

Chapter 5.09

FILM PERMITS

Sections:

- 5.09.010 Intent.**
- 5.09.020 Definitions.**
- 5.09.030 Permits and exemptions.**
- 5.09.040 Rules and regulations.**
- 5.09.050 Applicants and issuance.**
- 5.09.060 Liability provisions.**
- 5.09.070 Filming regulations.**
- 5.09.080 Violations.**

5.09.010 Intent.

It is the intent of the city council to adopt a process for the granting of film permits and to control filming activities in the city of Ripon. (Ord. 441 § 1 (part), 1990)

5.09.020 Definitions.

As used in this chapter

A. "Charitable films" means commercials, motion pictures, television, video tapes or still photographs 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.

B. "Motion picture, television, still photography" means and includes all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials.

C. "News media" means the filming or videotaping for the purpose of spontaneous, unplanned television news broadcast by

reporters, photographers or cameramen. (Ord. 441 § 1 (part), 1990)

5.09.030 Permits and exemptions.

A. Permit Required. No person shall use any public or private property, facility or residence for the purpose of taking commercial motion pictures or television pictures or commercial still photographs without first applying for and receiving a permit from the officer designated by the city.

B. Exemptions. The provisions of this chapter do not apply to:

1. News Media. Reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in the on-the-spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest;

2. Films for Private Use. The filming or videotaping of motion pictures solely for private-family use;

3. Charitable Films. Projects which qualify under Section 501(c)(3) of the Internal Revenue Code. (Ord. 441 § 1 (part), 1990)

5.09.040 Rules and regulations.

A. 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.

B. Rules. The designated city officer is 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. (Ord. 441 § 1 (part), 1990)

5.09.050 Applicants and issuance.

A. Issuing Authority. The issuing authority shall be the city designee.

B. Applications. The following information shall be included in the application:

1. The name of the owner, and the 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 transpire;
4. A general statement of the character or nature of the proposed filming activity;
5. The name, address and telephone number of the person or persons in charge of such filming activity;
6. The exact number of personnel to be involved;
7. Use of any animals or pyrotechnics; and
8. The exact amount/type of vehicles/equipment to be involved.

C. Use Fees. No use fees are required.

D. Reimbursement for Personnel. The

production company shall reimburse the city for any personnel provided to the company (i.e., police, fire, traffic) for the purpose of assisting the production. (Ord. 441 § 1 (part), 1990)

5.09.060 Liability provisions.

A. Liability Insurance. Before a permit is issued, a certificate of insurance will be required in an amount not exceeding one million dollars, 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.

B. Workers' Compensation Insurance. An applicant shall conform to all applicable federal and state requirements for Workers' 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 (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. (Ord. 441 § 1 (part), 1990)

5.09.070 Filming regulations.

A. 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.

B. Cleanup. 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.

C. Filming on Private Property. An applicant is required to obtain the property owner's permission, consent and/or lease for use of property not owned or controlled by the city.

D. Flood Control. When filming in a flood-control channel, an applicant must vacate the channel when the permit indicates because of water releases. Please note that when filming in or on flood-control properties, the agency must be named as an additional insured.

E. Public Works Department (Roads 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.

F. 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.

1. 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.

2. Traffic may be restricted to one twelve-foot lane of traffic and/or stopped intermittently. The period of time when traffic may be restricted will be determined by the city, based on location.

3. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.

4. Unless authorized by the city, the camera cars must be driven in the direction of traffic and must observe all traffic laws.

5. Any emergency road work or construction by city or county crews and/or private contractors under permit or contract to the appropriate department shall have priority over filming activities.

G. Campfires. When a scene requires a fire or campfire on the beach, a gas jet must be used. No fires other than gas jets will be allowed unless the beach is equipped with fire rings.

H. Parking Lots. When parking in a parking lot, an applicant may be billed according to the current rate schedule established by the city. In order to assure the safety of citizens in the surrounding

community, access roads to beaches, which serve as emergency roads, must never be blocked. No relocation, alteration or moving of beach structures will be permitted without prior approval. (Ord. 441 § 1 (part), 1990)

5.09.080 Violations.

If an applicant violates any provision of this chapter or a permit issued pursuant thereto, the city may cancel the permit. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction

thereof, shall be punishable by a fine not to exceed five hundred dollars or by imprisonment in the city jail or the county jail for a period not to exceed ninety days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter is continued shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this section. (Ord. 441 § 1 (part), 1990)