

ORDINANCE NUMBER 1338

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 5.49 REGARDING REGULATIONS OF THE USE OF PUBLIC OR PRIVATE PROPERTY, FACILITY OR RESIDENCE FOR MOTION PICTURE OR TELEVISION PHOTOGRAPHY

WHEREAS, Chapter 5.49 (Filming Permits) of Title 5 of the Perris Municipal Code has not been revised since 1995; and

WHEREAS, the City Council desires to streamline the process of obtaining a permit to film within the City of Perris by assigning the review of film permit applications to the city manager, or the city manager's designee, and by permitting the city manager to set related fees..

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

Section 2. Amendment to Chapter 5.49 of the Perris Municipal Code. Chapter 5.49 (Filming Permits) of the Perris Municipal Code is hereby amended to read in its entirety as follows:

“5.49.010 - Definitions.

As used in this chapter the following words shall have the following meanings:

- A. "Motion picture and television photography" means all activity attendant to the staging or shooting of commercial motion pictures, television programs and advertisements.
- B. "Charitable films" means motion picture or television 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.
- C. "News coverage" means filming or videotaping 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.

- D. "Student films" means motion picture or television photography produced as part of the instructional program of an accredited school or college.

5.49.020 - Permit required.

- A. No person shall use any public or private property, facility or residence for motion picture or television photography without first obtaining a filming permit from and paying a permit issuance fee to the city. Provided, no permit issuance fee shall be required for charitable films, student films or local access productions, and further provided that no permit or permit issuance fee shall be required for news coverage.
- B. The permit issuance fee shall be determined from time to time by the city manager or the city manager's designee. Such permit issuance fee shall not exceed the reasonable cost of issuing the permit, and shall be in addition to any fee payable for the use of public property for such purposes.

5.49.030 - Fire permit.

An applicant must notify the Riverside County fire department prior to commencing any filming activity. The fire department may require that a safety officer be present during the filming.

5.49.040 - Permit applications.

- A. Applications shall be filed at least five working days before the day filming is to begin. Provided, upon payment of an expedited permit issuance fee to cover the increased costs of special handling, an applicant may request a permit be issued in less than five working days. This expedited permit issuance fee shall be set by the city manager or the city manager's designee.
- B. Applications shall be filed with the city manager or the city manager's designee as film permit coordinator.
- C. Applications shall include:
 - 1. The name, address and telephone number of the person or persons of the filming activity;

2. The name, address and telephone number of the property owner or properties at which the activity will take place;
3. The specific location at each property at which the activity will take place;
4. The hours and dates at which the activity will take place;
5. A general statement of the character or nature of the proposed activity;
6. The number of personnel to be involved;
7. The nature of any planned use of animals or pyrotechnics;
8. The number and type of vehicles and equipment to be used.

5.49.050 - Payment for special city services.

The applicant shall pay the city for any special personnel provided or required (e.g., to control traffic, close streets, supervise special utility arrangements) at the rates established for such services by the city manager or city manager's designee.

5.49.060 - Permit modification.

If there is any substantial change in the production from that is described in the permit application, an amended application shall be filed, an amended permit shall be obtained and permit issuance fee paid before commencing any activity regulated by this chapter.

5.49.070 - Rules and regulations.

The city manager or the city manager's designee is authorized and directed to promulgate rules and regulations governing the form, time and location of any motion picture or television photography within the city, and procedures for issuing permits. Such rules shall take into consideration the health and safety of all persons, the avoidance of undue disruption of persons by filming activity, the safety of property within the city, and the avoidance of excessive traffic congestion.

5.49.080 - Liability provisions.

- A. Liability Insurance. Before a permit is issued, the applicant shall provide the city with a certificate of insurance, or copies of policies if requested, of general commercial liability insurance in the amount of one million dollars naming the city as a co-insured 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.
- B. Worker's Compensation Insurance. An applicant shall provide a certificate of insurance, or copies of policies if requested, evidencing compliance with all applicable 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 chapter.
- D. Faithful Performance Bond. To ensure cleanup and restoration of the site, an applicant may be required to post a refundable faithful performance bond in the amount not to exceed the estimated reasonable cost of ensuring cleanup and restoration as determined by the city manager or the city manager's designee 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.
- E. In his or her sole discretion, the city manager or the city manager's designee may waive compliance with any part, or the entirety of, this Section provided that the applicant may submit a written request for such waiver. Such waiver shall be done in writing.

5.49.090 - Failure to obtain a permit or abide by its terms.

Failure to comply with the terms of a permit shall constitute grounds for its revocation by the city manager or the city manager's designee. Violation of any provision of this chapter shall constitute an infraction punishable as provided in Section 1.16.010 of this code."

Section 3. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 5. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 14th day of February, 2017.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number 1338 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 31st day of January, 2017 and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 14th day of February, 2017, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, BURKE, CORONA, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Nancy Salazar, City Clerk

