

CITY OF EL CENTRO POLICY STATEMENT

Policy Statement No.: 603
Category: Administrative Category
Subject: Film Production

Adopted: September 3, 2013
Revised: July 15, 2014
Distribution: All Departments

I. Purpose

The purpose of this policy statement is to establish a uniform procedure which will allow filming by the motion picture and television production industry, student filmmakers and the commercial still photography industry. The City hopes to encourage the use of its scenic beauty and variety of backdrops afforded in the City of El Centro ("the City") as locations for filming, videotaping, recording via electronic media or otherwise recoding motion pictures for movie or television production and still photographs for commercial purposes, provided such activities do not unreasonably interfere with the public health and safety of the citizens of the City or unreasonably endanger any property within the City.

II. Policy

It is the purpose of this policy to provide the means by which film production and still photography activities may be reasonably regulated to preserve the public health and safety and provide for the protection of property, to not unduly restrict such activities and to maintain harmonious relations between the community and those engaged in such activities.

III. Definitions

For the purpose of this policy, the following words and terms shall be deemed to mean and be considered as follows:

1. "Film Production Coordinator" means the City Manager or his designee.
2. The terms "motion picture," motion pictures," "television" and "still photography" mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, web- and mobile-based programming and commercials, by both professional and student filmmakers.
3. "Charitable films" means commercials, motion pictures, television, video tapes 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.
4. "News media" means the photographing, filming, recording via electronic media or videotaping for the purpose of spontaneous, unplanned television news

broadcast or reporting for print media by reporters, photographers or camera persons.

5. "Studio" means a fixed place of business where filming activities (motion or still photography) are regularly conducted upon the premises.
6. "Breaking news" means events that are unexpected and currently developing or news that occurs late in the day, close to a news outlet's usual deadline.
7. "Imperial County Film Commission" refers to the non-profit public benefit corporation incorporated on October 21, 1998, for the purpose of permitting film, television, and print production projects in Imperial County.
8. "Company" refers to a motion picture or television production company, student filmmaker or commercial still photographer applying for a Letter of Approval from the City.
9. "Film Production Application" means the application provided by the Imperial County Film Commission to those persons or companies interested in filming in the County of Imperial.
10. "Letter of Approval" means a letter of approval issued by either the City or the Imperial County Film Commission to a Company in order to allow them to film within the City's jurisdictional boundaries.

IV. Permits and Licenses

It is unlawful for any person to engage in the business or activity of commercial or student filming, videotaping, recording via electronic media or otherwise producing motion pictures or still photography for television or public exhibition at any place within the city unless such person has first been issued a business license by the City, unless exempt by City Code section 16-21.

V. Reimbursement of Costs to the City

The Company shall reimburse the City for all costs incurred by the City which result from the issuance of the Letter of Approval and the activities authorized in this policy.

VI. Exceptions to Cost Reimbursement Requirement

The reimbursement of costs to the City shall not apply to the following for filming, videotaping, recording, via electronic media or the photographing or otherwise preserving of motion pictures or still photographs:

1. News Media

Those reporters, photographers or camera persons in the employ of a newspaper, news service or similar entity engaged in on-the-spot print media, publishing or broadcasting of breaking news or news events concerning those persons, scenes or occurrences that are in the news and of general public interest; and/or those who are filming or videotaping for use in criminal

investigations, civil proceedings and emergencies, such as fires, floods, police actions, etc. This exception does not apply to:

- (a) Magazines or documentary programs;
 - (b) Paper or electronic publications (newspapers, magazines, etc.) and filming companies (television, motion picture companies) producing films or still photography for the city's benefit (publicity, advertising and tourism-related purposes); and
 - (c) Historic programs.
2. Those who film or videotape motion pictures solely for private family use.
 3. Charitable films
 4. Those filming activities (motion picture or still photography) conducted at a studio.
 5. Those education, government, and public access and local origination programs for cable television systems franchised within the city.

VII. Obtaining a City Business License

An application for a business license may be obtained directly from the Imperial County Film Commission, the City's Finance Department, or the City's website at www.cityofelcentro.org.

The Company soliciting a City business license may coordinate the processing of a business license directly with the Imperial County Film Commission. The City's Finance Department will provide blank business license applications to the Imperial County Film Commission so a Company may complete the business license application upon initial contact with the Imperial County Film Commission. After the business license application is completed and the business license fee is collected, the Imperial County Film Commission shall submit the completed business license application and City business license fee to the City's Finance Department for processing. A temporary business license can be issued upon submission of a completed business license application in part because it is anticipated that no additional City inspections will be necessary. The temporary license has a term of thirty (30) days and filming can take place during this period of time. The cost for the business license is one hundred five dollars (\$105) which consists of an application fee of fifty-eight dollars (\$58), business license fee of forty-six dollars (\$46) and one dollar (\$1) fee per SB 1186.

