

City of Escondido

Filming Permit Policy

I. 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, or still photos.
- B. **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.
- 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.

II. PERMITS AND EXEMPTIONS

A. **Permit Required**

No person shall use any public property or facility for the purpose of taking motion pictures, television footage, or still photography, without first applying for and receiving a photography filming permit from the City of Escondido City Manager's Office. The Director of Economic Development and Community Relations shall work cooperatively and responsibly with the filming industry.

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. The filming, or video-taping, of motion pictures solely for private-family use that has no impact on City services and/or public access.
- 3. Still photography and the filming, or video-taping, of motion pictures by students that has no impact on City services and/or public access.

III. PERMIT PROCESS RULES AND REGULATIONS

A. Permit Submittal and Dates

Permits shall be obtained from and submitted to the City Manager's Office, located at 201 North Broadway, (760) 839-4507, Monday through Friday from 8:00 a.m. to 5:00 p.m.

The permit shall be issued with the following maximum time requirements:

1. Two working days for approval and issuance of a "normal" permit.
2. Four working days for traffic control which exceeds three minutes, stunts, or special effects.
3. Ten working days for road closures.

B. Change of Date

The City 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.

- C. The City shall establish a cancellation fee which is a portion of the permit cost and which may be applied if the production company cancels the permit after 3:00 p.m. the last working day before the scheduled shoot.
- D. The City shall require the production company to have a copy of the permit on-site at all times
- E. Permits may be modified upon a showing of good cause (said amendment shall be in writing). However, a permit cannot be extended or amended by rider after the completion of the filming activity.
- F. This permit covers City property and facilities only, and is not a license to use private property, nor does this permit relieve the permittee from complying with the rules and regulations of other governmental agencies for the use of their property.
- G. If other non-city agencies have jurisdiction, the City shall notify the permittee of the need to comply with the rules of the other jurisdictions. Such overlapping jurisdictions shall be annotated on the permit.

H. Rules

The City Manager's Office 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 Department shall also provide the issuance of permits. The rules and regulations shall be based on the following criteria:

1. The health and safety of all persons.
2. Avoidance of undue disruption of all persons with the affected area
3. The safety of property within the City.
4. Traffic congestion at particular locations within the City.
5. Compliance with City ordinances.

IV. PERMIT APPLICATION AND ISSUANCE

A. Applications

The following information shall be included in the permit application.

1. The name of the owner and/or owners, the address(es) and telephone number(s) of the place or places at which the activity is to be conducted.
2. The specific location at such address or place.
3. The inclusive hours and dates activity will transpire.
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.
6. The exact number of personnel to be involved.
7. Use of any animals or pyrotechnics.
8. The exact amount/type of vehicles/equipment to be involved.
9. Services of City employees desired or required on location during shooting.
10. Submission of detailed plan describing the scene(s) to be filmed or taped.

B. Fees

1. Permit Fees

- a. Still Photography – A \$50 nonrefundable fee is required upon submittal of the photography/filming permit. This fee reflects the cost of processing the application. The permit is good for one year from date of issuance. However, if the organization has an Escondido business license, a \$25 nonrefundable fee is required.
- b. Filming – a \$100 nonrefundable fee is required upon submittal of the photography/filming permit. This fee reflects the cost of process the application. A new permit is required for each filming.

2. Additional Fees

- a. City Services – To be determined by City. All staff time, use of the City's equipment, cleanup costs, or other related costs shall be reimbursed to the City.
- b. Filming Interiors - \$300 per day.
- c. Filming Exteriors - \$200 per day.
- d. Commercial Still Photography, Interior - \$20 per hour.

V. LIABILITY PROVISIONS

A. Liability Insurance

Before a permit is issued, a certificate of insurance will be required, evidencing the permittee has in full force and effect, a comprehensive liability insurance policy, which shall include bodily injury and property damage coverage of an amount not less than \$3 million dollars combined single limit. The general liability policy shall name the City as an additional insured with respect to the permit, and shall be in a form satisfactory to the City Attorney. The failure to provide or maintain insurance shall be considered a material breach of the conditions of this permit. 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 and additional insured endorsement 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.

D. Faithful Performance Bond

To ensure cleanup and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined) at the time application is submitted. Upon completion of filming and inspection of the site by the City, the bond may be returned to the applicant.

VI. VIOLATION

If an applicant violates any provision of this policy or the permit issued pursuant thereto, the City may cancel the permit.

FILMING REGULATIONS

1. Setup/Cleanup: No relocation, alteration or moving of structures will be permitted without prior approval. The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the 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.
2. Filming on Private Property: 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.
3. Public Works Department (Roads and Streets): If the applicant must park equipment, trucks, and/or cars in zones that will not permit it, temporary "No Parking" signs must be posted by the City. The applicant must also obtain permission to string cable across sidewalks or from generator to service point.
4. Traffic Control: For filming that would impair traffic flow, an applicant must use Escondido Police Department personnel and comply with all traffic control requirements deemed necessary.
 - a. 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*. All appropriate safety precautions must be taken.
 - b. Traffic may be restricted to one 12-foot lane of traffic and/or stopped intermittently. The period of time the traffic may be restricted will be determined by the City, based on location. Emergency access roads shall be maintained at all times.
 - c. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.
 - d. Unless authorized by the City, the camera cars must be driven in the direction of traffic and must observe all traffic laws.
 - e. Any emergency roadwork or construction by City crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.
5. Fires: When a scene requires a fire, a permit must first be obtained through the Escondido Fire Department Administrative Offices (760) 839-5400.
6. Animals: If animals are to be used during the filming process, the applicant must contact the Escondido Humane Society, (760) 888-2275, to arrange an inspection prior to the filming.
7. Construction: No construction shall occur without the approval of the Escondido Building Department.