

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 5 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, BY ADDING THERETO A NEW CHAPTER 5.24 ESTABLISHING REGULATIONS FOR FILMING PERMITS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 The list of Chapters prefacing Title 5 of the City of Moreno Valley Municipal Code is hereby amended by adding thereto "Chapter 5.24 Filming Permit Regulations."

1.2 Title 5 of the Moreno Valley Municipal Code is hereby amended by added thereto a new Chapter 5.24. reading as follows:

"Chapter 5.24
Filming Permit Regulations

Sections:

- 5.24.010 Purpose and intent**
- 5.24.020 Definitions**
- 5.24.030 Permits and Exemptions**
- 5.24.040 Rules and Regulations**
- 5.24.050 Applications, Issuance and Fees**
- 5.24.060 Liability Provisions**
- 5.24.070 Filming Regulations**
- 5.24.080 Permit Revocation, Suspension, Appeal**
- 5.24.090 Appeals**
- 5.24.100 Violation – Penalties**
- 5.24.110 Severability**

5.24.010 Purpose and Intent

It is the purpose and intent of the City of Moreno Valley to encourage the motion picture and television industries to utilize the scenic beauty and variety of backdrops afforded in the City as locations for filming and/or video taping for commercial production. It is the purpose and intent of this Chapter to provide the means by which such activities may be reasonably regulated to preserve the public

health and safety and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

5.24.020 Definitions

“Charitable films” shall mean commercials, motion pictures, television, OR videotapes produced by a nonprofit organization, which qualifies under Section 501 (c) (3) of the Internal Revenue Code as charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, or tapes.

“City Produced Government Access Films” shall mean motion pictures or programs produced by or in association with the City. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

“Family or personal use filming” shall mean the filming or videotaping of motion pictures solely for private, personal or family use.

“Film” or “filming” or “filming activity” shall mean all activity in preparation of, and attendant to, staging, making, striking, filming or video recording commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.

“Film Office” shall mean the City Manager’s Office.

“Film Permit Coordinator” shall mean the City Manager’s designee responsible for routing and processing film permits.

“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 camera operators.

“Student films” shall mean motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.

“Studio” shall mean a fixed place of business where filming activities are regularly conducted upon the premises.

5.24.030 Permit and Exemptions

A. Film Permit required: No person shall use any kind of public or private property, facility or residence for the purpose of taking commercial motion pictures or television pictures without first applying for and receiving a film permit from the coordinator designated by the City.

B. Exemptions:

1. News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camera operators 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. Family or personal use video: The filming or videotaping of motion pictures solely for private-family use.
3. Charitable Films: Projects that qualify under Section 501 (c) (3) of the Internal Revenue Code.
4. Photographers. This ordinance does not apply to still photography.
5. Student Films.
6. City Produced Government Access Films.
7. Studio Filming: Filming activities conducted at a studio with a current Certificate of Occupancy and Business License.

5.24.040 Rules and Regulations

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

1. The health and safety of all persons;
2. Avoidance of undue disruption of all persons within the affected area;
3. The safety of property within the City; and
4. Traffic congestion at particular locations within the City.

B. 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 film permit has been issued, provided established limitations are complied with in respect to time and location.

5.24.050 Applications, Issuance and Fees

A. Issuing Authority: The issuing authority shall be the City film permit coordinator.

B. Applications: The following information shall be included in the film permit application:

1. The name of production company, name of the production company owner, the 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 transpire;
4. A general statement of the character or nature of the proposed filming activity;
5. The name, 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. Use of any animals or pyrotechnics; and
8. The exact amount/type of vehicles/equipment to be involved.

C. Film Permit Application Fee: The applicant shall pay a film permit application fee in the amount established by resolution of the City Council of the City of Moreno Valley. The film permit application fee shall be paid to the City film permit coordinator when the application form is submitted for approval. The film permit application fee is to cover the City's cost of processing a film permit application. There shall be extra costs for other related City services (including, but not limited to, law enforcement, traffic control, fire safety, trash hauling and attorney's fees). No film permit shall be issued to an applicant who owes the City money on a prior permit.

5.24.060 Liability Provisions

A. Liability Insurance: Before a film permit is issued, a certificate of insurance will be required in an amount established by the City's Risk Manager, naming the City of Moreno Valley, the Moreno Valley Community Services District and the Redevelopment Agency of the City of Moreno Valley as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The City officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty (30) days written notice to the City Manager or his/her designee. A copy of the certificate will 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 film permit.

C. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of a film permit under this ordinance.

D. Performance Deposit: To ensure cleanup and restoration of the site, an applicant may be required to post a refundable deposit, or cash in lieu of bonds (amount to be determined) at the time application is submitted. Upon completion of filming an inspection of the site by the City, the deposit may be returned to the applicant.

