and general welfare of its residents; and

WHEREAS, the City adopted Ordinance 2007-238 and Ordinance No. 2020-384 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; and

WHEREAS, it remains the intent of the City to facilitate the production of such work while protecting the residents and property owners from the potential adverse impacts of filming activities; and

WHEREAS, the City Council desires to amend certain sections of the filming ordinance to further define permitted filming activities with the City; and

WHEREAS, the City Council desires to protect the public health, safety, general welfare, and quiet enjoyment of property in the City by the adoption of this urgency ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. Environmental Determination. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that the adoption of this ordinance amending the City's regulations for motion picture, television, and photographic production permitting will have a significant effect on the environment. Accordingly, under the provisions of § 15061(b)(3) and § 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act.

SECTION 3. The City Council hereby amends Section 5.04.030 of the Calabasas Municipal Code, Chapter 5.04 to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~:

5.04.030 - Permit application and issuance.

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, Reality and Social Media Film Productions, 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.

"Reality and Social Media Film Productions" means any unscripted activity filmed by a camera person or by the subject of the activity, whether for documentary, commercial social media created for or on a social media platform for the purpose of being shared or distributed to others, digital, news, or entertainment purposes.

"Private Use Video" means filming or videotaping of motion pictures or the taking of still photographs solely for private, non-public commercial or non-commercial uses.

"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.

SECTION 4. The City Council hereby amends Section 5.04.050 of the Calabasas Municipal Code, Chapter 5.04 to read as follows, with additions denoted by underlined text and deletions denoted by ~~strike-through text~~

5.04.030 - Permit application and issuance.

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

- A. News media;
- B. Family Video;
- C. Studio productions;
- D. Private Use Video.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Calabasas hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 6. Urgency Findings. The City Council of the City of Calabasas hereby finds that there is a current and immediate threat to, and a need for immediate preservation of, the public peace, health, or safety that warrants this urgency ordinance. Individuals within the City are engaging in violations of the municipal code and holding and filming large parties and events for commercial purposes, including on commercial social media, and creating public nuisances and public safety hazards during such activities, including by holding gatherings of multiple households, engaging in illegal landform alterations, generating excessive noise, and disturbing the peace of the City's neighborhoods by converting residential homes into outdoor film studios — all of which pose a public health and

safety hazard both generally and a heightened hazard because of the coronavirus COVID-19 pandemic and the likelihood of such activities contributing to the spread of the virus. Immediate action is required to deter such action by requiring a permit for such activities and allowing immediate issuance of fines, citations, penalties, and other lawful remedies if that requirement is violated to limit the spread of the disease and reduce the threats to the public's health and safety

SECTION 7. Effective Date: Under Government Code section 36937, subdivision (b), this Ordinance shall become effective immediately because its passage is required for the immediate preservation of the public peace, health and safety.

SECTION 8. Certification: The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 28th day of October 2020.

Alicia Weintraub, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney