

ORDINANCE 98-190

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO AMENDING DIVISION 17, CHAPTER 5.03, TITLE 5 OF THE MISSION VIEJO MUNICIPAL CODE PERTAINING TO COMMERCIAL MOTION PICTURE PRODUCTION, TELEVISION PRODUCTION, AND STILL PHOTOGRAPHY PERMIT REQUIREMENTS

SECTION 1

Section 5.03.1710 through 5.03.1745 of the Division 17, Chapter 5.03, Title 5 of the Mission Viejo Municipal Code are hereby amended as set forth hereinafter:

Section 5.03.1710 Permit Required. No person shall use any public property or facility for the purpose of taking still, motion, or television pictures for commercial purposes without first applying for and receiving a permit therefor from the City Manager or his or her authorized representative, referred to herein as "City Manager."

Section 5.03.1715 Exceptions. The provisions of this Division shall not apply to amateur photographers, amateur videographers, or to reporters, photographers or cameramen in the employ of a newspaper, news service, radio broadcasting station, television station or similar entity engaged in on-the-spot broadcasting, reporting or photographing of news concerning those persons, scenes or occurrences which are in the news or of a general public interest.

Section 5.03.1720 Application for Permit. Any person desiring to use any public property or facility for the purpose of taking motion pictures, television pictures, or commercial still pictures shall file an application for a permit with the City Manager, on a form furnished by the City. Time for processing and acting upon an application will vary with the complexity. An application simple in nature will be processed within twenty-four (24) hours. An application requiring Recreation and Community Services Department, Public Works Department, Traffic Engineer, Fire Authority or Police Department review may take a period not exceeding seven (7) days to process unless other arrangements are made satisfactory to both the applicant and the City.

The application shall be verified and shall set forth the following information:

- (a) The name, address and telephone number of the person wishing to conduct the activity.
- (b) The name, address and telephone number of the person who will be in charge of the activity and be responsible for such conduct.
- (c) The date or dates and hours when such activity is to be conducted.
- (d) The approximate time when such activity will begin and end.
- (e) The location or locations within the City where such activity will take place.
- (f) The approximate number of persons who will engage in such an activity.

- (g) A list of major equipment to be used, including but not limited to trucks, buses, limousines and cameras.
- (h) A general statement of the character or nature of the proposed activity.

Said application shall be accompanied by an application fee as established by Resolution of the City Council.

Section 5.03.1725 Issuance of Permit. The City Manager shall issue the permit provided he finds that:

(a) The conduct of film activity will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare.

(b) The conduct of film 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.

(c) The conduct of film activity will not constitute a fire hazard, and all proper safety precautions will be taken, and any necessary fire department permits approved.

(d) The conduct of film activity will not require the diversion of so great a number of police officers of the City to properly police the area of such activity as to interfere with normal police protection for other areas of the City.

Such permit shall contain a provision whereby the permittee guarantees to indemnify and hold the City harmless against any claims, liability or judgments for damages arising out of the permittee's activities. It may be subject to those conditions the City Manager deems to be appropriate.

Section 5.03.1730 Notice of Approval or Disapproval. The City Manager shall act upon the application for permit within the time frame described under Application for Permit and shall at such time mail or send by facsimile a notice of his action to the applicant. If the application is disapproved, said notice shall state the reasons for such disapproval. Failure by the City Manager to act upon the application within the prescribed time frame shall be deemed as disapproval of the application.

Section 5.03.1735 Appeal. Any applicant aggrieved by the City Manager's decision shall have the right to appeal to the City Council. The appeal shall be filed with the City Clerk within five (5) business days after notice of the City Manager's decision. The City Council shall act upon the appeal within twenty one (21) days after the filing thereof unless other arrangements are made satisfactory to both the applicant and the City.

Section 5.03.1740 Cost of Additional City Services. If deemed necessary by the City Manager, or state and local codes, additional police, 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 to the City by the applicant at standard City hourly rates.

Section 5.03.1745 Bond and Insurance. The City Manager may require, as a condition of issuing such a permit, that the applicant furnish a bond, insurance or both to protect the City against claims of third persons for personal injury, wrongful death, and property damage and to guarantee payment to the City for the additional service, and to indemnify the City for damage to City property arising out of the permittee's activities. The amount of bond and insurance shall be at the City Manager's discretion.

SECTION 2

That the City of Mission Viejo City Council hereby declares that the provisions of this Ordinance are severable and if for any reason a court of competent jurisdiction holds any sentence, paragraph, or section of this Ordinance to be invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 3

That all ordinances or parts of ordinances, resolutions, regulations, or policies in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4

That this Ordinance shall be in full force and effect thirty days after its passage. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published and/or posted as required by law.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF JUNE, 1998.

/s/

Susan Withrow
Mayor

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF MISSION VIEJO)

I, Ivy J. Joseph, City Clerk of the City of Mission Viejo, do hereby certify that the foregoing Ordinance No. 98-190, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO AMENDING DIVISION 17, CHAPTER 5.03, TITLE 5 OF THE MISSION VIEJO MUNICIPAL CODE PERTAINING TO COMMERCIAL MOTION PICTURE PRODUCTION, TELEVISION PRODUCTION, AND STILL PHOTOGRAPHY PERMIT REQUIREMENTS.≡

was duly introduced and placed upon its first reading at a meeting of the City Council on the 1st day of June, 1998, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 15th day of June, 1998, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____/s/_____
Ivy J. Joseph, City Clerk

APPROVED AS TO FORM:

_____/s/_____
Peter M. Thorson, City Attorney

RESOLUTION NO. 98-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO, CALIFORNIA, ESTABLISHING FEES FOR THE USE OF PUBLIC PROPERTY FOR COMMERCIAL FILMING AND STILL PHOTOGRAPHY

WHEREAS, the City Council for the City of Mission Viejo has established Municipal Code provisions for commercial filming and still photography on public property; and

WHEREAS, such provisions provide that the City Council shall establish permit fees by resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MISSION VIEJO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Mission Viejo hereby establishes the following fees for the processing of Commercial Filming and Still Photography applications and issuance of a permit:

<u>Permit Type</u>	<u>Fee per Week or Fraction Thereof</u>
Commercial Filming	\$ 300.00
Still Photography	100.00
Modification of Permit	100.00

SECTION 2. In addition to the nonrefundable fee identified herein above in Section 1, the City Manager may charge a fee equal to the actual cost of City services at standard City hourly rate.

SECTION 3. The City Manager at his discretion may waive the processing fee referred to herein above in Section 1 for nonprofit organizations.

SECTION 4. Any prior fee schedule for commercial filming is hereby repealed except in the instance where that fee schedule is embodied in an existing agreement between the City and a specific individual or organization.

SECTION 5. The fee for any appeal of the City Manager's determination to the City Council is \$300.00.

SECTION 6. This Resolution shall take effect upon its adoption by this City Council.

PASSED, APPROVED, AND ADOPTED this 1st day of June, 1998.

/s/
Susan Withrow, Mayor

