

Garden Grove, California Municipal Code

Title 8 PEACE, SAFETY AND MORALS

Chapter 8.80 REGULATION OF FILMING ACTIVITIES

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8.80.010 Definitions

“Charitable or student films” as used in this chapter means any commercial film produced by a nonprofit organization that qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization or is an accredited educational institution. 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.

“Commercial films” as used in this chapter means and includes all activity attendant to filming any entertainment or advertising programs for any media now known or hereafter created.

“Filming” as used in this chapter means and includes all activity attendant to staging or shooting motion pictures, television shows or programs, commercial photographs, videotapes, computer- based programs, or other visual reproduction technology now known or hereafter created. The period of filming includes the setup, strike, and time of photography.

“News media” as used in this chapter means filming for purpose of spontaneous, unplanned cable or television news reporting by journalists, reporters, photographers, or camera operators. The news media is not required to have a permit under the “commercial” category.

“Private property” as used in this chapter means any property not owned by the City on which filming would not interfere with public right-of-way, access or safety. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.020 Permit—Required

A. No person shall use any city street, alley, sidewalk, park, way or other public property owned or controlled by the City for the purpose of making commercial films without first applying for and receiving a permit from the City Manager or his or her designee provided that the provisions of this chapter shall not apply to or be construed to affect the news media and filming solely for private-family use.

B. No person shall use any private property for the purpose of making commercial films without first applying for and receiving a permit from the City Manager or his or her designee provided that the provisions of this chapter shall not apply to or be construed to affect:

1. Filming that does not require any parking variances or impact any public property or rights-of-way on public property.
2. Filming that does not negatively impact the quiet of the surrounding properties.
3. Filming that does not involve the use of any pyrotechnic device as defined in California [Health and Safety Code](#) Section 12526.
4. A licensed business or that regularly employs a licensed pyrotechnic operator as defined in Title 19 of the [California Code of Regulations](#), Section 981.5.
5. Filming by news media.
6. Filming solely for private-family use. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.030 Permit Application and Review

A. An application for filming activity under this chapter must be completed and filed at least three days prior to the first day of proposed filming.

B. Each such application must include:

1. The name of the owner, 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 number of personnel to be involved.
 7. Use of any animals or pyrotechnics.
 8. A list of large equipment to be used, including but not limited to trucks, buses, limousines, and cameras.
 9. Such additional information as the City Manager or his or her designee may reasonably require.
- C. The permit application shall be in a form the City Manager or his or her designee may reasonably require. In addition to the foregoing, the permit application may, in the interest of time, be on the permit application form adopted and in use by the Orange County Film Commission.
- D. The City Manager or his or her designee may refer the application to such appropriate City departments as are directly impacted by the activity and as he or she deems necessary from the nature of the application for review, evaluation, investigation, and recommendations by the departments regarding approval or disapproval of the application.
- E. The City Manager or his or her designee shall issue a permit under this chapter if it is determined that the following criteria have been met:
1. The proposed use will not unreasonably interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or right of nearby occupants to the quiet enjoyment of their property, or otherwise be detrimental to the public peace, health, safety, or general welfare.
 2. The proposed use will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the permit area, or adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permit area.
 3. The proposed use will not constitute a fire or safety hazard and all proper safety precautions will be taken as is reasonably necessary to protect the public peace, health, safety, or general welfare.
- F. The City Manager or his or her designee shall deny the permit if the conditions of this chapter and all applicable laws and regulations have not been met or if the application contains incomplete or false information.

G. The City Manager or his or her designee may immediately revoke a permit that has been granted, if the conditions of this chapter and all applicable laws and regulations are no longer being met, if the information supplied by the applicant becomes false or incomplete, or if any substantial change in circumstances results in the proposed use becoming detrimental to the public peace, health, safety, or general welfare. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.040 Permit Application, Location and Expense Fees

A. An application fee of \$250.00 shall be required for formal processing of commercial film applications made under this chapter. Payment may be made in person, by check, or by credit card if the City currently has the ability to process credit card payments.

B. No application fee shall be required of charitable or student films, the media, or for filming conducted on behalf of the City or any City departments or divisions.

C. No separate business license fee shall be charged for any applicant whose sole business is commercial filming under this chapter.

D. Each permittee filming under this chapter shall pay a location fee of \$250.00 for the daily use of any public property for commercial filming. Preparation and strike days shall be charged at 50% of the daily use rate.

E. Each permittee filming under this chapter shall reimburse the City for all costs incurred by City, the amount of which shall be determined by the City Manager or his or her designee for City personnel, space, facility, or equipment provided to the applicant for the purpose of assisting or providing security or protection to the applicant for activities conducted under the permit. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.050 Rules and Regulations

A. In addition to the requirements of this chapter and all other applicable laws, rules and regulations, the City Manager or his or her designee shall condition the permit on such terms and conditions regarding the time, place, and manner of utilizing the City streets or other public property as deemed appropriate under the circumstances.

B. RULES. The City Manager or his or her designee is authorized and directed to promulgate rules and regulations, subject to approval by City Council resolution governing the form, time, and location of any film activity set forth within the City. He or 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.

4. Traffic congestion at particular locations within the City.

C. Upon 24 hours' notice by the applicant, the City Manager or his or her designee 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. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.060 Requirements for Granting Application

A. Prior to the granting of the application, each applicant shall agree to indemnify, defend, and hold the City, its authorized agents, officers, representatives, and employees harmless from and against any and all costs, liabilities, penalties, or other expenses including defense costs and legal fees, resulting from any and all claims or damage of any nature, including any accident, loss, or damage to persons or property.

B. Each applicant must comply with all City, state, and federal laws, regulations, and ordinances, and must obtain all necessary permits and licenses as a precondition for the commencement of commercial film production hereunder. Thereafter, the permittee shall remain in full compliance with such City, state, and federal laws, regulations, ordinances, permits, and licenses throughout the filming. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.070 General Permit Conditions

Any applicant granted a permit pursuant to this chapter shall comply with all of the following conditions:

A. An applicant will be required to submit a permit request at least three working days 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 five working days in advance.

B. 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 filming at the scene and restored to the original condition before leaving the site.

C. 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. 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 a generator to a service point.

E. For filming that would impair traffic flow, an applicant must use law enforcement personnel designated by the City Manager or his or her designee that may include the County Sheriff, California Highway Patrol, or city law enforcement personnel; and comply with all traffic-control requirements deemed necessary by the City.

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 12-foot lane of traffic and/or stopped intermittently. The period of time that 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 City representative.

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

5. Any emergency roadwork or construction by City crews and/or private contractors, under permit or contract to the appropriate City department, shall have priority over filming activities.

F. 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 other areas, which serve as emergency service roads, must never be blocked. No relocation, alteration, or moving of City-owned structures or property will be permitted without prior approval.

G. The permittee shall be liable for any damage suffered by the City resulting from the granting or use of this permit and, at the election of the City, shall repair the damage or reimburse the City for all expenses related to such damage. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.080 Insurance

A. As a condition of issuance of a permit under this chapter, every permittee must procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company licensed to do business in California, which policy names the City, its officers, employees, and agents as additional insureds and that provides sufficient coverage that the City Manager or his or her designee determines to be necessary and adequate under the circumstances. Proof of insurance shall be submitted to the City in advance of the issuance of the permit. The City Manager or his or her designee may waive the requirement of insurance if the City Manager or his or her designee determines that the intended use does not present any significant exposure to liability for the City, its officers, employees, and agents, or to public property damage.

B. An applicant/permittee shall conform to all applicable federal and state requirements for Workers Compensation Insurance for all persons operating under a permit.

C. **FAITHFUL PERFORMANCE BOND.** To ensure clean-up and restoration of the site, an applicant may be required to post a refundable faithful performance bond in an amount to be determined by the City Manager or his or her 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. (2802 § 1, 2011; 2384 § 1, 1997)

8.80.090 Notification and Appeals

A. The City Manager or his or her designee shall act upon the application in a timely fashion and shall approve or disapprove the application in a period of not greater than five days following the filing of the application provided all necessary documentation and criteria accompany the application. The applicant shall be immediately notified of the action of approval, denial, or revocation of the permit application or permit issued under this chapter.

1. The notice of denial or revocation shall state the reasons for such action and the appropriate remedy or cure, if applicable.

2. The notification shall be deemed satisfied when the notice is sent by email, facsimile or telecopier machine or any other telecommunication method to the telephone number listed on the application, or if no number is listed, when notice is placed, postage prepaid in the United States mail addressed to the applicant at the address shown on the permit application.

B. An applicant or permittee aggrieved by the City Manager or his or her designee under this chapter shall have the right to appeal to the City Council. The appeal shall be taken within five days after notice has been received by the applicant or permittee. The City Council shall act upon the appeal within 14 days of the filing of the appeal. (2802 § 1, 2011; 2384 § 1, 1997)