

Title 5 - BUSINESS LICENSES AND REGULATIONS
Chapter 5.04 MOTION PICTURE, TELEVISION AND PHOTOGRAPHIC PRODUCTION

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, 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 (1) location for longer than five (5) 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.

"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.

"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.

"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)

(Ord. No. 2020-388U, § 3, 10-28-2020; Ord. No. 2021-389, § 3, 1-13-2021)

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;
- D. Private use video.

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

(Ord. No. 2020-388U, § 4, 10-28-2020; Ord. No. 2021-389, § 4, 1-13-2021)

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 form provided by the city. The form must be signed and accompanied by a signed letter or form consenting to the permit application from the property owner or property owner's authorized agent (if the property owner is not the applicant). All required fees, deposits, and the insurance certificate required by this chapter shall be submitted before the permit will be processed. Such application shall be submitted at least two (2) 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 (5) 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.

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- B. Permit Issuance. The city manager may 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 film 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 film activity will not unduly interfere with the enjoyment of residential neighborhoods;
 3. The conduct of such film 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;
 4. At the determination of the city's building and safety and public works departments, as well as the Los Angeles County Sheriff's Department and Los Angeles County Fire 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; and
 5. Issuing the permit authorizing the proposed filming and related activities will not be detrimental to the public's health, safety, or welfare.
- 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 personnel, and contracting services such as an on-site film monitor 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. Notwithstanding subdivision (B) of this section, the city manager or designee shall deny an application for a permit if the proposed private property location is the subject of an issued notice of violation or an issued administrative citation, and the violation or violations described therein have not been fully abated with all required city approvals, permits and inspections.
- E. Additional Conditions. The city manager, or a designee thereof, may impose all reasonable conditions found necessary to protect the public's health, safety, and welfare. The applicant shall, prior to issuance of the permit, agree in writing by signing and returning the city's permit compliance form to comply with any conditions, prohibitions, or restrictions the city may impose as a condition to issuing a permit. A condition of a permit may not be waived, rescinded or modified, except in writing by the city manager or a designee thereof.
- F. Compliance with Rules and Regulations. All permit holders shall comply with all rules and regulations set forth in Section 5.04.080 and adopted by the city manager under the authority provided therein. Failure to do so is a violation of this Code.

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

(Ord. No. 2020-384 , § 3, 10-28-2020)

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; permit restrictions.

- A. Rules and Regulations. The city manager, is, in order to promote the effective administration of this chapter and to protect the public's health, safety or welfare, 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.
- 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 for film days impacted by inclement or extreme weather, 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, a new film permit application including ninety (90) percent approval signature consent from the current residents, whether they are the owner of the property or the lessee, whose properties are bordering the filming site on all sides as determined by the city, shall be submitted to the city for approval. The film office will provide a radius map or list of addresses within the bordering area for use by the applicant in obtaining signatures. To extend beyond the twenty (20) days, an applicant shall be required to obtain approval from the city manager.

- D. Permit Hours. All activities occurring in connection with an issued city-filming permit shall only occur at the approved location between the hours of 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 ninety (90) percent signature consent from the current residents, whether they are the owner of the property or the lessee, whose properties are bordering a filming location as determined by the city. The city manager, or a designee thereof, shall not approve such request if he or she determines allowing additional permit hours would be detrimental to the public's health, safety or welfare. The city manager, or a designee thereof, may impose all reasonable conditions on any approved request.
- E. Maximum Number of Allowed Persons. The maximum number of persons that may be present at a private residentially zoned property in connection with a permit is the number of persons listed on the permit application as cast and crew for the permitted activity, unless otherwise approved in writing by the city manager or designee. Full-time residents of the property (whether as property owners or tenants) are not subject to this subpart. Applicants may seek authorization to exceed that limit pursuant to a procedure that is established pursuant to subsection (A) of this section. The city manager, or a designee thereof, shall not approve such that request if he or she determines allowing additional persons would be detrimental to the

public's health, safety or welfare. The city manager, or a designee thereof, may impose conditions on any approved request. As used herein, "allowed persons" includes but is not limited to: (ii) actors and crew; and, (iii) persons directly or indirectly involved in the activity that is authorized by the permit; and, (iii) individuals who are providing security services; and, (iv) persons who are full-time residents of the property. If the number of allowed persons present at a private residentially zoned property during the pendency of a film permit exceeds the permitted number of persons, then the city film office, the Los Angeles County Fire Department, or a peace or code enforcement officer may require the persons present beyond the permitted number of persons to disperse or the city may take any other lawful enforcement action available under this Code or applicable law. The permit holder for any permit with a specified number of cast and crew that exceeds fifty (50) persons must contract for and secure the on-site presence of a fire safety advisor or other person qualified to provide fire protection and life safety advisory services who will ensure that the number of persons present during filming activity does not exceed applicable limits at any time.

F. Prohibitions. All permit holders shall comply with the following prohibitions:

1. The permit holder shall not allow any members of the public to be present at the private property location for any reason during the period a permit is in effect. This prohibition includes before, during, and after the allowed hours for permitted activity, as discussed in Subdivision D of this section.
2. All persons present in connection with a permit, as identified in Subdivision (E), shall leave the permitted filming location at the end of permit hours, as discussed in Subdivision D of this section.
3. No persons present in connection with a permit as identified in Subdivision (E), except licensed security personnel or full-time residents (whether as property owners or tenants) of the property, shall stay overnight at the permitted filming location (whether outdoors, or in any structure) during the period a permit is in effect. The city manager or designee may approve additional persons for overnight stays if the city manager or designee finds that approving the additional overnight stays would not be detrimental to the public's health, safety, or welfare. This type of overnight occupancy of any private property, including private residentially zoned property, is transient in nature and is not a permitted use under Title 17 of this Code. Overnight presence at lawfully permitted hotels, motels, and bed and breakfasts is exempt from this prohibition, if such activity is in compliance with the hotel, motel, or bed and breakfasts city-issued permits.

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

(Ord. No. 2020-384 , § 4, 10-28-2020)

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;

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- 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)