


REPORT TO CITY COUNCIL

DATE: AUGUST 9, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: JOHN TREICHLER, ADMINISTRATIVE AIDE ^{JIT.}
NATHAN HAMBURGER, ASSISTANT CITY MANAGER ^{NH}

SUBJECT: ADOPTION OF AN ORDINANCE REVISING REGULATIONS APPLICABLE TO MOTION PICTURE, TELEVISION, COMMERCIAL, DIGITAL MEDIA, AND STILL PHOTOGRAPHY PRODUCTIONS

At the July 12, 2017, City Council meeting, on a 5-0 vote, the City Council introduced, read by title only, and waived further reading of Ordinance No. 17-428.

The Ordinance would authorize revising regulations applicable to Motion Picture, Television, Commercial, Digital Media, and Still Photography Productions while amending Article VI of the Agoura Hills Municipal Code.

Attached for your reference is a copy of the proposed ordinance.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Ordinance No. 17-428; an Ordinance of the City Council of the City of Agoura Hills, California, Revising Regulations Applicable to Motion Picture, Television, Commercial, Digital Media, and Still Photography Productions, and Amending Article VI of the Agoura Hills Municipal Code.

Attachment: Ordinance No. 17-428

ORDINANCE NO. 17-428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REVISING REGULATIONS APPLICABLE TO MOTION PICTURE, TELEVISION, COMMERCIAL, DIGITAL MEDIA, AND STILL PHOTOGRAPHY PRODUCTIONS, AND AMENDING ARTICLE VI OF THE AGOURA HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act (“CEQA”), as amended, the CEQA Guidelines, and the City’s local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Ordinance to amend Chapter 6 (Motion Picture and Television Productions) of Article VI (Taxes; Licenses; Business Regulations) of the Agoura Hills Municipal Code has no possibility of causing a significant impact on the environment. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Ordinance merely establishes a regulatory permitting scheme for certain types of commercial film and video production within the City, but does not authorize or contemplate any development. The City Council concurs with City staff’s determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk, pursuant to CEQA Guidelines Section 15062, within five days of the date of this action.

Section 2. Chapter 6 (Motion Picture and Television Productions) of Article VI (Taxes; Licenses; Business Regulations) of the Agoura Hills Municipal Code is hereby renamed “Motion Picture, Television, Commercial, Digital Media, and Still Photography Productions” and amended in its entirety to read as follows:

“CHAPTER 6. MOTION PICTURE, TELEVISION, COMMERCIAL, DIGITAL MEDIA, AND STILL PHOTOGRAPHY PRODUCTIONS

- 6600. TITLE**
- 6601. DEFINITIONS**
- 6602. PERMIT REQUIRED**
- 6603. PERMIT EXEMPTIONS**
- 6604. PERMIT APPLICATION**

- 6605. PERMIT FEES**
- 6606. PERMIT ISSUANCE**
- 6607. CONDITIONS OF FILMING PERMIT**
- 6608. COST OF ADDITIONAL SERVICE**
- 6609. INSURANCE**
- 6610. HOLD-HARMLESS AGREEMENT**
- 6611. CLEANUP; RESTORATION**
- 6612. RULES & REGULATIONS**
- 6600. TITLE:**

This chapter shall be known as the Motion Picture, Television, Commercial, Digital Media, and Still Photography Production Ordinance of the City of Agoura Hills (“City”).

6601. DEFINITIONS.

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

- (a) City-Produced Projects means a Motion Picture, Television, Commercial, Digital Media or Still Photography Production produced by or in association with the City.
- (b) Filming Permit means a permit issued by the City Manager or his or her designee pursuant to this chapter that authorizes Motion Picture, Television, Commercial Digital Media, or Still Photography Production or Film Production within the City in accordance with the terms of the permit and this chapter.
- (c) Motion Picture, Television, Commercial, Digital Media or Still Photography Production or Film Production means all activity attendant to staging, making, filming, or videotaping commercial motion pictures, television shows, commercials, digital media and/or still photography, except it does not include the taking of a single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or the public right-of-way in any one location for less than five consecutive minutes.
- (d) Private Filming means photographing, filming or videotaping solely for non-commercial use.

- (e) News Media Filming means photographing, filming or videotaping of current breaking news, 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.
- (f) Student Filming means photographing, filming or videotaping produced to satisfy a course or curriculum requirement at an educational institution. In order to qualify as Student Filming, the student filmmaker must supply evidence he or she is currently enrolled in an educational institution upon request by a City employee or official.

6602. PERMIT REQUIRED.

No person shall use any public right-of-way, or public or private property, building, facility or residence for Motion Picture, Television, Commercial, Digital Media or Still Photography Production without a permit issued pursuant to the provisions of this chapter.

