

ORDINANCE NO. 1459

**AN ORDINANCE OF THE CITY OF SIERRA MADRE,
CALIFORNIA, AMENDING CHAPTER 5.36 (COMMERCIAL
PHOTOGRAPHY AND MOTION PICTURE FILMING) OF
TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF
THE SIERRA MADRE MUNICIPAL CODE**

RECITALS

WHEREAS, some residents have expressed concerns regarding the impacts to their comfort and enjoyment at home due to noise, traffic, and lighting caused by commercial photography and motion picture filming;

WHEREAS, according to staff, the existing Commercial Photography and Motion Picture Filming ordinance does not adequately take into consideration the differences that exist and the potential adverse impacts associated with commercial photography and filming activities in residential versus non-residential areas of the City;

WHEREAS, the City submitted the draft ordinance to the California Film Commission pursuant to Government Code section 14999.21 on Thursday, March 24, 2022, and received comments on March 29, 2022;

WHEREAS, the Community Services Commission considered the draft ordinance on April 18, 2022, and continued the item for further consideration;

WHEREAS, the Planning Commission considered the draft ordinance on April 21, 2022, and provided recommendations for the Community Services Commission's consideration;

WHEREAS, the Community Services Commission held a properly noticed meeting on May 16, 2022, and adopted Resolution No. CRC 22-01 recommending approval of this Ordinance to the City Council.

THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Amendment. Chapter 5.36 (Commercial Photography and Motion Picture Filming) of Title 5 (Business Licenses and Regulations) of the Sierra Madre Municipal Code is amended as stated in Attachment A, with ~~struck-through~~ text denoting deletions and underlined text denoting additions.

SECTION 3. California Film Commission. The City Clerk is directed to submit a copy of this Ordinance to the Director of the California Film Commission.

SECTION 4. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraph, sentences, clauses, or phrases be declared invalid.

SECTION 5. Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933. She shall certify to the adoption of this Ordinance and her certification, together with proof of the publication, will be entered in the book of Ordinances of the City Council.

SECTION 6. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

PASSED, APPROVED, AND ADOPTED this 28th day of June 2022.

Gene Goss, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Aguilar, City Clerk

Aleks R. Giragosian, City Attorney

I HEREBY CERTIFY that the foregoing Ordinance was introduced by first reading on the 28th day of June 2022 and duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 28th day of June 2022 by the following vote:

AYES: Mayor Gene Goss, Mayor Pro Tem Edward Garcia, Council Member Rachelle Arizmendi, Council Member Kelly Kriebs, Council Member Robert Parkhurst
NOES: None
ABSENT: None
ABSTAINED: None

Laura Aguilar, City Clerk

Attachment A

Chapter 5.36 - COMMERCIAL PHOTOGRAPHY AND MOTION PICTURE FILMING

5.36.010 - Title.

This chapter shall be entitled "Commercial Photography and Motion Picture Filming" and shall constitute the rules regulating the permitting of commercial film activities in the city of Sierra Madre.

5.36.020 - Purpose and intent.

This chapter is to establish procedures for the review and issuance of city filming permits allowing work associated with the production of commercial filming activities, within the city of Sierra Madre, subject to the permit requirements. The intent of this chapter is to facilitate the production of such work while protecting the residents and property owners from the potential adverse impacts of filming activities.

5.36.030 - Definitions.

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

- A. "Charitable films" shall mean motion picture, television, or still photography 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.
- AB. "City film permit" shall mean a permit issued by the city of Sierra Madre to allow the activities associated with the production, filming or video taping of motion picture and television shows, programs, commercials, and still photography.
- BC. "City film monitor" shall mean the city manager of the city of Sierra Madre or his/her designee.
- CD. "City produced or city sponsored government or educational access productions" shall mean motion picture, television, or still photography produced by or in association with the city.
- D. ~~"Extra small film productions" shall mean a cast and crew of five or fewer persons not using a generator.~~
- E. "Family videos" shall mean the filming or videotaping of motion pictures or taking of still photographs solely for private use.
- F. ~~"Film or photography activity " shall mean and include all activity attendants to staging or shooting motion pictures, television shows or programs, and commercials, or commercial photo shoots, and utilizing a cast and crew consisting of more than 5 persons. and to still photo shoots as defined in this chapter.~~
- G. "News media" shall mean the photographing, filming, or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers, or cameramen.
- H. ~~"Small film productions" shall mean a cast and crew of fifty or fewer persons that are self-contained on the site where film activity will take place and will not involve the parking of vehicles on any public street beyond the filming site.~~ "Non-residential area" shall mean a property that is not a residential area.
- I. ~~"Still photo shoots" shall mean commercial photography utilizing a cast and crew of three or more persons.~~ "Residential area" shall mean a property located in the One Family Residential, Two Family Residential, Multiple Family Residential, Hillside Management, or Residential Canyon zones, or a property in which at least seventy-five percent of the radius adjoins properties with the zoning designations listed above.
- J. "Student films" shall mean motion picture, television, or still photography produced to satisfy a course or curriculum requirement at an educational institution. The student must supply proof that he/she is currently enrolled in an educational institution.

- K. "Studio productions" shall mean a legally established, commercial, motion picture/television/still photography, place of business where filming or photography activities (motion or still photography) are regularly conducted inside a studio/stage upon the premises.

5.36.040 - City film permit required.

No person shall use any public or private property, building, facility, or residence for any film or photography activity without a city film permit issued pursuant to the provisions of this chapter.

5.36.050 - City film permit exceptions.

~~This chapter. The provisions of Sections 5.36.040, 5.36.060, and 5.36.100 shall not apply to the following:~~

- A. News media.
- B. Family videos.
- C. ~~Professional still photo shoots with a crew of two or less that have been issued a valid business license~~ Film or photography activity utilizing a cast and crew consisting of 5 persons or less.
- D. Studio productions.
- E. City produced or city sponsored government or educational access productions.

5.36.060 - City film permit application, and issuance, and cancellation.

- A. City Film Permit Application.
 - (1) Any person desiring a permit under the provisions of this chapter shall fill out an application provided by the city film monitor. The form must be signed and accompanied by all applicable fees, deposits, indemnification agreement, and insurance certificate required by this chapter before the permit will be processed.
 - (2) Such application shall be submitted at least ~~five ten~~ business days prior to the date on which such person desires to conduct the activity for which a permit is required. ~~If such activity involves traffic control exceeding three-minute intervals and/or such activity involves stunts or special effects, an application shall be submitted at least seven business days in advance. If such activity involves street closures, an application shall be submitted at least ten business days in advance.~~
 - (3) Accompanying the application form shall be evidence of the following:
 - (a) All applicable fees and deposits.
 - (b) Evidence of insurance as required under Section 5.36.400110.
 - (c) An executed indemnification agreement, on a form approved by the city attorney, as required under Section 5.36.440120.
 - (d) If determined by the city film monitor to be necessary, written evidence of permits and/or coordination with other public agencies may be required upon submission of an application for a city film permit. The conditions and requirements of these responsible agencies shall be requirements of this permit.
 - (e) Proof of property owner or tenant ~~a~~Approval: as required under Section 5.36.065.
 - (i) ~~An application for a city film permit shall provide evidence of property owner/tenant approval in the form of a petition, signature card, facsimile or e-mail from a minimum of fifty-one percent of all property owners and/or tenants, over the age of eighteen, for each parcel located within two hundred fifty feet of the radius of the property on which the filming is to take place; or If the film permit will involve a street closure, the application for a city film permit shall provide evidence of property owner/tenant approval in the form of a petition, signature card, facsimile or email from one hundred percent of all property owners and/or tenants, over the age of~~

~~eighteen, for each parcel located within two hundred fifty feet of the radius of the property on which the filming is to take place and the approval of the city council is required.~~

~~(ii) For extra small film productions, small film productions, and still photo shoots, the applicant for a city film permit shall distribute a "notice of intent to film", explaining the date(s), time(s), location and general details of the film activity, to property owners and/or tenants within two hundred fifty feet of the location of the film site. If the film monitor receives written disapproval from more than twenty-five percent of residents and/or tenants within two hundred fifty feet of the film site within forty-eight hours of the delivery of the notice of intent to film, the application for a city film permit shall be denied.~~

~~(f) Information regarding the exact number of cast and crew.~~

~~(g) Information regarding the dates and hours of film or photography activity.~~

~~(h) Information regarding the specific location and address of the film or photography activity.~~

~~(i) The name, phone number, physical address, and email address for the property owner(s) and the representative of the production.~~

~~(j) The exact amount/type of vehicles/equipment to be employed along with a parking plan.~~

~~(k) Information regarding activity which may cause public alarm, such as the use of any animals, gunfire, pyrotechnics, or low flying vehicles.~~

B. City Film Permit Issuance.

(1) The city film monitor shall issue a permit as provided for in this chapter when, from a consideration of the application and from such other information as may be otherwise obtained, that the application complies with the provisions of this chapter and he or she finds that:

(a) The conduct of such activity will not unduly interfere with traffic or pedestrian movement or endanger public safety and that no streets will be completely closed to traffic for an unreasonable period of time. Forty-eight hours' advanced notice of any street closure shall be posted;

(b) The conduct of such activity will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant; ~~and~~

(c) At the determination of the city's public works department as well as the Sierra Madre Police and Fire Departments, that the condition of such activity will not constitute a fire hazard or any other type of hazard and all proper safety precautions will be taken as determined by the heads of the aforementioned departments or their designees; ~~and~~

~~(d) The applicant has not violated a condition of a prior City film permit within a 24-month period.~~

(2) The city film monitor may condition the issuance of a city film permit by imposing reasonable requirements concerning the time, place and/or manner of film or photography activity. The applicant shall comply with any conditions or restrictions the city film monitor may impose as a condition to issuing a city film permit.

(3) The decision of the city film monitor to issue, conditionally issue or not issue a city film permit shall be final unless appealed pursuant to Section 5.36.080.C.

C. Cost of Additional Services. If deemed necessary by the city film monitor, additional police, code enforcement, fire, and other city services shall be provided for the purpose of protecting, assisting and regulating the proposed activity. The cost of providing such additional services shall be paid in advance to

the city by the applicant for a city film permit. Additional city services will be provided and coordinated through the city film monitor.

- D. City Film Permit Cancellation. Scheduled film or photography activity may be canceled upon written notice to the city film monitor. If notice of cancellation is provided the applicant will be charged for the hours of city employee time at the applicable rate for the scheduled employee.

5.36.065 – Area standards.

A. Residential Area Standards.

- (1) Total. Each property is limited to sixty days of film or photography activity per year and ten days of film or photography activity per month.
- (2) Duration. There must be at least 14 days between productions.
- (3) Timing. Film or photography activities are limited to the hours of 7:00 a.m. through 10:00 p.m. Monday through Saturday.
- (4) Noise. All noise shall be subject to Section 9.32.030 of this code.
- (5) Parking. All parking shall be subject to chapter 10.24 of this code. The request for no parking signs must be included in the application and, if approved, must be posted no later than 72 hours before the commencement of the requested no parking time.
- (6) Street closure. A traffic study shall be prepared and submitted with the application for any street closures.
- (7) Lighting. Lighting shall be hooded and directed downward to reflect away from adjoining properties.
- (8) Property owner or tenant approval. Applicants must secure the approval of the owner and tenant of the property where the proposed film or photography activity will take place.
- (9) Notice. Notice must be provided to every residential address within a three hundred-foot radius of the property for film or photography activity.
- (10) Variance. Any variance from these standards may be approved in writing by at least seventy-five percent of owners or tenants within a three hundred-foot radius of the property for film or photography activities.

