

## Chapter 12.60 FILM AND VIDEO PRODUCTION

Sections:

- [12.60.010](#) Purpose.
- [12.60.020](#) Definitions.
- [12.60.030](#) Permits and exemptions.
- [12.60.040](#) Rules and regulations.
- [12.60.050](#) Applicants and issuance.
- [12.60.060](#) Liability provisions.
- [12.60.070](#) Violation and enforcement of chapter.
- [12.60.080](#) Filming regulations.

### **12.60.010 Purpose.**

The purpose of this chapter is to provide rules governing the issuance of permits for film and video production within the city. The intent of this chapter is to ensure that still photographers and motion picture, television, video, commercial and nontheatrical filming companies will be encouraged to use locations for filming activities within the city so long as those activities are consistent with the public safety and the protection of property. (Ord. 1864 § 1, 9-21-10).

### **12.60.020 Definitions.**

As used in this chapter:

- (a) "Charitable films" shall mean commercials, motion pictures, television, videotapes 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.
- (b) "Film" shall mean and include, but is not limited to, feature motion pictures, digital video and videotape recordings, television motion pictures, commercials, and stills.
- (c) "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.
- (d) "Production" shall mean the activity of making a film for commercial or noncommercial purposes on property owned by the City, or on private property within the jurisdiction of the City.
- (e) "Studio" shall mean a fixed place of business where filming activities, motion or still photography, are regularly conducted upon the premises.

(f) "Student filming" means all production made by a student of a public or private educational institution to satisfy a course or curriculum requirement and from which no profit is made including posting on social media Internet outlets. (Ord. 1864 § 1, 9-21-10).

#### **12.60.030 Permits and exemptions.**

(a) No person, including students, shall use any public or private property, facility or residence for the purpose of film production without first applying for and receiving a permit from the City Manager's office or the City Manager's designee.

(b) Exemptions.

(1) 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 print media, publishing or broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

(2) Family Video. The filming or videotaping of motion pictures solely for private family use.

(3) Studio Filming. Filming activities, motion or still photography conducted at a studio.

(4) Charitable Films. Projects that qualify under Section 501(c)(3) are exempt from permit-related fees but require a permit.

(5) Student Filming. Project will be considered on a case-by-case basis as to whether permit-related fees will be waived, but a permit is always required. (Ord. 1864 § 1, 9-21-10).

#### **12.60.040 Rules and regulations.**

The City Manager is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the City Council, governing the form, time and location of any film activity set forth within the city. The City Manager or her or his designee shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

(a) The health and safety of all persons;

(b) Mitigation of disruption to all persons within the affected area;

(c) The safety of property within the city; and

(d) Traffic congestion at particular locations within the city. (Ord. 1864 § 1, 9-21-10).

**12.60.050 Applicants and issuance.**

(a) The issuing authority shall be the City Manager or her or his designee.

(b) The following information shall be included in the application:

(1) The representative of the property, the address and 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 occur;

(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 (e.g., the location manager);

(6) The name, address and telephone number of the production company conducting the activity;

(7) The exact number of personnel to be involved;

(8) Use of any animals or pyrotechnics; and

(9) The exact amount/type of vehicles/equipment to be involved.

(c) Any fee charged for the issuance of a film and video production permit shall be assessed on a cost recovery basis, as may be set or modified from time to time by resolution of the City Council. No fee which is greater than the actual cost incurred shall be charged by the City for film production which occurs entirely on private property. The actual cost will be determined by each department involved.

(d) The production company shall reimburse the City for any personnel provided to the company (e.g., police and fire) for the purpose of assisting the production.

(e) Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location. (Ord. 1864 § 1, 9-21-10).

**12.60.060 Liability provisions.**

(a) Before a permit is issued for film production on public property, a certificate of insurance will be required in an amount not exceeding one million dollars (\$1,000,000.00) naming the City as an additional insured for protection against claims of third persons for personal injuries, wrongful

deaths and property damage. The City, its City Council, commissions, officers, employees, agents and volunteers shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty (30) days' written notice to the City. A copy of the certificate will remain on file. Student applicants must conform to the provisions listed in this subsection by providing a certificate of insurance from their educational institution.

(b) Aircraft liability coverage in the amount of five million dollars (\$5,000,000.00) with policy number, effective and expiration dates is required in a separate aircraft insurance certificate.

(c) An applicant shall conform to all applicable Federal and State requirements for worker's compensation insurance for all persons operating under a permit.

(d) An applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of a permit under this chapter.

(e) To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable security deposit, amount to be determined by the City Manager or her or his designee. Upon completion of filming and inspection of the site by the City, the security deposit may be returned to the applicant. (Ord. 1864 § 1, 9-21-10).

#### **12.60.070 Violation and enforcement of chapter.**

If an applicant violates any provisions of this chapter or permit issued pursuant thereto, the City may cancel the permit. The City further reserves the right to initiate criminal, civil and/or administrative penalties pursuant to [SCCC 1.05.070](#), depending upon the nature of the violation. (Ord. 1864 § 1, 9-21-10).

#### **12.60.080 Filming regulations.**

(a) An applicant will be required to submit a permit request, along with all necessary insurance information, at least three working days prior to the date on which such person desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least five working days in advance.

(b) The applicant shall conduct operations in an orderly fashion with continuous attention to storage of equipment not in use and 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.

(c) An applicant is required to obtain the property owner's permission, consent and/or lease for use of property not owned or controlled by the City.

(d) When filming in a flood control channel, an applicant must vacate the channel when permit indicates because of water releases. Please note that when filming in or on flood control properties, additional entities may be required to be named as additional insureds. Applicant is solely responsible for determining the identity of such agencies and their insurance and/or indemnification requirements.

(e) If the applicant must park equipment, trucks and/or cars in zones that will not permit it, temporary "No Parking" signs must be posted. The applicant must also obtain permission to string cable across sidewalks, or from generator to service point.

(f) For filming that would impair traffic flow, an applicant must use Santa Clara Police Department personnel to comply with all traffic control requirements deemed necessary.

(1) 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 by a properly licensed/certified person. All appropriate safety precautions must be taken.

(2) Traffic may be restricted to one twelve (12)-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City, based on location and time of day.

(3) Traffic shall not be detoured across a double line without prior approval of the appropriate City representative.

(4) Unless authorized by the City, camera cars must be driven in the direction of traffic and must observe all traffic laws.

(5) Any emergency roadwork or construction by City crews and/or private contractors, under permit or contract to the City, shall have priority over filming activities.

(g) When parking in a parking lot, an applicant may be billed according to the current rate schedule established by the City.

(h) All residents and merchants within a two hundred (200)-foot radius of the film location must receive notice of filming at least twenty-four (24) hours prior to the first day of filming. (Ord. 1864 § 1, 9-21-10).

This page of the Santa Clara City Code is current through Ordinance 1866, passed October 12, 2010.

Disclaimer: The City Clerk's Office has the official version of the Santa Clara City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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