

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor John J Benoit
Supervisor Jeff Stone

SUBMITTAL DATE: September 10, 2013

SUBJECT: Revision of Ordinance No. 634, Regulating Commercial Filming, Ordinance Amendment No. 634.2.

RECOMMENDED MOTION: That the Board of Supervisors Introduce and Adopt on successive weeks, Ordinance No. 634.2, Amending Ordinance No. 634 Regulating Commercial Filming.


BACKGROUND: On December 18, 2012 the Board of Supervisors unanimously directed the Economic Development Agency to begin the process of reviewing the county's film ordinance in an effort to bring film and TV production back to Riverside County and its 28 cities. County Supervisors and staff of the Office of Foreign Trade-EDA met with film and TV industry leaders to seek input on steps we can take to be the most competitive county in the nation for TV show and movie production.

As required, the revised Film Ordinance, known as Ordinance 634.2, was submitted, reviewed and approved by the California State Film Commission, and contains significant changes and enhancements that reduce the costs of filming in the unincorporated areas of the county.


These major revisions are as follows:

1. Elimination of the Film Permit Fee
2. Waiver of the collection of Transient Occupancy Taxes for 48 months
3. Allowance of the use of county facilities for film and TV purposes free of charge
4. Creation/establishment of a "one stop" film permit processing center
5. Designation of a contact for the film and TV industry
6. Elimination of the requirement for film and TV industry to have a business license
7. Clarification on fees the county can levy on the industry, with the County Executive Officer as the final arbiter

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John J. Benoit, Chairman of the Board
Representing the 4th District



Jeff Stone, Vice Chairman of the Board
Representing the 3rd District

Supervisor John J. Benoit and Supervisor Stone
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BACKGROUND: (Continued)

We hope revisions to this ordinance will stimulate job growth and investment by the film and TV industry in the County of Riverside. Further, we respectfully suggest that all 28 cities in the County of Riverside revise their film and TV ordinances accordingly.

Unless otherwise directed by the County Executive Officer, county staff members will ensure revenue neutrality with respect to the Inland Empire Film Commission while Ordinance 634.2 is in force.

County staff shall create and issue identification cards for members of the TV and film industry to utilize in securing the waiver of fees and taxes as set forth in this Ordinance.

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ORDINANCE NO. 634.2

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 634 REGULATING COMMERCIAL FILMING WITHIN
THE UNINCORPORATED AREAS OF THE COUNTY, UPON ALL COUNTY OWNED
PROPERTY AND REQUIRING PERMITS THEREFOR

The Board of Supervisors of the County of Riverside Ordains as follows:
Ordinance No. 634 is amended in its entirety to read as follows:

ORDINANCE NO. 634
AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING
COMMERCIAL FILMING WITHIN THE UNINCORPORATED AREAS OF THE COUNTY,
UPON COUNTY OWNED PROPERTY AND REQUIRING PERMITS THEREFOR

Section 1. PURPOSE. It is the policy of Riverside County to encourage the production of motion pictures, television, commercials, television episodes, student films, electronic media and commercial still photography within its boundaries. This ordinance provides the basis for the rules and regulations governing the issuance of permits for filming, taping or related activity within the unincorporated area of the County and on County property. This ordinance is intended to ensure that filming/taping is done consistent with public health and safety and the protection of property.

Section 2. DEFINITIONS. Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have meanings as set forth below:

- A. News Media shall mean regularly scheduled news programs (not including magazine or documentary programs) and special news programs which are not pre-planned

1 and are broadcast within twenty-four (24) hours after the event.

- 2 B. Strike and preparation days shall mean activities required to make superficial
3 alterations as specified in the script prior to movie on-location filming and following
4 filming, to restore such location to its original condition. Such alterations may
5 include placement of temporary architectural features, alterations in landscaping,
6 changes in furniture or other decorative elements, placement of temporary lighting
7 equipment and similar activities. "Strike and preparation days" shall not include time
8 periods when cameras and actors are present and/or filming is occurring.
- 9 C. Issuing Authority shall mean the County Executive Officer (CEO) and/or his or her
10 designee. The CEO is designated by this Board of Supervisors as its authorized
11 representative to administer the provisions of this Ordinance.
- 12 D. Studio shall mean a fixed place of business where filming or photography activities
13 are regularly conducted upon the premises.
- 14 E. Private Property shall mean any property not owned by the County, and on which
15 filming would not interfere with public right of way, access or safety.

