

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING THE LAKE ELSINORE MUNICIPAL CODE BY AMENDING CHAPTER 5.110 REGULATING MOTION PICTURES, TELEVISION AND PHOTOGRAPHIC PRODUCTION IN THE CITY

WHEREAS, the City of Lake Elsinore is an ideal backdrop for television, commercial, and film production due to its "Dream Extreme" lifestyle and climate for motion picture and television filming;

WHEREAS, the "Uniform Film Permit Act" commencing with Section 14999.20 et seq. of the California Government Code encourages municipalities to adopt uniform permit procedures throughout the State;

WHEREAS, the City wishes to adopt regulations for the issuance of motion picture and television film permits and to establish a more uniform process for the permitting of commercial film activities in the City;

WHEREAS, as required by the Uniform Film Permit Act, the California Film Commission reviewed the City's proposed ordinance and provided comment which have been incorporated in this Ordinance;

WHEREAS, the Ordinance adding Chapter 5.110 regulating motion pictures, television, and photographic production in the City was introduced on September 25, 2012 and adopted on October 23, 2012.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN AS FOLLOWS:

Section 1: LEMC Section 5.110 regulating motion pictures, television, and photographic production in the City, is hereby amended as follows:

Sections:

- 5.110.010 Purpose and intent.
- 5.110.020 Definitions.
- 5.110.030 Permit required.
- 5.110.040 Permit exemptions.
- 5.110.050 Authorization.
- 5.110.060 Applications.
- 5.110.070 Permit approval or denial.
- 5.110.080 Fees.
- 5.110.090 Permit conditions.
- 5.110.100 Notification.
- 5.110.140 Suspension and revocation.
- 5.110.150 Appeals.

5.110.010 Purpose and intent.

This chapter is to establish administrative rules and regulations for the review and issuance of film permits for motion pictures, television, and photographic production in the City. The intent of this chapter is to facilitate and regulate the time, place and manner of such filming activity while protecting the residents and property owners from the potential adverse impacts of filming activities. [Ord. 1305 § 1, 2012].

5.110.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

“Charitable films” shall mean commercials, motion pictures, television, videotapes, or still photography produced by a nonprofit organization which qualifies under Internal Revenue Code Section 501(c)(3) as a charitable organization, for which no person, directly or indirectly, receives a profit from the marketing, production or display of the work.

“Extraordinary activity” shall mean an activity in which the applicant may request a waiver of the Lake Elsinore Municipal Code or exclusive use of public facilities or requires additional supervision due to the nature of a scene.

“Film Permit Officer” means the Director of the Community Services Department or designee.

“Motion pictures, television, and still photography” shall mean all activity attendant to the staging or shooting of commercial motion pictures, television programs and commercials in any medium including film, tape or digital format.

“News coverage” shall mean filming or still photography by individuals in the employ of newspapers, news services, and similar entities of on-the-spot, current coverage of news events concerning persons, scenes and occurrences which are in the news and of general public interest.

“Student films” shall mean motion pictures, television, and still photography produced as part of the instructional program of an accredited school or college. [Ord. 1305 § 1, 2012].

“Studio” means a fixed place of business where filming activities (motion or still photography) are regularly conducted upon the premises.

5.110.030 Permit required.

No person shall use any public or private property, facility, or residence for the purpose of taking commercial motion pictures, television, or still photography without first applying for and receiving a permit from the Film Permit Officer. [Ord. 1305 § 1, 2012].

5.110.040 Permit exemptions.

A film permit shall not be required for any of the following activities, provided, that the activity will not require the closure of a public street, or substantially impede vehicular traffic thereon:

- A. Films for Private Use. The filming or videotaping of motion pictures solely for private family use.
- B. News Media. Reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest; and/or those who are filming or videotaping for use in criminal investigations, civil proceedings, and emergencies such as fires, floods, police actions, etc. This exemption does not apply to magazines or documentary programs. [Ord. 1305 § 1, 2012].
- C. Charitable films. Projects that qualify under Section 501(c)(3) of the Internal Revenue Code.
- D. Those filming activities (motion or still photography) conducted at a studio.
- E. Those education, government, and public access and local origination programs for cable television systems franchised within the City.
- F. Publications (newspapers, magazines, etc.) and filming companies (television, motion picture companies) producing films or still photography for the City's benefit (publicity, advertising and tourism-related purposes).

5.110.050 Authorization

The Film Permit Officer is hereby authorized to impose reasonable conditions governing the form, time and location of any filming activity set forth within the City. The Film Permit Officer shall also provide for the issuance of permits. The conditions shall be based upon the following criteria:

- A. The health and safety of all persons.
- B. Mitigation or disruption to all persons within the affected area.
- C. The safety of property within the City.
- D. Traffic congestion at particular locations within the City. [Ord. 1305 § 1, 2012].

5.110.060 Applications

Applications for a film permit must be filed with the Film Permit Officer a minimum of one working day in advance of the date the filming activity is to begin. If such activity interferes with traffic or involves stunts, special effects, or is deemed extraordinary, an application must be submitted at least seven working days in advance. No late applications will be processed by the City unless the Film Permit Officer determines that special circumstances beyond the control of the applicant precluded its timely submittal, and that sufficient time remains for processing. The applicant must keep a copy of the permit posted on site in a conspicuous place at all times. [Ord. 1305 § 1, 2012].

5.110.070 Permit approval or denial.

The Film Permit Officer shall approve, conditionally approve or deny the application within three business days of receipt of the application unless the proposed filming activity requires extensive review by other City departments or public safety agencies due to significant public health and welfare considerations or traffic safety.