It is anticipated that the issuance of a temporary business license may be completed within one (1) to two (2) business days.

VIII. Conditions to Issuing Letter of Approval to Film Within the City

Upon a determination by the Film Production Coordinator that the activities described in their film production application and business license application do not pose a threat to the public health and safety and provide for the protection of property, a Letter of Approval to film within the City may be issued. The Film Production Coordinator may impose such conditions of approval as are necessary to make such a determination. If such a determination cannot be made, a Letter of Approval will not be issued.

IX. Issuance of Necessary Business License or Permits

Prior to the issuance of a Letter of Approval, a Company needs to comply with the following:

1. Complete and submit a Film Production Application to the Imperial County Film Commission.
2. Obtain a business license from the City as well as all other applicable permits and/or paid all other applicable fees, including but not limited to encroachment permits, temporary use permits, building permits and/or public facility fees; and
3. Execute a "Release, Hold Harmless and Agreement Not To Sue" which includes an agreement to indemnify, defend and save the City harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the issuance of Letter of Approval; and
4. Prepay such costs as the Film Production Coordinator reasonably estimates will be incurred by City for the use of its personnel and facilities, with overpayments to be reimbursed and underpayments billed for payment to the Company thirty (30) days after the final day of shooting.

X. Term of Letter of Approval

The term of the Letter of Approval shall be for such period of time as is necessary to complete the activities set forth in the application for film production.

XI. Extension of Term of Letter of Approval

If the activities described in the film production application are not completed within the period of time established in the Letter of Approval issued, the Film Production Coordinator may request the applicable City Departments to extend the term of the Letter of Approval to a period of time necessary to complete the activities set forth in the film production application.

XII. Advance Notice for Approval

A Company will be required to submit a permit request at least **one (1) working day** prior to the date on which such person desires to conduct an activity for which a Letter of Approval is required. If such activity interferes with traffic or involves

potential public safety hazards, a request may be required at least **seven (7) calendar days** in advance.

XIII. Clean-up

The Company 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 shooting at the scene and restored to the original condition before leaving the site. If the Company fails to restore the scene to the original condition, the City reserves the right to clean and restore the scene and then charge the Company for all associated costs.

XIV. Filming on Private Property and in Residential Areas


1. A Company is required to obtain the property owner's permission, consent, and/or lease for use of property not owned or controlled by the City. Written permission of the property owner must be presented at time of the submission of the Film Production Application.
2. The Company agrees that production vehicles will not be permitted to drive or park off the public right-of-way unless written permission has been obtained from the property owner. The Company agrees that parking for production company equipment will be designated so that there is minimal concentration at the production site.
3. When shooting in a residential area, the Company must make its best effort to notify the residents in the area no later than forty-eight (48) hours before shooting. The Company shall supply residents with the shooting times, parking restrictions and the name, address, and telephone number of the company's local office or representative.
4. The Company shall minimize interference with the normal activities of a neighborhood, including access to private or public property. No littering is permitted and all litter must be cleaned up completely and properly disposed of prior to leaving the location.

XV. Filming at City Parks and Facilities

All filming at City parks and facilities must be approved by the City Manager or his designee. City facilities shall include, but shall not be limited to, all City-owned parks, the Old Post Office Pavilion, Town Square, City Hall, the library, and other recreational facility locations. The use of City equipment, vehicles, and/or other City-owned property shall be approved in advance by the City Manager.

XVI. Public Works Department (Roads and Streets)

If the Company must park equipment, trucks, and/or cars in zones that will not permit parking, the area must be posted with temporary parking signs as required by



the City Engineer. The Company must also obtain permission to string cable across sidewalks or from the generator to the service point. The Company should contact the Imperial County Air Pollution Control District to determine any applicable requirements related to the use and operation of generators.

XVII. Traffic Control

- 1. For filming that will impair traffic flow, a Company must consult with the City's Engineering, Public Works and Police Departments in order to determine which traffic control requirements that are necessary.**
- 2. The City's Engineering, Public Works and Police Departments will determine the necessary fees to cover costs associated with personnel, vehicle and mileage-related expenses related to any required traffic control.**
- 3. A Company shall furnish and install advance warning signs and any other traffic control devised needed. All appropriate safety precautions must be taken.**
- 4. Traffic shall not be detoured across a double line without prior approval of the City.**
- 5. Unless otherwise authorized by the City, the camera cars must be driven in the direction of traffic and must observe all traffic laws.**
- 6. Any emergency road work or construction by City crews and/or private contractors under permit or contract to the Public Works Department shall have priority over filming activities.**



XVIII. Insurance Requirements

- 1. Before a Letter of Approval is issued the Company needs to provide public liability insurance in the amount of one million dollars (\$1,000,000) combined single limit naming the City as an additional insured.**
- 2. A Company shall execute a hold harmless agreement as provided by the City prior to the issuance of a Letter of Approval.**