6603. PERMIT EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

- (a) News Media Filming;
- (b) City-Produced Projects, provided that any person working in conjunction with the City on a City-Produced Project must obtain a letter identifying that it is a City-Produced Project;
- (c) Private Filming;
- (d) Student Filming; and
- (e) Productions which are conducted by a cable television company operating under a franchise granted by the City and which involve fewer than two (2) motor vehicles.

6604. PERMIT APPLICATION.

Any person desiring a permit under the provisions of this chapter must complete and submit to the City Manager or his or her designee a Filming Permit application. Such application shall be submitted at least three (3) working days prior to the date on which Film Production is scheduled to begin. If Film Production will interfere with traffic or involves potential public safety hazards, an application must be submitted two (2) weeks in advance. If applicable, written evidence of permits and/or coordination with other public agencies shall be submitted with an application for a Filming Permit. Examples of such

agencies include, but are not limited to, the California Highway Patrol, Los Angeles Sheriff's Department, and the Los Angeles County Fire Department.

6605. PERMIT FEES.

Each Filming Permit application shall be accompanied by the following:

- (a) A Filming Permit fee determined by a fee schedule to be established by resolution of the City Council .
- (b) If applicable, a park fee determined by a fee schedule to be established by resolution of the City Council .

In the event that a Film Production is cancelled after a Filming Permit is issued, but before the Film Production is scheduled to begin, then the City may charge a cancellation fee determined by a fee schedule to be established by resolution of the City Council

6606. PERMIT ISSUANCE

The City Manager or his or her designee shall issue a Filming Permit when, after considering the application and such other information as may be otherwise obtained, the City Manager finds that:

- (a) The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no residential streets will be completely closed to traffic.
- (b) The conduct of such activity will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to private or public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.
- (c) The conduct of such activity will not constitute a fire hazard or any other type of hazard and all proper safety precautions will be taken.

The decision of the City Manager to issue, conditionally issue, or not issue a permit shall be final unless appealed in writing within five (5) working days of the decision by requesting a hearing of the City Council at the next available meeting.

6607. CONDITIONS OF FILMING PERMIT.

- (a) Film Production may occur between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. Film Production may not occur on Sunday.

- (b) Conditions of approval included in permits issued by other public agencies with jurisdiction over the Film Production shall be incorporated into the Filming Permit.
- (c) The City Manager or his or her designee may impose any conditions found necessary to protect the public health, safety, and welfare.
- (d) The applicant shall comply with any conditions or restrictions the City may impose as a condition to issuing a Filming Permit. No changes shall be made to conditions without first obtaining the City's approval.

6608. COST OF ADDITIONAL SERVICES.

If deemed necessary by the City Manager or his or her designee, additional sheriff, fire, and other City services shall be provided for the purpose of protecting, assisting and regulating the Film Production. The cost of providing such additional services shall be paid to the City by the applicant. Any additional City services will be provided and coordinated through the City Manager or his or her designee.

6609. INSURANCE.

- (a) General Liability Insurance. The City shall require, as a condition of issuing a Filming Permit, that the applicant furnish insurance from an omitted California carrier with an "A+" rating in an amount no less than one million dollars (\$1,000,000.00) to protect the City against claims of third persons for personal injury, wrongful death and property damage and agree to indemnify the City for damage to City property or any claims against the City arising out of the permittees' 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 or modification until after fifteen (15) days' written notice to the City. Such insurance shall be evidenced by the standard General Liability Special Endorsement form required by the City.
- (b) Worker's Compensation Insurance. The applicant shall conform to all applicable Federal and State requirements for worker's compensation insurance for all persons operating under a permit.

6610. HOLD-HARMLESS AGREEMENT.

The applicant shall execute a hold-harmless agreement as provided by the City prior to the issuance of any Filming Permit.

6611. CLEANUP; RESTORATION.

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 within two (2) hours of the completion of the activity to the satisfaction of the City. The applicant 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 City Manager shall have the necessary restoration and/or repairs performed at the expense of the applicant.

6612. RULES & REGULATIONS.

The City Manager or his or her designee is authorized and directed to promulgate rules and regulations governing the form, time and location of any Film Production within the City. He or she shall also set forth the procedures for the issuance of Filming Permits. The rules, regulations, and procedures shall be incorporated into the City's Filming Permit Requirements and Administrative Procedures guidelines."

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, 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 remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion 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 4. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Agoura Hills, California, on this _____ day of _____ 2017, by the following vote to wit:

- AYES: ()
- NOES: ()
- ABSENT: ()
- ABSTAIN: ()

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF AGOURA HILLS)

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing is a full, true, and correct copy of **Ordinance No. 17-428** introduced at a regular meeting of the City Council of the City of Agoura Hills held on the _____ day of _____, 2017, and, thereafter, adopted by the City Council at a regular meeting held on the ____ of _____, 2017, and that said Ordinance was published or posted pursuant to law.

Kimberly M. Rodrigues, MMC, City Clerk