The film permit shall be approved by the Film Permit Officer unless the Film Permit Officer determines from consideration of the application or other pertinent information that any of the following conditions exist and cannot be corrected through the imposition of conditions on the permit:

- A. The filming activity will substantially disrupt the use of a street at a time when it is usually subject to high traffic volumes, or will interfere with the operation of emergency vehicles in the proposed permit area, or where the activity is substantially incompatible with nearby residential uses;
- B. The location of the filming activity will substantially interfere with street maintenance work or activities carried out pursuant to a previously authorized excavation permit;
- C. The proposed permit location will substantially interfere with other previously authorized activities, contractual obligations or safety of the public or persons participating in the filming activity while within the City;
- D. The proposed permit location is on City property and the filming activity will substantially interfere with municipal functions or the scheduled maintenance of City buildings or grounds;
- E. The filming activity creates a substantial risk of injury to persons or damage to property;
- F. The applicant has failed to complete the application after a determination by the Film Permit Officer that the application is incomplete, or the information contained in the application is found to be false in any material detail;
- G. The filming activity would violate Federal, State or local law including licensing or permit requirements;

- H. The permit applicant has a demonstrated record of noncompliance with permit conditions. [Ord. 1305 § 1, 2012].
- I. The permit applicant has not paid permit application fees or has a demonstrated record of nonpayment for cost recovery fees.

5.110.080 Fees

All fees associated with this section shall be set according to resolution adopted by the City Council and shall be paid by applicant to the film permit officer when the completed application form is submitted for approval.

Cost recovery fees will be charged to cover expenses to the City for personnel, equipment, venue fees and vehicle expenses incurred by the City to assist a film activity. The fees will reflect actual costs to the City. [Ord. 1305 § 1, 2012].

5.110.090 Permit conditions.

The Film Permit Officer may condition the issuance of a film permit by imposing reasonable requirements concerning the time, place, manner and duration of filming activities. These conditions shall be listed on the film permit. Such conditions may include, but need not be limited to, the following:

- A. Requirements for the presence of City employees or public safety personnel at the applicant's expense, when required for the particular filming activity;
- B. Requirements concerning posting of no parking signs, placement of traffic control devices, and employment of traffic and crowd control monitors at the applicant's expense;
- C. Requirements concerning posting of the outer boundaries of the filming activity, and providing advance notice to affected property owners and businesses;
- D. Requirements concerning the cleanup and restoration of public streets and City property employed in the filming activity;
- E. Restrictions concerning the use of City employees, services, vehicles and equipment in the filming activity;
- F. Requirements that the applicant pay all fees, and obtain all permits and licenses required for the filming activity under local, State and Federal law;
- G. Restriction on the use of firearms, explosions and other noise-creating or hazardous devices which disturb the peace;
- H. Restrictions on the use of stunts involving pyrotechnics, open flame, vehicle crashes or other hazardous materials;
- I. Requirements concerning cover-up of police, fire and other official uniforms worn by actors, when the actors are not on set;

- J. Restrictions concerning the use of City logos, insignias, badges or decals for filming purposes;
- K. Restrictions on the daily hours the filming activity may be conducted within the City;
- L. Liability insurance and agreements indemnifying and holding harmless the City, its officers and employees. [Ord. 1305 § 1, 2012].

5.110.100 Notification

It shall be the responsibility of the applicant to provide the following notification to affected persons:

- A. Written notification to include the date, time, location and nature of filming activity.
- B. Written authorization from all property owners on whose property filming will occur as part of the film permit application at the time of submission.
- C. If filming in residential areas is to occur between the hours of 10:00 p.m. and 6:00 a.m., notification 72 hours in advance of filming to all residents within 300 feet shall be required on a designated City form or notice approved by the Film Permit Officer.
- D. Filming activities that exceed two days, including preparation, shooting and strike, shall require notification to all residents and businesses within 300 feet on a designated City form or notice approved by the Film Permit Officer. [Ord. 1305 § 1, 2012].
- E. A copy of the approved permit and applicant's contact information or applicant's designee must be displayed at the place of filming in a location that is visible to the public.

5.110.140 Suspension and revocation.

The Film Permit Officer may suspend or revoke a film permit issued pursuant to this chapter under any of the following circumstances:

- A. Where it is determined that the permittee violated or failed to comply with any of the applicable ordinances, resolutions or regulations of the City;
- B. Where it is determined that the permittee violated or has failed to comply with any of the terms or conditions of the film permit;
- C. Where it is determined that the film permit was granted pursuant to false or fraudulent information contained in the film permit application;
- D. Where it is subsequently determined that the filming activity will fail to meet the criteria enumerated in this chapter for granting a film permit; or
- E. Where it is determined that the preservation of the public health, safety and general welfare demand revocation for the permit. [Ord. 1305 § 1, 2012].

5.110.150 Appeals.

- A. A permit applicant or permittee may appeal the denial, revocation or suspension of a permit, permit condition, insurance requirement, fee requirement, or the Film Permit Officer's decision not to waive a deadline set forth in this chapter. Such appeal shall be filed with the City Manager's office no later than five business days after the date of the written notice of the decision. Failure to file a timely appeal shall result in a waiver to the right to appeal. The appeal shall be heard by the City Manager or City's designated officer.

- B. The City Manager or City's designated officer shall hold a hearing no later than five business days after the filing of the appeal and shall render his/her decision not later than two business days after the appeal hearing. The decision of the City Manager may be appealed to the City

Section 2: CEQA. This Ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b) (3) there is no possibility that the activity in question may have a significant effect on the environment.

Section 3: Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 4: Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 5: Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Lake Elsinore, California, on this ____ day of _____ 20__.

Timothy J. Sheridan
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2022-_____ was introduced by the City Council of the City of Lake Elsinore, California, at the Regular meeting of _____, 20____ and adopted at the Regular meeting of _____, 20____ and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk