

ORDINANCE NO. 326

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF HIDDEN HILLS REGARDING MOTION
PICTURE AND TELEVISION PRODUCTIONS AND
AMENDING CHAPTER 9 OF TITLE 2 OF THE
HIDDEN HILLS MUNICIPAL CODE

Section 1. Chapter 9 of Title 2 of the Hidden Hills Municipal Code is hereby repealed in its entirety.

Section 2. A new Chapter 9 shall be added to Title 2 of the Hidden Hills Municipal Code to read as follows:

“CHAPTER 9

MOTION PICTURE AND TELEVISION PRODUCTIONS

SECTION:

- 2-9-1: Short Title
- 2-9-2: Purpose
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2-9-1: SHORT TITLE: This Chapter shall be known as the Motion Picture and Television Production Ordinance or the “Filming Ordinance.”

2-9-2: PURPOSE: It is the purpose of this Chapter to provide regulations governing permits for filming or videotaping on location within the City of Hidden Hills. These

regulations will promote these activities while protecting public health and safety and public and private property.

2-9-3: DEFINITIONS: As used in this Chapter, the following terms shall be defined as follows:

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

“Family Video” shall mean the filming or videotaping of motion pictures solely for private non-commercial use.

“Filming Activity” includes all activities associated with a Motion Picture and Television Production.

“Filming Location” means the actual property or properties used for any Filming Activity.

“Motion Picture and Television Production” shall mean all activity attendant to staging, including prep and strike work, shooting, producing, videotaping or filming commercial motion pictures, television shows, Reality Film Productions, programs or commercials.

“Reality Film Productions” shall mean any unscripted activity filmed by a camera person, as an objective observer, whether for documentary, news or entertainment purposes, that follows a subject(s) in his/her/their normal day-to-day activities and uses no special sets or equipment in the production.

“Student Films” shall mean a person engaged in Motion Picture and Television Production to satisfy a course or curriculum requirement at an educational institution. The student must supply proof that he/she is currently enrolled.

“Studios” shall mean an established or fixed place of business where filming or video taping for Motion Picture and Television Production is regularly conducted upon the premises.

2-9-4: PERMIT REQUIRED:

A. No person shall use any street, public or private property, facility or residence for the purpose of producing, taking or making any Motion Picture and Television Production without a permit issued pursuant to the provisions of this Chapter.

B. The number of film days allowed is a maximum of 2 days per property, residential site or applicant per calendar year. The permit shall designate specific dates for which it is effective.

2-9-5: EXEMPTIONS FROM PROVISIONS: The provisions of this Chapter shall not apply to the following:

- A. News Productions: Current news productions, which includes reporters, photographers or cameramen in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events.
- B. Established Studios: Productions which are conducted within legally established commercial motion picture/television/still photography Studios.
- C. Family Video, City Produced Public Access Films, and Student Films.

2-9-6: APPLICATION FOR PERMIT:

- A. An application for a permit for filming on private property or for filming private property requires that the applicant be the owner of the property or have a leasehold interest in the property where the Filming Activity is to take place or be the owner of the property or have a leasehold interest in the property that is to be filmed. Documentation of the applicant's ownership or leasehold shall be provided with the application. A permit for filming on public property requires consent of the City Council.
- B. An application shall be filed with the City Clerk, on a form provided by the City Clerk. The completed application shall be submitted at least thirty days (30) days prior to the date on which the Filming Activity is to be conducted.
- C. The form shall be signed by the applicant as defined in paragraph A above and by the person, company or other entity that is conducting the Motion Picture and Television Production and shall be accompanied by all required fees, deposits, hold harmless agreement and insurance certificate required by this Chapter before it will be processed.
- D. The applicant shall also furnish to the City Clerk an accurate list of the names and addresses of all property owners to whom notice must be given as provided in Section 2-9-7, together with a copy of a map at a scale of not less than one inch equals one hundred feet (1" = 100'), which sets forth the boundaries of all properties located at any point within one thousand feet (1000') of the external boundaries of the property to which the application is related, together with the names of the owners of record of all such properties shown thereon.

2-9-7: HEARING AND NOTIFICATION:

- A. Every application for a film permit shall be set for a public hearing before the City Council. Hearings may be continued, from time to time, as the Council may deem necessary.

B. Notice of the time and place of the hearing shall be given at least ten (10) days prior to the hearing by first class mail to all owners of real property shown on the latest equalized assessment roll within one thousand feet (1000') of the proposed Filming Location. In addition, notice shall be provided through posting of notices at the places specified in Section 1-9-1 of this Code. Such notices shall describe the Filming Location and contain a brief description of the Filming Activity and the date, time and place of the hearing.

2-9-8: PERMIT FEES:

A. Each application shall be accompanied by:

(1) A processing fee in an amount established by resolution of the City Council. The processing fee shall be waived for charitable and nonprofit organizations, which qualify under Section 501(c)(3) of the United States Internal Revenue Code.

(2) A daily administrative reimbursement fee and property use fee in an amount established by resolution of the City Council to reimburse the City for the staff time required to evaluate the application and establish conditions of approval, and to monitor the activity, as well as to compensate the City, where applicable, for the use of public property, including for parking and its unavailability for ordinary and usual purposes resulting from the Filming Activity.

B. The City Council may, by resolution, establish a penalty fee to be assessed against any person, corporation, or any other entity filming without a permit in violation of the provisions of this Chapter.

2-9-9: PERMIT ISSUANCE:

A. A film permit may only be issued to an applicant that is an owner or lessee of property in the City where the Filming Activity is to take place or whose property is to be filmed.

B. In addition to the finding in A above, a film permit shall be issued unless the City Council finds, based on consideration of the application and from such other information as may be otherwise obtained, that:

1. The applicant has made a material misrepresentation in the application;

2. The Motion Picture and Television Production will unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant;

3. The Motion Picture and Television Production will unduly interfere with traffic or pedestrian movement or endanger public safety;

4. The Motion Picture and Television Production will substantially disrupt the peace and quiet of any area in the City;

5. The Motion Picture and Television Production will substantially impact traffic within any area of the City;

6. The Motion Picture and Television Production at the proposed location will be incompatible with other uses in the vicinity;

7. If the application is for renewal of a permit, that the applicant has violated conditions of a previous permit, or ordinances or regulations of the City in the conduct of business or activity;

8. That the Motion Picture and Television Production will be unable to comply with requirements of this Chapter;

9. The building, structure, premises, or the equipment used to conduct the Motion Picture and Television Production fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or the City of Hidden Hills; or

10. At the determination of the Building Official as well as the Los Angeles County Sheriff's Department and Los Angeles County Fire Department, that the condition of such activity will constitute a fire hazard or any other type of hazard.

C. If the application satisfies the criteria of this Chapter, the permit shall be issued.

D. If one or more of these findings is negative to the applicant, a permit may be conditionally issued to the applicant where unique circumstances exist that justify issuance of the permit, provided that appropriate conditions are imposed on the permit to protect the public health, welfare, and safety.

E. If the permit is denied, the applicant shall be notified in writing of the denial and the reasons therefore. The decision of the City Council shall be final.

2-9-10: PERMIT REVOCATION AND ILLEGAL FILMING:

A. A permit may be revoked or suspended for the following reasons: (1) misrepresentation of production parameters on the permit application; (2) a material false statement contained in the application; (3) failure to comply with federal, state or local laws and regulations; (4) failure to comply with any conditions imposed by the City on the issuance of the permit; (5) failure to conduct Motion Picture and Television Production in accordance to such orders, rules and regulations as may be applicable; (6) conduct of the Motion Picture and Television Production in a fraudulent or disorderly manner, or in a manner that endangers the public health, welfare or safety.

B. The Building Official shall notify a permittee in writing of the grounds for a revocation or suspension of a permit. The permittee shall immediately cease all Filming Activity at the Filming Location, except as necessary to clear the Filming Location.

C. The permittee may appeal the decision of the Building Official to the City Council by filing a written appeal stating the grounds, along with any required appeal fee, within five (5) days of the decision. The permit is automatically suspended pending a hearing on the appeal. The appeal shall be set for hearing at the next regular City Council meeting.

D. If a person engages in Filming Activity without a required permit, in addition to any other remedies permitted by law, no permits shall be issued to the person, corporation, or other entity found engaged in the illegal Filming Activities and or for that Filming Location for a period of one (1) year.

2-9-11: **COST OF ADDITIONAL SERVICES:** If deemed necessary by the Building Official, additional Sheriff, code enforcement, fire, and/or other City services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The cost of providing such additional services shall be paid in advance to the City by the applicant. Any additional City services will be provided/coordinated through the City Building Official.

2-9-12: **LIABILITY INSURANCE:** The City shall require, as a condition of issuing such a permit, that the applicant furnish insurance in the amount of two million dollars (\$2,000,000.00) to protect the City against claims of third persons for personal injury, wrongful death and property damage and to indemnify the City for damage to City property arising out of the permittee's activities. A copy of the policy will remain on file with the application. The City and its officers and employees shall be named as additional insureds under the policy, which shall not be subject to cancellation without thirty (30) days' written notice to the City. Applicant shall also submit verification that adequate Worker's Compensation Insurance coverage is maintained.

2-9-13: **HOLD HARMLESS AGREEMENT:** The applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of any permit.

2-9-14: **CONDITIONS AND RESTRICTIONS:**

A. Conditions may be imposed on the permit as are reasonably necessary to protect the peace and tranquility of any residential area, to mitigate traffic impacts, to protect other uses in the area, or to protect the public health, welfare and safety. Any person issued a permit pursuant to this title shall comply with all conditions imposed.

B. The permittee shall allow for site inspections by the City at any time.

C. The permittee shall also comply with any and all conditions or restrictions the City may impose as a condition to issuing a permit. No changes in conditions or restrictions shall be made without first obtaining the approval of the Building Official. Minor changes to the permit may be approved by the Building Official prior to completion of filming in the form of a written attachment to the permit.

D. The filming permit cannot be assigned.

E. An approved filming permit must be posted in public view at the Filming Location.

F. In addition to any special conditions imposed by the permit, the following restrictions shall apply to all Filming Activity:

1. Filming Activities may occur between the hours of 8:00 am and 8:00 p.m. Monday through Friday. No Filming Activities are permitted on Saturday or Sunday or City recognized holidays.

2. Production and/or support vehicles, including staff and crew vehicles, may not park on any street or parkway. All vehicles, including that of the property owner, shall be parked on the property in which the filming is located.

3. No amplified sound shall be permitted in connection with the filming at any time.

4. All production activity, including but not limited to prep, strike and filming must be fully enclosed within the film site.

5. No helicopters or any other aircraft or the use of any special effects shall be permitted in connection with the filming.

6. No construction-related prep or strike will be permitted in connection with the filming.

7. Any lighting used for production purposes shall be fully contained within the film site and properly shielded to prevent spill on to adjacent properties.

G. The production company shall provide to staff a production schedule describing filming dates, time and details of planned prep, strike and film activities, and the number of cast and crew to be on the film site each day.

H. The film site shall be secluded from neighboring residences such that any impacts associated with the proposed filming are minimized or eliminated.

I. Filming shall be permitted only for those locations listed in the film permit. There shall be no filming of City streets, entrance gates, and/or houses or structures

located on such streets unless a film permit has been provided for the filming of such locations.

J. The applicant 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 to the City's satisfaction within two (2) hours of the completion of the activity or within such other time established in the permit to the City's satisfaction. Permittee shall be responsible for restoring any area damaged or disrupted before leaving the site. If the site is not repaired or restored to the City's satisfaction, the Building Official shall have the necessary restoration and/or repair performed, and applicant shall pay the cost of such repair, restoration or cleanup to the City within ten (10) days of completing filming. Applicant shall also pay to the City, within this time, the cost of any charges for the use or restoration of any utilities, services, equipment, facilities or required standby employees, which was not charged in advance.

2-9-15: REALITY BASED FILM PRODUCTIONS:

In addition to complying with the provisions of this Chapter, the following applies to any film company conducting a reality film production

- A. Both the property owner and the film company must be a party to the permit.
- B. The property owner or a member or members of property owner's immediate family is/are the sole subject(s) of the proposed Filming Activities. For the purposes of this provision, "property owner" shall mean a person who has owned and resided at a property for at least one year.
- C. All Filming Activities shall be limited to the interior of the residence or the residence's back yard.
- D. Crew shall be limited to a maximum of 7 people, not including overlap during shift changes.
- E. Any production vehicles used in connection with proposed Filming Activities must be fully contained within the film site.
- F. No large production vehicles shall be permitted as part of the permit. For the purposes of these guidelines, "large production vehicles" shall mean any vehicle larger than an eight-foot (8') panel van.
- G. No sets or equipment (other than the cameras and production equipment specifically permitted as part of the permit) shall be used.
- H. No generators shall be permitted.

- I. No special effects shall be permitted.
- J. No amplified sound shall be permitted.

2-9-16: VIOLATION: Violation of this Chapter or the terms and conditions of the film permit is considered a misdemeanor and a penalty fee may be assessed.

2-9-17: RULES AND REGULATIONS: The Building Official is hereby authorized to promulgate and enforce rules and regulations in the implementation and enforcement of this Chapter.”

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance 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 Ordinance 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 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

PASSED, APPROVED AND ADOPTED THIS 28th day of July, 2008.

Steve Freedland, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk