

ORDINANCE NO. 634.2

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 634 REGULATING COMMERCIAL FILMING WITHIN THE UNINCORPORATED AREAS OF THE COUNTY, UPON ALL COUNTY OWNED PROPERTY AND REQUIRING PERMITS THEREFOR

The Board of Supervisors of the County of Riverside Ordains as follows:
Ordinance No. 634 is amended in its entirety to read as follows:

ORDINANCE NO. 634

AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING COMMERCIAL FILMING WITHIN THE UNINCORPORATED AREAS OF THE COUNTY, UPON COUNTY OWNED PROPERTY AND REQUIRING PERMITS THEREFOR

Section 1. PURPOSE. It is the policy of Riverside County to encourage the production of motion pictures, television, commercials, television episodes, student films, electronic media and commercial still photography within its boundaries. This ordinance provides the basis for the rules and regulations governing the issuance of permits for filming, taping or related activity within the unincorporated area of the County and on County property. This ordinance is intended to ensure that filming/taping is done consistent with public health and safety and the protection of property.

Section 2. DEFINITIONS. Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have meanings as set forth below:

- A. News Media shall mean regularly scheduled news programs (not including magazine or documentary programs) and special news programs which are not pre-planned and are broadcast within twenty-four (24) hours after the event.
- B. Strike and preparation days shall mean activities required to make superficial alterations as specified in the script prior to movie on-location filming and following filming, to restore such location to its original condition. Such alterations may include placement of temporary architectural features, alterations in landscaping, changes in furniture or other decorative elements, placement of temporary lighting equipment and similar activities. "Strike and preparation days" shall not include time periods when cameras and actors are present and/or filming is occurring.
- C. Issuing Authority shall mean the County Executive Officer (CEO) and/or his or her designee. The CEO is designated by this Board of Supervisors as its authorized representative to administer the provisions of this Ordinance.
- D. Studio shall mean a fixed place of business where filming or photography activities are regularly conducted upon the premises.
- E. Private Property shall mean any property not owned by the County, and on which filming would not interfere with public right of way, access or safety.

Section 3. PERMIT REQUIREMENT.

- A. No person shall use any public or private property, facility or residence within the unincorporated area of Riverside County for the purpose of taking commercial motion pictures, television pictures, commercials, electronic media or commercial still photography without first applying for and receiving a permit from the Issuing Authority. No fee shall be charged for such a permit.
- B. Any requirement for a business license is hereby waived due to the temporary nature of the film activities. The County shall condition the issuance of a permit on such terms and conditions regarding the time, place and manner of utilizing county roads or other property which are necessary and appropriate under the circumstances.

- C. Upon reasonable notice to the County by applicant in advance of any filming activity, the Issuing Authority is authorized to change the date for which the permit has been issued without requiring a new application or permit.

Section 4. EXEMPTIONS. The provisions of this Ordinance shall not apply to or affect:

- A. News Media: reporters, photographers or camerapersons in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events concerning those persons, scenes or occurrence which are in the news and of general public interest.
- B. Personal/Family Video: the recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
- C. Studio Filming: Filming activities (motion or still photography) conducted at a Studio.
- D. Filming activities conducted for use in a criminal investigation or criminal court proceeding.
- E. Filming activities conducted by or on behalf of the County of Riverside.

Section 5. USE OF FACILITIES. The Issuing Authority may approve temporary free usage of property owned by or held under the control of the County, by issuance of a filming permit, provided:

- A. Such issuance will not result in a frequency of usage likely to create incompatibility between such temporary use and the surrounding area.
- B. Such issuance does not interfere with performance of the intended governmental function of the site in question.
- C. Movie on-location filming does not exceed ten (10) consecutive days per production at any one location. Computation of such time period shall not include strike and preparation time. Extensions may be granted by the CEO at his/her discretion.
- D. County may provide, at its discretion, and as may be available, vacant office and/or parking lot space for use by an applicant.
- E. Applicant shall be charged, for purposes of cost recovery only, all actual and reasonable costs incurred by County, the amount of which shall be determined by the CEO or his/her designee, for County personnel or equipment provided to or for the applicant for the purpose of assisting or providing security, protection, traffic control, public safety or other County services to or for the applicant or members of the general public for activities under the permit.