5.24.070 Filming Regulations

A. Acknowledgement: The applicant/permittee shall in the credits of the motion picture or television program, acknowledge the production was filmed in the City of Moreno Valley.

B. Advance Notice for Approval: An applicant will be required to submit a film permit application at least three working days prior to the date on which such person desires to conduct an activity for which a film permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least five working days in advance.

C. 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.

D. 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.

E. Flood Control: When filming in a flood control channel, an applicant must vacate channel when film permit indicates because of water releases. When filming in or on flood control properties, the appropriate agency must be named as an additional insured.

F. Public Works Department (Roads and Streets): If the applicant must park equipment, trucks, and/or cars in zones that will not allow it, temporary "No Parking" Signs must be posted by the City. The applicant must also obtain permission to string cable across sidewalks, or from generator to service point.

G. Traffic Control: For filming that would impair traffic flow, an applicant must use California Highway Patrol (CHP) or Moreno Valley Police Department personnel and comply with all traffic control requirements deemed necessary.

1. 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.
2. Traffic may be restricted to one 12-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City, based on location.
3. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.

4. Unless authorized by the City, the camera cars must be driven in the direction of traffic and must observe all traffic laws.
5. Any emergency roadwork or construction by City crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.

H. Campfires: When a scene requires a fire or campfire, any campfire not equipped with a fire ring shall have a Fire Safety Advisor, Officer or a similarly qualified person, such as a Licensed Pyrotechnic Operator, assigned.

I. Parking Lots: When parking in a City-owned parking lot, an applicant may be billed according to the current rate schedule established by the City. In order to assure the safety of citizens in the surrounding community, access roads which serve as emergency service roads, must never be blocked. No relocation, alteration, or moving of structures will be permitted without prior approval.

J. Notification: It shall be the responsibility of the applicant to provide notification a minimum of 48 hours prior to any filming activity on a designated City form to the following:

1. Owners and occupants, whether residents or businesses, of properties affected by filming activity by virtue of (a) filming on the property or in the public right-of-way adjacent to the property; (b) storage of equipment or vehicles associated with the film production either on the property or in a public right-of-way adjacent to the property; or (c) street closure, temporary restricted parking or other actions which affect the ability of persons or vehicles not associated with the filming to access the property or to park in front of the property. The determination of which properties may be affected shall be made by the permittee, subject to the approval of City film permit coordinator.
2. If filming exceeds two days, or if filming is in a residential zone between 7:00 p.m. and 7:00 a.m., all owners or occupants, whether businesses or residents, of all properties within 500 feet of properties affected by the filming as described in subsection (I)(1) of this section must be notified. Notification requirements pursuant to this subsection may be waived in whole or in part if it has been determined by the City film permit coordinator that the filming will not have any adverse affect upon the owners or occupants of such properties.
3. Responses to notification of proposed filming shall be considered in the evaluation of a film permit application and

may be cause for the imposition of additional restrictions or conditions on a film permit or denial of a film permit.

5.24.080 Permit Revocation, Suspension, Appeal

A. Permit Revocation. The City film permit coordinator may revoke a film permit if the permittee, or any agent, employee, or contractor of the permittee fails to comply with the requirements set forth in this Chapter, or in the film permit, or if it is determined that the film permit application was false in any material detail.

1. Notice of the grounds for revocation of the film permit shall be provided in writing by the City film permit coordinator to the permit applicant or person in charge at the location of the filming activity.
2. Appeals of the film permit revocation shall be conducted in the manner specified in this Chapter.

B. Permit Suspension. The City police department and/or fire department officers assigned to supervise the filming activity site may suspend the film permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the film permit suspension shall be provided in writing by the City film permit coordinator to the permittee within two working days of the suspension.

C. Appeals of the film permit suspension shall be conducted in the manner specified in this Chapter.

5.24.090 Appeals

The film permit applicant or permittee may appeal a denial of a film permit, or a revocation, suspension, or permit condition. Such appeal shall be filed with the City Manager or his/her designee not later than five working days after the date written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the City Manager or his/her designee. The decision of the City Manager or his/her designee shall be rendered in five working days and shall be final and is subject to judicial review pursuant to Code of Civil Procedure Section 1094.5 et seq.

5.24.100 Violation – Penalties

With respect to the provisions of this Chapter, a person who violates a provision of this Chapter shall be punished in accordance with the provisions of Sections 1.01.200 through 1.01.230 of the City of Moreno Valley Municipal Code.

5.24.110 Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter 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 one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.”

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen (15) days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the City.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty (30) days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2007.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]