B. Non-Residential Area Standards.

- (1) Total. There is no limitation on the number of days of film or photography activity per year per property.
- (2) Duration. There is no limit on the number of days between productions.
- (3) Timing. Film or photography activities are permitted twenty-four hours per day, seven days per week.
- (4) Noise. All noise shall be subject to Section 9.32.040.
- (5) Parking. All parking shall be subject to chapter 10.24 of this code. The request for no parking signs must be included in the application and, if approved, must be posted no later than 72 hours before the commencement of the requested no parking time.
- (6) Street Closure. A traffic study shall be prepared and submitted with the application for any street closures.
- (7) Lighting. Lighting shall be hooded and directed downward to reflect away from adjoining properties.
- (8) Property owner or tenant approval. Applicants must secure the approval of:
 - (a) fifty-one percent of property owners or tenants within a three hundred-foot radius of the property for film or photography activities between the hours of 7:00 a.m. through 11:00 p.m.
 - (b) seventy-five percent of property owners or tenants within a three hundred-foot radius of the property for film or photography activities between the hours of 7:00 a.m. through 11:00 p.m. if film or photography activities involves street closures.
- (9) The approval of property owners or tenants is not required for film or photography activities occurring between the hours of 11:00 p.m. through 7:00 a.m.
- (10) Notice. Notice must be provided to every residential address within a three hundred-foot radius of the property for film or photography activity.

(11) Variance. Any variance from these standards may be approved in writing by at least seventy-five percent of owners or tenants within a three hundred-foot radius of the property for film or photography activities.

5.36.070 - Revocation of city film permit.

- A. A city film permit may be revoked in writing by the city film monitor for the following reasons:
- (1) Misrepresentation of production parameters or special effects on the permit application.
 - (2) Any violations of the Sierra Madre Municipal Code, state or federal law, and/or ~~this ordinance~~ the city's filming rules and regulations.
 - (3) Any violation of the conditions imposed on the city film permit.
- B. The Sierra Madre Police and Fire Departments are authorized to suspend ~~any~~ the following film or photography activity:
- (1) unpermitted film or photography activity.
 - (2) permitted film or photography activity that violates federal, state, or local law, including the Sierra Madre Municipal Code.
 - (3) permitted film or photography activity that interferes with the provision of emergency services or city business. not authorized by the necessary permit or when permit conditions are violated or where the city's filming rules and regulations, laws or ordinances are violated.
- If either the Sierra Madre Police and/or Fire Departments suspend ~~filming film or~~ photography activity, such suspension shall be reported to the city film monitor who may revoke the permittee's city film permit under this section.
- C. The decision of the city film monitor to revoke a city film permit shall be final unless appealed pursuant to Section 5.36.080.

5.36.080 - Appeal procedures.

The decision of the city film monitor to issue, conditionally issue, not issue or revoke a city film permit may be appealed by any impacted property owner within the Residential or Non-Residential Area or by the applicant in writing within five ~~working~~ days of the decision or post-marked date of the notice informing residents of the decision, whichever is later, ~~by requesting a hearing of the city council at the next available meeting.~~ The appeal must include copies of all pertinent material necessary to support the ~~appellant's~~ applicant's position. ~~on appeal. Written notice of the appeal must be mailed to residents within a two three hundred fifty-foot radius of each filming location.~~ The city manager shall hear all appeals and aAny actions of the city ~~manager council~~ shall be final. Such written request for an appeal shall be accompanied by a fee, as established by city council resolution.

5.36.090 - Rules and regulations.

The city film monitor is hereby authorized and directed to promulgate rules and regulations governing the time, place and manner of any film or photography activity within the city.

5.36.100 - City film permit fees.

- A. All fees, costs and charges associated with the issuance of a city film permit or associated with the regulation and enforcement of this chapter and the rules and regulations for film or photography activity shall be set forth in a schedule of fees, costs and charges adopted by city council resolution.
- B. Charitable films and student films will be subject to a discounted permit fee as they are not commercial in nature, but still impose a burden upon the community and city staff.