Section 6. LIABILITY PROVISIONS. As a condition of approval to issuance of a permit, a certificate of insurance will be required to include, but not limited to \$1,000,000 naming County as a co-insured for protection against claims of third party personal injuries, wrongful deaths and property damage. Where aircraft is used in any production, either fixed wing or rotary, the limit shall be no less than \$5,000,000 per occurrence. County officers, agents and employees shall be named as additional insureds and a certificate of insurance shall not be subject to cancellation or modification without thirty (30) days written notice to County. A copy of the certificate shall remain on file with the County.

- A. An applicant shall conform to all applicable federal and state requirements for Workers' Compensation Insurance as to all persons operating under a permit.
- B. To ensure cleanup and restoration of the site, an applicant may be required to post a security deposit as a condition to approval of an application.

Section 7. DUTIES OF THE ISSUING AUTHORITY. The County Executive Officer shall designate a County Department or Agency ("Designated Department") to coordinate with county departments and special districts the approval and issuance of all facility usage permits required to film on county or district property at no cost. The Designated Department shall:

Coordinate with county departments and special districts for the approval and issuance of all regulatory permits for on-location filming;

- A. Coordinate the approval with the necessary county departments and districts as required by county or special district policy;
- B. Create a one stop permit processing center, design, and operate a website that offers online permitting and promote the County to market the local region for film production and may conduct such in cooperation with the Inland Empire Film Commission or its successors;
- C. Appoint a key liaison and back-up liaison for coordinating permits. The liaison will keep him/herself aware of any and all film production within the County and remain sensitive to local citizens' concerns. The liaison will have the authority to make decisions as the County representative prior to and during any filming;
- D. Through its liaison, provide service and support to each production company applicant from the initial contact to the close of production, including problem solving on film-related matters, including coordination between film companies, local residents, businesses and the County;
- E. Through its liaison, investigate all complaints and assist in the resolution of minor disputes between the film industry and county agencies, cities, and emergency service providers concerning filming in Riverside County;
- F. Develop and administer programs to promote the development of the filming industry in Riverside County;
- G. Cooperate with other governmental agencies seeking to promote the development of the film industry in Riverside County;
- H. Periodically review and recommend, if necessary, changes in fees and use and service charges to fully recover all county costs involved in the operations of this function;
- I. Consult with and advise other county departments, districts and the Board in all matters relating to filming, including, but not limited to, recommended changes and improvements in legislation, tax credits, fee waivers, policies, procedures and methods;
- J. Coordinate with county agencies the periodic review of the county's filming permit processing system and make recommendations to the Board regarding ways to increase the system's efficiency and effectiveness;
- K. Review, approve and issue permits for on-location filming on private property in the County.

Section 8. **RULES, REGULATIONS AND FEES.** Under the guidelines of Government Code Section 14999.30 et seq., (Uniform Film Permit Act) the Issuing Authority is authorized and directed to promulgate rules and regulations, subject to approval by Resolution of the Board of Supervisors. The Permit shall set forth the County's rules and regulations regarding public property use, hours of permitted filming activity, and requirements for security deposits, if any, and other County conditions and restrictions. Transient occupancy taxes are hereby waived for applicants for forty-eight (48) months from the date of the adoption of this Ordinance in the unincorporated areas of the county in the interest of job creation.

Section 9. **VIOLATIONS OF PERMIT.** If an applicant violates any provision of this ordinance or a permit issued pursuant thereto, the County may provide the applicant with verbal or written notice of such violation. If the applicant fails to correct the violation the County may revoke the permit and all activity must cease. The liaison will provide notice and an opportunity to be heard prior to cancellation of any permit.

Section 10. **SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid provisions or clause or application and to this end, the provisions and clauses of the ordinance are declared to be severable.

Section 11. SECTION HEADINGS. The section headings herein are for convenience only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this ordinance.

Section 12. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after.

Adopted: 09/24/13