

# CALIFORNIA FILM COMMISSION

Many California cities, counties and special districts have adopted this ordinance to ensure uniform film ordinances and permit processes throughout the State. The Model Filming Ordinance is not intended to address the circumstances of each local jurisdiction, but provides general guidance for ensuring film-friendly policies in a community.

The California Film Commission (CFC) reviews all local ordinances and provides comments to government to ensure uniform procedures for issuing film permits. A local government is required to submit any draft filming ordinance or amendments to the CFC 30 days prior to adoption as per Government Code 14999.21. The CFC will review all drafts and provide comments within five working days. The CFC recommends that only reasonable fees associated with the recovery of costs are charged production companies for use of public property and services.

## MODEL FILMING ORDINANCE

### **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, commercials, digital media, still photography and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format.
- b. “Charitable films” shall mean commercials, motion pictures, television, digital media 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.
- c. “News Media” shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcasts (“breaking news”) or reporting for print media by reporters, photographers or camerapersons.
- d. “Studio” shall mean a fixed place of business certified as such by a local fire authority having jurisdiction where filming activities (motion or still 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 motion pictures, television, digital media or commercial still photography without first applying for and receiving a permit from the officer designated by the city/county.
- b. Exemptions:
  - 1) News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons 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) Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
  - 3) Studio Filming: Filming activities (motion or still photography) conducted at a studio.

## **III. RULES AND REGULATIONS:**

Rules: The designated city/county officer is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Council or Board, governing the form, time and location of any film activity set forth within the city/county. The officer 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. Mitigation of disruption to all persons within the affected area;
3. The safety of property within the city/county; and
4. Traffic congestion at particular locations within the city/county.

## **IV. APPLICANTS AND ISSUANCE:**

- a. Issuing Authority: The issuing authority shall be the city/county designee.
- b. Applications: The following information shall be included in the application:

1. The representative of the property and his/her email address and cell phone number, as well as the address, email 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 occur;
  4. A general statement describing the character or nature of the proposed filming activities;
  5. The name, address, email address, and cell phone number of the person or persons in charge of such filming activity;
  6. The exact number of personnel to be involved;
  7. Activity which may cause public alarm, such as the use of any animals, gunfire or pyrotechnics, low flying helicopters and/or unmanned aircraft systems (drones);
  8. The exact amount/type of vehicles/equipment to be employed along with a parking plan; and
  9. All applicable documentation (remote pilot certificate, UAS registration certificate, waivers, description of flight operations, etc.) if a UAS (drone) is being used.
- c. Fee Schedule: The issuing authority may adopt a fee schedule.
- d. Reimbursement for Personnel: The production company shall reimburse the city/county for any personnel provided to the company (e.g., police, fire, traffic) for the purpose of assisting the production.
- e. 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.

**V. LIABILITY PROVISIONS:**

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the city/county as additional insured for protection against claims of third persons for personal

injuries, wrongful deaths, and property damage. Higher liability limits or separate aerial coverage shall be required for the use of helicopters and/or drones. City/county officers and employees shall also be named as additional insured. An applicant must provide evidence of insurance coverage that will not expire until the completion of all planned production activities, including the strike and restoration of all locations. 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 permit.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the city/county prior to the issuance of a permit under this ordinance. (The hold harmless agreement may be included in the terms and conditions of the permit.)
- d. Security Deposit: To ensure cleanup and restoration of location sites, an applicant may be required to submit a refundable deposit (amount to be determined by the city/county). Upon completion of filming and inspection of the site by the city/county, if no verifiable damage has occurred, the security deposit shall be returned to the applicant.

## **VI. VIOLATION:**

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the city/county may provide the applicant with verbal or written notice of such violation. If the applicant fails to correct the violation, the city/county may revoke the permit and all activity must cease.

## **FILMING REGULATIONS**

*See Guidelines for Best Practices in Film Regulation and Policies.*