5.36.110 - Insurance requirements.

- A. At the discretion of the city film monitor, a certificate of insurance for general liability and automobile insurance shall accompany the application for a city film

permit. Such insurance shall be in an amount not less than one million dollars naming the city of Sierra Madre, its officers, employees, agents and volunteers as additional insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage and to indemnify the city for damage to city property arising out of the applicant's film or photography activity. The certificate shall not be subject to cancellation or modification until after thirty days' written notice to the city. Such insurance shall be issued by a company permitted to do business in the state of California with an AM Best's rating of at least VIII-12. Such insurance shall be evidenced by the standard General Liability Special Endorsement Form mandated by the California Film Commission which will remain on file with the city's risk manager.

- B. An applicant shall conform to all applicable state requirements for worker's compensation insurance for all persons operating under a city film permit.

5.36.120 – Indemnification.

The applicant must submit with an application for a city film permit an indemnification agreement, on a form approved by the city attorney, in which the applicant agrees to defend, indemnify and hold harmless the city, its officers, agents, employees and volunteers from all claims and liability arising from or in connection with the film or photography activity and the issuance of the city film permit.

5.36.130 - Enforcement.

Notwithstanding any other penalty provided by this code or otherwise by law, any person who violates this chapter shall be guilty of a misdemeanor and in addition, the city may enforce the violation by means of a civil enforcement process through a restraining order, a preliminary or permanent injunction, or by any other means available by law.

Attachment B

California Film Commission received comments, Eric Klosterman, Permit Team Manager.

I have reviewed your proposed new filming ordinance. One question I have concerns "street closures". Do requests to post "No Parking" signs constitute a street closure request? It appears that you have done away with signatures in residential areas except for street closures. As posting "No Parking" signs is a more frequent request, I feel the requirements for that should be spelled out in the ordinance.

A provision is made that small crews of 5 people or less do not need a permit. Is there any concern that these shoots should be on the City's radar, in case they might conflict with a permitted activity? Perhaps a simple registration form giving the particulars of the shoot that could be cross-referenced against applications and permits but not create a lot of work for staff.

Section 5.36.065 – Area Standards - A Residential Area

- 5) Parking – does chapter 10.24 allow for posting of No Parking signs?
- 7) Property owner or tenant approval – Does this mean only that you don't need a signed approval form? Obviously, the property owner/tenant must approve the use of their property for filming.

Section 5.36.065 – Area Standards – B Non- Residential Area

- 5) Parking – does chapter 10.24 allow for posting of No Parking signs?
- 7) Property owner or tenant approval – again the question about "NO Parking" signs

Section 5.36.070 – Revocation of City film permit

Production should be given a reasonable opportunity to correct any violations prior to revocation of permit.

ATTACHMENT C

California Film Commission received comments, Eric Klosterman, Permit Team Manager.

I have reviewed your proposed new filming ordinance. One question I have concerns “street closures”. Do requests to post “No Parking” signs constitute a street closure request? It appears that you have done away with signatures in residential areas except for street closures. As posting “No Parking” signs is a more frequent request, I feel the requirements for that should be spelled out in the ordinance.

A provision is made that small crews of 5 people or less do not need a permit. Is there any concern that these shoots should be on the City’s radar, in case they might conflict with a permitted activity? Perhaps a simple registration form giving the particulars of the shoot that could be cross-referenced against applications and permits but not create a lot of work for staff.

Section 5.36.065 – Area Standards - A Residential Area

5) Parking – does chapter 10.24 allow for posting of No Parking signs?

7) Property owner or tenant approval – Does this mean only that you don’t need a signed approval form? Obviously, the property owner/tenant must approve the use of their property for filming.

Section 5.36.065 – Area Standards – B Non- Residential Area

5) Parking – does chapter 10.24 allow for posting of No Parking signs?

7) Property owner or tenant approval – again the question about “NO Parking” signs

Section 5.36.070 – Revocation of City film permit

Production should be given a reasonable opportunity to correct any violations prior to revocation of permit.