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17 Section 3. PERMIT REQUIREMENT.

- 18 A. No person shall use any public or private property, facility or residence within the
19 unincorporated area of Riverside County for the purpose of taking commercial
20 motion pictures, television pictures, commercials, electronic media or commercial
21 still photography without first applying for and receiving a permit from the Issuing
22 Authority. No fee shall be charged for such a permit.
- 23 B. Any requirement for a business license is hereby waived due to the temporary nature
24 of the film activities. The County shall condition the issuance of a permit on such
25 terms and conditions regarding the time, place and manner of utilizing county roads
26 or other property which are necessary and appropriate under the circumstances.

1 C. Upon reasonable notice to the County by applicant in advance of any filming
2 activity, the Issuing Authority is authorized to change the date for which the permit
3 has been issued without requiring a new application or permit.

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5 Section 4. EXEMPTIONS. The provisions of this Ordinance shall not
6 apply to or affect:

7 A. News Media: reporters, photographers or camerapersons in the employ of a
8 newspaper, news service, or similar entity engaged in on-the-spot print media,
9 publishing or broadcasting of news events concerning those persons, scenes or
10 occurrence which are in the news and of general public interest.

11 B. Personal/Family Video: the recording of visual images (motion or still photography)
12 solely for private personal use, and not for commercial use.

13 C. Studio Filming: Filming activities (motion or still photography) conducted at a
14 Studio.

15 D. Filming activities conducted for use in a criminal investigation or criminal court
16 proceeding.

17 E. Filming activities conducted by or on behalf of the County of Riverside.

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19 Section 5. USE OF FACILITIES. The Issuing Authority may approve
20 temporary free usage of property owned by or held under the control of the County, by issuance
21 of a filming permit, provided:

22 A. Such issuance will not result in a frequency of usage likely to create incompatibility
23 between such temporary use and the surrounding area.

24 B. Such issuance does not interfere with performance of the intended governmental
25 function of the site in question.

26 C. Movie on-location filming does not exceed ten (10) consecutive days per production
27 at any one location. Computation of such time period shall not include strike and
28 preparation time. Extensions may be granted by the CEO at his/her discretion.

1 D. County may provide, at its discretion, and as may be available, vacant office and/or
2 parking lot space for use by an applicant.

3 E. Applicant shall be charged, for purposes of cost recovery only, all actual and
4 reasonable costs incurred by County, the amount of which shall be determined by
5 the CEO or his/her designee, for County personnel or equipment provided to or for
6 the applicant for the purpose of assisting or providing security, protection, traffic
7 control, public safety or other County services to or for the applicant or members of
8 the general public for activities under the permit.

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10 Section 6. LIABILITY PROVISIONS. As a condition of approval to
11 issuance of a permit, a certificate of insurance will be required to include, but not limited to
12 \$1,000,000 naming County as a co-insured for protection against claims of third party personal
13 injuries, wrongful deaths and property damage. Where aircraft is used in any production, either
14 fixed wing or rotary, the limit shall be no less than \$5,000,000 per occurrence. County officers,
15 agents and employees shall be named as additional insureds and a certificate of insurance shall
16 not be subject to cancellation or modification without thirty (30) days written notice to County.
17 A copy of the certificate shall remain on file with the County.

18 A. An applicant shall conform to all applicable federal and state requirements for
19 Workers' Compensation Insurance as to all persons operating under a permit.

20 B. To ensure cleanup and restoration of the site, an applicant may be required to
21 post a security deposit as a condition to approval of an application.

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23 Section 7. DUTIES OF THE ISSUING AUTHORITY. The County
24 Executive Officer shall designate a County Department or Agency ("Designated Department") to
25 coordinate with county departments and special districts the approval and issuance of all facility
26 usage permits required to film on county or district property at no cost. The Designated
27 Department shall:

28 Coordinate with county departments and special districts for the approval and

1 issuance of all regulatory permits for on-location filming;

- 2 A. Coordinate the approval with the necessary county departments and districts as
3 required by county or special district policy;
- 4 B. Create a one stop permit processing center, design, and operate a website that offers
5 online permitting and promote the County to market the local region for film
6 production and may conduct such in cooperation with the Inland Empire Film
7 Commission or its successors;
- 8 C. Appoint a key liaison and back-up liaison for coordinating permits. The liaison will
9 keep him/herself aware of any and all film production within the County and remain
10 sensitive to local citizens' concerns. The liaison will have the authority to make
11 decisions as the County representative prior to and during any filming;
- 12 D. Through its liaison, provide service and support to each production company
13 applicant from the initial contact to the close of production, including problem
14 solving on film-related matters, including coordination between film companies,
15 local residents, businesses and the County;
- 16 E. Through its liaison, investigate all complaints and assist in the resolution of minor
17 disputes between the film industry and county agencies, cities, and emergency
18 service providers concerning filming in Riverside County;
- 19 F. Develop and administer programs to promote the development of the filming
20 industry in Riverside County;
- 21 G. Cooperate with other governmental agencies seeking to promote the development of
22 the film industry in Riverside County;
- 23 H. Periodically review and recommend, if necessary, changes in fees and use and
24 service charges to fully recover all county costs involved in the operations of this
25 function;
- 26 I. Consult with and advise other county departments, districts and the Board in all
27 matters relating to filming, including, but not limited to, recommended changes and
28 improvements in legislation, tax credits, fee waivers, policies, procedures and
methods;

- 1 J. Coordinate with county agencies the periodic review of the county's filming permit
- 2 processing system and make recommendations to the Board regarding ways to
- 3 increase the system's efficiency and effectiveness;
- 4 K. Review, approve and issue permits for on-location filming on private property in the
- 5 County.

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7 Section 8. RULES, REGULATIONS AND FEES. Under the guidelines of

8 Government Code Section 14999.30 et seq., (Uniform Film Permit Act) the Issuing Authority is

9 authorized and directed to promulgate rules and regulations, subject to approval by Resolution of

10 the Board of Supervisors. The Permit shall set forth the County's rules and regulations regarding

11 public property use, hours of permitted filming activity, and requirements for security deposits, if

12 any, and other County conditions and restrictions. Transient occupancy taxes are hereby waived

13 for applicants for forty-eight (48) months from the date of the adoption of this Ordinance in the

14 unincorporated areas of the county in the interest of job creation.

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16 Section 9. VIOLATIONS OF PERMIT. If an applicant violates any

17 provision of this ordinance or a permit issued pursuant thereto, the County may provide the

18 applicant with verbal or written notice of such violation. If the applicant fails to correct the

19 violation the County may revoke the permit and all activity must cease. The liaison will provide

20 notice and an opportunity to be heard prior to cancellation of any permit.

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22 Section 10. SEVERABILITY. If any provision or clause of this ordinance

23 or the application thereof to any person or circumstance is held to be unconstitutional or to be

24 otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other

25 ordinance provisions or clauses or applications thereof which can be implemented without the

26 invalid provisions or clause or application and to this end, the provisions and clauses of the

27 ordinance are declared to be severable.

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Section 11. SECTION HEADINGS. The section headings herein are for convenience only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this ordinance.

Section 12. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

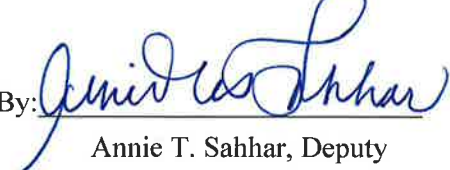
BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
John J. Benoit, Chairman
Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:
PAMELA J. WALLS, County Counsel

By: 
Annie T. Sahhar, Deputy