

ORDINANCE NO. 2023-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADDING NEW CHAPTER 11 TO ARTICLE VI OF THE LAKEWOOD MUNICIPAL CODE REGARDING FILMING PERMITS

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. The following new Chapter 11 is hereby added to Article VI of the Lakewood Municipal Code:

**CHAPTER 11
FILMING PERMITS**

6940. DEFINITIONS.

- a. “Motion picture, television, still photography” shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, commercials, digital media, still photography and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format.
- b. “Charitable films” shall mean commercials, motion pictures, television, digital media 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.
- c. “News Media” shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcasts (“breaking news”) or reporting for print media by reporters, photographers or camerapersons.
- d. “Studio” shall mean a fixed place of business licensed and approved for such use by the City where filming activities (motion or still photography) are regularly conducted upon the premises.

6941. PERMITS AND EXEMPTIONS.

- a. Permit required: No person shall use any public or private property, facility or residence for the purpose of taking motion pictures, television, digital media or commercial still photography without first applying for and receiving a permit from the City Manager or his/her designee.
- b. Exemptions:
 - 1) The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons 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) The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
 - 3) Filming activities (motion or still photography) conducted at a studio.

6942. RULES AND REGULATIONS.

- a. **Rules:** The City Council shall establish, by Resolution, rules and regulations governing the form, time, and location of any film activity set forth within the City. The rules and regulations shall be based upon the following criteria:
 - 1) The health and safety of all persons;
 - 2) Mitigation of disruption to all persons within the affected area;
 - 3) The safety of property within the City/County; and
 - 4) Traffic congestion at particular locations within the City/County.

6943. APPLICANTS AND ISSUANCE.

- a. **Issuing Authority:** The issuing authority shall be the City Manager or his/her designee.
- 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 occur;
 - 4) A general statement describing the character or nature of the proposed filming activities;
 - 5) The name, address, email address, and cell phone number of the person or persons in charge of such filming activity;
 - 6) The exact number of personnel to be involved;
 - 7) Activity which may cause public alarm, such as the use of any animals, gunfire or pyrotechnics, low flying helicopters and/or unmanned aircraft systems (drones);
 - 8) The exact amount/type of vehicles/equipment to be employed along with a parking plan; and
 - 9) All applicable documentation (remote pilot certificate, UAS registration certificate, waivers, description of flight operations, etc.) if a UAS (drone) is being used.
 - 10) Any additional information as the City Manager or his/her designee may reasonably require.
- c. **Fee Schedule:** Fee schedule shall be set by City Council Resolution. Charitable films as defined in this Chapter are exempt from paying permitting fees, but may be required to pay for other costs incurred by the City.
- d. **Reimbursement for Costs:** Notwithstanding any other provisions of this Chapter, any permittee for a filming activity shall reimburse the City for all costs incurred by City, the amount of which shall be determined by the City Manager or his/her designee, or any City personnel or equipment provided to the applicant for the

purpose of assisting or providing security or protection to the applicant for activities conducted under the permit.

- e. Change of Date: 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.

6944. LIABILITY PROVISIONS.

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount to be determined by the City Manager or his/her designee naming the City of Lakewood as additional insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. Separate aerial coverage shall be required for the use of helicopters and/or drones. City officers and employees shall also be named as additional insured. An applicant must provide evidence of insurance coverage that will not expire until the completion of all planned production activities, including the strike and restoration of all locations. A copy of the certificate will remain on file.
- b. Worker’s Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Worker’s Compensation Insurance for all persons operating under a permit.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the City prior to the issuance of a permit under this ordinance. (The hold harmless agreement may be included in the terms and conditions of the permit.)
- d. Security Deposit: To ensure cleanup and restoration of location sites, an applicant may be required to submit a refundable deposit (amount determined by the City Manager or his/her designee). Upon completion of filming and inspection of the site by the City, if no verifiable damage has occurred, the security deposit shall be returned to the applicant.

6945. VIOLATIONS.

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the City may provide the applicant with verbal or written notice of such violation. If the applicant fails to correct the violation, the City may revoke the permit and all activity must cease. Each day during which any violation is committed or permitted shall constitute a separate violation.


Two violations in a 12-month period at a property or by a permittee shall trigger a 12-month ban against obtaining a filming permit at such property and for the person holding a permit for either of the filming events during which a violation occurred. Any subsequent violation during the period of such 12-month ban, whether at the subject property or by the subject person, shall result in an extension of such ban for two years from the date of such subsequent violation, applicable to both the subject property and person.

SECTION 2. The City Council hereby declares it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph and section by section, and hereby declares the provisions of this Ordinance are severable, and if for any reason any portion of this Ordinance should be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause said Ordinance within fifteen (15) days after its passage to be posted in at least three (3) public places within the City as established by Ordinance.


ADOPTED AND APPROVED this 27th day of June, 2023, by the following roll call vote:

	AYES	NAYS	ABSENT
Mayor Croft	<u> X </u>	<u> </u>	<u> </u>
Council Member Chase	<u> X </u>	<u> </u>	<u> </u>
Council Member Pe	<u> X </u>	<u> </u>	<u> </u>
Council Member Rogers	<u> X </u>	<u> </u>	<u> </u>
Council Member Wood	<u> X </u>	<u> </u>	<u> </u>



Mayor

ATTEST:



City Clerk