

## CHAPTER 5.38: FILM PERMITS

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### § 5.38.010 TITLE.

This chapter shall be known as, and may be referred to in all proceedings as, the Film Permit Ordinance.

(Ord. 667, § 1 (part), passed - -1986)

### § 5.38.020 PURPOSES AND AUTHORITY.

This chapter is enacted pursuant to California Constitution, Article 11, Section 7, for the purpose of regulating the making of movies by movie production companies in the City, upon City streets, on property, or in buildings owned by the City.

(Ord. 667, § 1 (part), passed - -1986)

### § 5.38.030 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FORT BRAGG FILM PERMIT.** A permit issued by the City on a form setting forth standard conditions approved by the City Council and other reasonable conditions as may be required by the particular circumstances involved.

**MAKING OF MOVIES.** The filming, videotaping, or photographing for commercial purposes of movies, films, commercials, or television programs on the City streets, on land, or in buildings owned by the City.

**MOVIE PRODUCTION COMPANY.** Any corporation, partnership, or individual engaged in the “making of movies” for a profit.

**NEWS MEDIA.** The filming or videotaping for the purpose of spontaneous unplanned television news broadcast by reporters, photographers, or camera operators.

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**STUDENT.** An applicant who has submitted a letter written on school letterhead by a school administrator or instructor stating that the applicant is currently enrolled in a recognized United States educational institution and the film is not a commercial release and who agrees, in writing, to pay the City/county all waived fees in the event the film is used for commercial purposes.  
(Ord. 667, § 1 (part), passed - -1986; Am. Ord. 870, § 11, passed 8-25-2008)

### § 5.38.040 PERMIT REQUIREMENTS.

A. It shall be unlawful for any movie production company to engage in the making of movies on City streets, on land, or in buildings owned by the City without first obtaining a Fort Bragg film permit.

B. The Movie Production Company shall be responsible for obtaining permits from any other governmental agency having special requirements for filming on facilities under their control (i.e. Caltrans).

C. This chapter shall not apply to the following:

1. The filming, videotaping, or production of current news which includes reporters, photographers, cameramen employed by a newspaper, news services, broadcasting stations or similar entities engaged in news events; and/or

2. The filming or videotaping of motion pictures solely for private family use.

(Ord. 667, § 1 (part), passed - -1986; Am. Ord. 670, § 1, passed - -1986)

### § 5.38.050 ADMINISTRATION.

The office of the City Clerk shall administer these provisions. That office shall issue blank permit forms, review completed forms, and require application for other permits, when deemed necessary. The other applications are to be processed in the normal fashion established by the concerned agencies, except that the granting of any such permit shall be conditional upon the granting of the related film permit. Applications for movie film permits may be denied when the City finds that the imposition of reasonable conditions upon the making of movies will not prevent substantial disruption of traffic or City government activity or property, the creation of traffic hazards, damage to the environment, or unacceptable zoning violations. Applications to use City property or buildings or portions thereof, or equipment not normally open or available to the public, may be denied at the discretion of the City. Permit applications may be reviewed by the Technical Advisory Committee, at the direction of the City Clerk or Director of Public Works. The City Clerk shall be the permit approval authority. The Technical Advisory Committee may attach any conditions as it may deem appropriate for the protection of public safety in approving the permits.

(Ord. 667, § 1 (part), passed - -1986; Am. Ord. 816, § 4, passed - -1999)

### § 5.38.060 FEES.

A. A fee for the processing of an application for a City film permit shall be collected at the time the application is filed, and prior to its being processed. The fee shall be in the amount established by resolution of the City Council.

B. A fee for rental or use of City buildings, parks, streets, or other City owned property shall be collected prior to the issuance of a permit. The fees shall be in the amount established by resolution of the City Council.

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C. A miscellaneous cash bond account shall be established for all required personnel wages. The City shall debit this account for required public personnel charges and provide an accounting of the charges to the applicant. The City Council shall set the personnel rates by resolution.

D. The City Manager may waive the above fee requirements for the following activities:

1. Application for public access and local origination programs over cable television systems franchised within the City;

2. The filming or videotaping of motion pictures for use in a criminal investigation or civil proceeding; and/or

3. The filming or videotaping of motion pictures by students, educational institutions and other governmental agencies for noncommercial benefit.

(Ord. 667, § 1 (part), passed - -1986)

### **§ 5.38.070 INSURANCE.**

A. *Liability.* All permittees shall name the City and its officers and employees as an “additional named insured” on insurance policies in the amounts and form prescribed by the City Clerk. No production activity shall commence until the time as the insurance requirements imposed as a condition of permit are met to the satisfaction of the City Clerk.

B. *Workers’ compensation.* 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 ordinance.

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. 667, § 1 (part), passed - -1986)

### **§ 5.38.080 CLEANUP.**

An 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 in a timely manner upon completion of shooting at the scene and restored to the original condition before leaving the site.

(Ord. 667, § 1 (part), passed - -1986)

### **§ 5.38.090 TRAFFIC CONTROL.**

For filming that would impair traffic flow, an applicant must use City law enforcement personnel or, if authorized by the Chief of Police, the California Highway Patrol, and comply with all traffic control requirements deemed necessary.

A. 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.

B. Traffic may be restricted to one (1) twelve-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the Chief of Police.

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C. Traffic shall not be detoured across a double line without prior approval of the Chief of Police.

D. Unless authorized by the Chief of Police, all camera cars must be driven in the direction of traffic and must observe all traffic laws.

E. Any emergency road work or construction by City or state crews and/or private contractors under permit or contract to the City or state, shall have priority over filming activities.

(Ord. 667, § 1 (part), passed - -1986)

### **§ 5.38.100 PENALTIES.**

Any person or movie production company who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof shall be punishable as provided in Chapter 1.12.

(Ord. 874, § 11, passed 8-25-2008)