

FILMING PERMIT

5.14.120 Increase in fees.

Fees, penalties, etc., shall be amended by resolution of the city council. (Ord. 726 (part), 1997.)

Chapter 5.16

FILMING PERMIT

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5.16.010 Title.

This chapter shall be known as and may be referred to in all proceedings as the “City of Sonora Filming Permit Ordinance” (Ord. 748 §1 (part), 2002.)

5.16.020 Purposes and authority.

This chapter is enacted pursuant to California Government Code Section 14999.21, for the purpose of regulating the making of motion pictures, television, and/or still photography for commercial purposes in the incorporated city limits upon city streets or on property or in buildings owned by the city of Sonora or under the jurisdiction of the city of Sonora. (Ord. 748 §1 (part), 2002.)

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5.16.030 Definitions.

Whenever in this chapter the following terms are used they shall have the meanings respectively ascribed to them in this section:

- A. "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, or by a theater company for purposes of advertising the run of a local production. 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.
- B. "Motion picture, television, and/or still photography" means and includes all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercial advertisements.
- C. "News media" means the filming or video taping for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers or cameramen.
- D. "Private-Family use" means the filming or videotaping of motion pictures solely for the purpose of private-family use.
- E. "Still photography" means photography shot in conjunction with a commercial, motion picture, television show, video taping, and/or for use as commercial advertising.
- F. "Student filming project" means commercials, motion pictures, television, video tapes, or still photography produced by a student in the course of completing a school project.

(Ord. 748 §1 (part), 2002.)

5.16.040 Permit—Required.

No person shall use any public or private property under the jurisdiction of the city of Sonora for the purpose of taking commercial motion pictures or television pictures or still photography without first applying for and receiving a permit from the city's planning and

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building department through the Tuolumne County Film Commission. In addition to the permit required in this section, the applicant may be required to obtain additional permits (i.e., use, environmental, pyrotechnics, special, etc) as required by other statutes and city ordinances. (Ord. 751 (part), 2002; Ord. 748 §1 (part), 2002.)

5.16.050 Permit—Exemptions.

- A. News Media. The provisions of this chapter shall not apply to or affect reporters, photographers or cameramen in the employ of a newspaper, news service, or similar entity engaged in on-the-spot broadcasting of new events concerning those persons, scenes or occurrences which are in the news and of general public interest.
- B. Private-Family Use. The provisions of this chapter shall not apply to the filming or video taping of motion pictures solely for private-family use.
- C. Charitable Films Projects. The provisions of this chapter shall not apply to charitable films projects as defined in this chapter.
- D. Student Filming Project. The provisions of this chapter shall not apply to commercials, motion pictures, television, video tapes, or still photography produced by a student in the course of completing a school project.
- E. The provisions of this chapter shall not apply to filming, video taping or still photography of commercials for businesses located in the incorporated city limits.

(Ord. 748 §1 (part), 2002.)

5.16.060 Permit—Rules and regulations.

- A. Change of Date. Upon the request of the applicant, the planning and building department through the Tuolumne County Film Commission shall have the power, upon a showing of good cause, to change the date for which the permit has been issued

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provided established limitations are complied with in respect to time and location.

- B. Rules. The planning and building department is hereby authorized and directed to promulgate rules and regulations governing the form, time, and location of any film activity set forth within the city. The planning and building department 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, and
 4. Traffic congestion at particular locations within the city.
- (Ord. 751 (part), 2002; Ord. 748 §1 (part), 2002.)

5.16.070 Permit—Application and issuance.

- A. Issuing Authority. The issuing authority shall be the planning and building department through the Tuolumne County Film Commission.
- B. Applications. The following information shall be included in the application:
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 exact number of personnel to be involved;
 7. The use of any animals or pyrotechnics;
 8. The exact amount/type of vehicles/equipment to be involved;

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9. The description of any necessary road closures or traffic control measures to be done;
 10. The description of any necessary set construction work to be done;
 11. The name of any entity that will be providing food service during the shoot; and
 12. The description of other public lands to be used during the shoot (i.e., county, state, etc.).
- C. Permit Fees. There may be a permit fee established by resolution by the city council.
- D. Reimbursement for use of City Personnel. The production company shall reimburse the city for any personnel provided to the company (i.e., Police, Fire, Public Works, etc.) for the purpose of assisting the production.
- (Ord. 751 (part), 2002; Ord. 748 §1 (part), 2002.)

5.16.080 Liability provisions.

- A. Liability Insurance. Before a permit is issued, a certificate of insurance will be required in an amount not exceeding one million dollars naming the city as an additional insured for protection against any and all claims of third persons for personal injuries, wrongful deaths, and property damage. The city officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the city. A copy of the certificate shall be attached to the application for a permit and shall remain on file in the planning and building office.
- B. Workers' Compensation Insurance. 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/Waiver of Liability. An applicant shall execute a hold harmless agreement and/or waiver of liability

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ity as provided by the city prior to the issuance of a permit as required 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 sole discretion of the city) 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. 748 §1 (part), 2002.)

TITLE 5 FOOTNOTES

1. At the time of original publication of this code, the city of Sonora was preparing a new ordinance dealing with business taxes, licenses and regulations. It was decided not to include any of the previous provisions in this code. When the new ordinances are available, they will be included in this code. In the meantime, copies of the existing business taxes, licenses and regulations are on file in the office of the city clerk; or statutory provisions authorizing cities to license businesses for purposes of revenue or regulation, see Gov. Code § 37101, for provisions authorizing cities to license business in the exercise of the police power, see Bus. and Prof. Code § 16000 et seq.
2. The business license ordinance, Ord. 654 is on file in the office of the city clerk. Copies are available, upon request, for a fee. Ord. 654 amended by Ord. 659, passed November 19, 1990; by Ord. 661, passed January 7, 1991; by Ord. 662, passed February 19, 1991; by Ord. 673, passed December 16, 1991; by Ord. 681, passed September 8, 1992; by Ord. 688, passed January 18, 1994; by Ord. 700, passed November 21, 1994.