

## ORDINANCE No. 2006-16

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA REGULATING FILMING IN THE CITY OF SAN JUAN BAUTISTA

#### I. DEFINITIONS:

- a. “Motion picture, television, still photography” shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials regardless of the media used for such filming.
- b. “Charitable films” shall mean commercials, motion pictures, television, videotapes, or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. 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 regardless of the media used for such filming.
- c. “News Media” shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for any media by reporters, photographers or cameramen.
- d. “Studio” shall mean a fixed place of business where filming activities (motion, still, animated, digital, or any other type of photography) are regularly conducted upon the premises.

#### II. PERMITS AND EXEMPTIONS:

- a. Permit required: No person shall use any public or private property, facility or residence for the purpose of taking or making commercial motion pictures, television pictures, internet images, internet videos, or still photography without first applying for and receiving a permit from the officer designated by the city.
- b. Exemptions:
  - 1) News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or cameramen 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 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) Studio Filming: Filming activities (motion or still photography) conducted at a studio that has obtained an appropriate business license from the City.
  - 5) Local Artist or Business Owner: Photographic images taken for use and resell in local businesses that have an appropriate business license. This may be the individual artist’s business or they may resell their products through other local resellers. This exemption is limited to tourist items promoting San Juan Bautista

such as postcards, tourism videos of the City, and similar images which promote the City, it's history or the local region as their primary focus.

## II. RULES AND REGULATIONS:

- a. Rules: The designated city officer is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the 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 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; and
  5. Dates of permit.
- 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 permit has been issued, provided established limitations are complied with in respect to time and location.

## III. APPLICANTS AND ISSUANCE:

- a. Issuing Authority: The issuing authority shall be the City Manager.
- b. Applications: The applicant shall complete a filming permit. The permit shall detail all special requirements and any fees that are required. The fees shall be set from time to time by City Council.
- c. Reimbursement to the City: The production company shall reimburse the city for any personnel provided to the company (i.e. police, fire, traffic, public works, etc.) for the purpose of assisting the production and for any incidental fees incurred by the City. The City shall provide documentation to the production company for any fees billed to the company.

## IV. LIABILITY PROVISIONS:

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required naming the city 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 days written notice to the city. A copy of the certificate will remain on file. The amount of the insurance shall be set based upon the size of the production but shall not be less than \$1,000,000 per production.
- 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.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the city prior to the issuance of a permit under this ordinance.

- d. Faithful Performance Bond: To ensure cleanup and restoration of any sites used by the applicant, an applicant may be required to post a refundable performance bond (amount to be determined) at the time application is submitted. Upon completion of filming and inspection of the site by the city, the bond may be returned to the applicant.

## VI. VIOLATION:

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the city may cancel the permit. Violation of the terms and conditions of the film permit is considered a misdemeanor.

## FILMING REGULATIONS

1. Advance Notice for Approval: An applicant will be required to submit a permit request at least one working day prior to the date on which such person desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least two working days in advance.
2. 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.
3. Filming on Private Property: An applicant is required to obtain the property owner's written permission, consent, and/or lease for use of property not owned or controlled by the city. A copy of this permission must be filed with the City.
4. Flood Control: When filming in a flood control area, an applicant must vacate area when permit water flows present a clear and present danger.
5. Public Works Department (Road and Streets): If the applicant must park equipment, trucks, and/or cars in zones that will not permit 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. Use of City Electrical connections may be permitted but will require payment of fees to the City.
6. Traffic Control: For filming that would impair traffic flow, an applicant must use California Highway Patrol (CHP), County Sheriff or local law enforcement personnel and comply with all traffic control requirements deemed necessary.
  - a. 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.
  - b. 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.
  - c. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.
  - d. Unless authorized by the city, the camera cars must be driven in the direction of traffic and must observe all traffic laws.

- e. 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.
7. Campfires: When a scene requires a fire or campfire, a gas jet must be used. No fires other than gas jets will be allowed unless the area is equipped with fire rings. In all cases when open flames are used the fire department must be on site.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 19th day of September, 2006, and was adopted at a regular meeting of the San Juan Bautista City Council on the 17<sup>th</sup> day of October, 2006 by the following vote:

AYES: Hill, Medina, Geiger, Dias  
NOES: None  
ABSENT: Reed  
ABSTAIN: None

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Priscilla Hill, Vice Mayor

ATTEST:

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Trish Paetz, Deputy City Clerk