

Chapter 5.74

PERMITS FOR MOTION PICTURE AND TELEVISION PRODUCTION

Sections:

5.74.010	Title of chapter.
5.74.020	Purpose of chapter.
5.74.030	Definitions.
5.74.040	Permit required.
5.74.050	Permit exemptions.
5.74.060	Deadline for filing application.
5.74.070	Application form.
5.74.080	Permit approval/Denial.
5.74.090	Permit conditions.
5.74.100	Fees.
5.74.110	Change of filming date.
5.74.120	Insurance.
5.74.130	Indemnification and liability.
5.74.140	Duties of permittee.
5.74.150	Appeals.
5.74.160	Permit revocation and suspension

5.74.010 Title of chapter.

This chapter shall be known and may be cited as the "Napa Film Permit Ordinance".
(Ord. No. O98-002, Enacted, 03/04/98)

5.74.020 Purpose of chapter.

It is the purpose of this chapter to provide for rules governing the issuance of permits for filming activities on location in public places within the city. The intent of this chapter is to ensure that motion picture, television, commercial, and non-theatrical filming companies will be encouraged to use locations for filming activities within the city so long as those activities are consistent with the public health and safety and the protection of property. (Ord. No. O98-002, Enacted, 03/04/1998)

5.74.030 Definitions.

- A. "City manager" shall mean the city manager of the City of Napa or his/her designee.
- B. "Filming activity" shall mean a filming, video taping, photographing, or other similar process conducted for the making of motion pictures, television programs, video commercial and non-theatrical productions and other similar activity.
- C. "News purposes" shall mean a filming activity conducted for the purpose of reporting on persons or events which are in the news for television and other news services.
- D. "Studio" shall mean a fixed place of business where filming activities are regularly conducted upon the premises.
- E. "Film permit" shall mean written authorization from the chief of police to conduct the filming activity described in the permit.
- F. "Chief of police" shall mean the chief of police of the City of Napa or his/her designee. (Ord. No. O98-002, Enacted, 03/04/1998)

5.74.040 Permit required.

It is unlawful to conduct a filming activity as defined in Section 5.74.030B without first obtaining a film permit from the chief of police. (Ord. No. O98-002, Enacted, 03/04/1998)

5.74.050 Permit exemptions.

The provisions of this chapter shall not apply to any of the following activities:

- A. Filming activities conducted for news purposes as defined in Section 5.74.030C.
- B. Filming activities conducted in a studio as defined in Section 5.74.030D.
- D. Filming activities conducted for use in a criminal investigation or court civil or criminal proceeding.
- E. Filming activities conducted by a local non-profit or educational institution for educational purposes. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.060 Deadline for filing application.

- A. Applications for a filming permit shall be filed with the chief of police at least three (3) business days in advance of the time that the proposed filming activity is to commence.
- B. Application deadlines may be waived for good cause by the chief of police. Good cause shall be found if the chief of police determines that there is sufficient time remaining to process the application, and for the city to prepare for the requested filming activity. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.070 Application form.

Permit application shall be on a form furnished by the chief of police. Such form shall request the following information:

- A. Name, business address and telephone number of applicant.
- B. Location(s) and approximate daily call times of the proposed filming activity.
- C. Description of scenes to be filmed including details of any stunts, action, chase scenes, pyrotechnics, or special effects.
- D. Name of person in charge on location.
- E. Written proof of permission to film on private and public property within the city. If such proof is not available at the time the application is submitted, it can be subsequently filed by the applicant prior to the city's issuance of the film permit.
- F. Description of all vehicles which will be parked on city streets during filming activities and a parking plan.
- G. Such other information concerning time and safety of the filming activity as the chief of police may require to determine whether to grant a film permit under this chapter. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.080 Permit approval/Denial.

A. The application shall be approved/denied within three (3) business days of receipt with the following exceptions: five (5) business days for permits requesting traffic control which exceeds three (3) minutes, stunts or special effects; and ten (10) business days for permits requesting street closures. The film permit shall be approved by the chief of police unless (s)he determines, from consideration of the application or other pertinent information, that any of the following conditions exist:

1. The filming activity will substantially disrupt the use of a street at a time when it is usually subject to traffic congestion, or interfere with the operation of emergency vehicles in the proposed permit area.
2. The location of the filming activity will substantially interfere with street maintenance work, or a previously authorized excavation permit.
3. The proposed permit location is on city-owned property and the filming activity will substantially interfere with municipal functions, or other previously authorized activities on city property.
4. The filming activity creates a substantial risk of injury to persons or property.
5. The applicant failed to complete the application after being requested to do so, or the information contained in the application is found to be false in any material detail.
6. The particular filming activity would violate federal, state or local law including license/permit requirements.

B. When the grounds for permit denial can be corrected by imposing reasonable permit conditions, the chief of police shall impose such conditions rather than denying the permit. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.090 Permit conditions.

The chief of police may condition the issuance of a filming activity permit by imposing reasonable requirements concerning the time, place and manner of filming activities including but not limited to the following:

A. Requirements for the presence of the Napa police department, fire department, or public works department employees when required for the particular filming activity at the applicant's expense.

B. Requirements concerning posting of no parking signs and placement of other traffic control devices at the applicant's expense.

C. Restrictions on the use of gunfire, explosions, and other noise-creating or hazardous devices.

D. Restrictions on hours of filming activity.

E. Requirements concerning notice to affected property owners of the filming activity. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.100 Fees.

A. A permit application processing fee in an amount established by city council resolution shall be paid by the applicant at the time the application is filed.

B. A schedule of fees for city services and use of city property shall be established by city council resolution. The applicant shall prepay such fees prior to issuance of the film permit. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.110 Change of filming date.

Upon reasonable notice by the permittee in advance of the filming activity, the chief of police shall be authorized to change the date for which the film permit has been issued without requiring a new application, or application fee. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.120 Insurance.

A. The applicant for a film permit shall possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the filming activity. Such insurance shall name on the policy or by endorsement as insureds the city of Napa, its officers, employees and agents. Insurance coverage must be maintained for the duration of the filming activity.

Coverage shall be provided by a comprehensive general liability insurance policy in the amount of one million dollars (\$1,000,000) per occurrence. The insurance coverage afforded by the policy shall provide at a minimum the equivalent of insurance coverage provided by Insurance Service Office (ISO) Comprehensive General Liability Insurance coverage.

B. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the city not less than three (3) business days prior to the filming activity unless the chief of police for good cause waives the filing deadline.

C. Proof of insurance coverage as specified in subsections A and B above must be verified by the city prior to issuance of a film permit by the chief of police. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.130 Indemnification and liability.

A. Prior to the issuance of the film permit, the permit applicant must sign an agreement to reimburse the City of Napa for any costs incurred to repair or replace city property which is damaged as the result of the filming activity.

B. The agreement shall also provide that the permittee shall be required to defend, indemnify, and hold harmless the city, its officers, agents, or employees from all claims and liability of any kind whatsoever resulting from or arising out of the filming activity or issuance of the film permit.

C. The city shall not be responsible for filming on private property or any fee arrangements between the private party and the filming company. (Ord. No. 098-002, Enacted, 03/04/1998)

5.74.140 Duties of permittee.

A. Each permittee shall comply with all terms and conditions of the permit and this chapter. Failure to comply with all permit terms and conditions is grounds for permit revocation by the chief of police.

B. Each permittee shall clean and restore all city owned property utilized during the filming activity to the same condition as existed prior to the filming.

C. The person in charge of the filming activity shall retain a copy of the film permit on location. (Ord. No. O98-002, Enacted, 03/04/1998)

5.74.150 Appeals.

The permit applicant may appeal a permit denial, permit condition, or permit revocation or refusal to waive a deadline under this chapter by filing an appeal within five (5) days of the date of the police chief's decision with the city manager. The appeal shall be considered by the city manager within ten (10) business days. (Ord. No. O98-002, Enacted, 03/04/1998)

5.74.160 Permit revocation and suspension

The chief of police may revoke the film permit if the permittee, or any agents, employees, volunteers, or contractors of the permittee fail to comply with the conditions and requirements of the permit or this chapter, or if it is determined after issuance that the permit application is materially false. The chief of police shall provide the permittee with grounds for revocation in writing within a reasonable time of revocation.

Any permit issued pursuant to the terms of this ordinance shall be subject to immediate suspension by the city if it is found necessary for the protection of the public health, safety, or general welfare. A Napa police officer assigned to police the filming activity site may suspend the film permit when the filming activity poses an immediate hazard to persons and/or property, and the location manager will not, or cannot prevent the hazard after being instructed to do so by the officer. (Ord. No. O98-002, Enacted, 03/04/1998)