



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-12

For the meeting of: April 28, 2015

Date: April 9, 2015
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer *PSH*
Subject: Adoption of Ordinance adding Humboldt County Code §812 *et seq.* Adopting Regulations for the Issuance of Film Permits in the County.

RECOMMENDATION(S):

That the Board of Supervisors:

- 1. Adopt Ordinance No. _____, adding Humboldt County Code §812 *et seq.* Adopting Regulations for the Issuance of Film Permits in the County, to Title VIII of the Humboldt County Code.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

On April 21, 2015, the Board of Supervisors introduced the above-referenced ordinance for adoption; with a directive to the Clerk of the Board to publish a pre-adoption summary of the ordinance and set the

Prepared by Nicole Morrow

CAO Approval *Amy Olsen*

REVIEW:

Auditor _____ County Counsel *MSD* Human Resources _____ Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____

- Ayes
- Nays
- Abstain
- Absent

SEE ACTION SUMMARY

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____
Kathy Hayes, Clerk of the Board

ordinance for adoption at least one week away. This action completes adoption of the ordinance and will result in publication of a post-adoption summary.

FINANCIAL IMPACT:

There is negligible financial impact to legally-required publication of the Ordinance. This can be covered by existing budget appropriations. The ordinance will allow the county to add additional film permit fees and create revenue to offset expenses related to staff work needed to process permits.

This action supports your Board's Strategic Framework, Priorities for New Initiatives, by providing our core services in ways that provide community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:

Humboldt Del Norte Film Commission

ALTERNATIVES TO STAFF RECOMMENDATION:

Decline to direct that the notice of public hearing and proposed ordinance be posted and published. This is not recommended; the county is not compliant with California's Uniform Film Permit Act.

ATTACHMENTS:

Ordinance, Code Changes and Post Adoption Summary

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF HUMBOLDT ADDING CHAPTER 2 TO DIVISION 1 OF TITLE
VIII OF THE HUMBOLDT COUNTY CODE RELATING TO REGULATION
AND PERMITTING OF FILMING IN HUMBOLDT COUNTY**

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Legislative Findings:

Whereas, the County of Humboldt is an ideal backdrop for television, commercial and film production due to its natural beauty; and

Whereas, the Uniform Film Permit Act, Government Code Section 14999.21 *et seq.*, encourages cities and counties to adopt uniform permit procedures; and

Whereas, as required by the Uniform Film Permit Act, the County's proposed ordinance has been submitted to the California Film Commission for review; and

Whereas, the County wishes to adopt regulations for the issuance of motion picture, television, commercial and still photography permits and to establish a more uniform process for the film activities in the County.

SECTION 2. Chapter 2 of Division 1 of Title VIII of the Humboldt County Code is hereby added as shown on Attachment 1 hereto.

SECTION 3. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 4. California Environmental Quality Act ("CEQA"). The Board of Supervisors finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this ordinance is not a Project as defined by CEQA. Furthermore, the ordinance is exempt pursuant to Section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

SECTION 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

AYES: Supervisors—

NOES: Supervisors--

ABSENT: Supervisors—

Chair of the Board of Supervisors of
the County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
County of Humboldt

**TITLE VIII- BUSINESS LICENSES, FRANCHISES AND MUNICIPAL SOLAR
UTILITY PROGRAM**

DIVISION 1

Chapter 2

FILM PERMITS

Chapter 2 – Film Permits

§ 812-1	Definitions.
§ 812-2	Permits and Exemptions
§ 812-3	Rules and Regulations
§ 812-4	Applicants and Issuance
§ 812-5	Liability Provisions
§ 812-6	Violations

§ 812-1 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein:

(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, web productions and student films in any medium including film, tape or digital format.

(b) “Charitable films” shall mean commercials, motion pictures, television, videotapes, digital recording 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 camerapersons.

(d) “Studio” shall mean a fixed place of business certified as such by the local land use authority where filming activities (motion or still photography) are regularly conducted upon the premises.

(e) “Permitting Officer” shall mean the County Administrative Officer, or designee, who shall have authority to approve film permits under this chapter.

§ 812-2 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, or commercial still photography within the unincorporated areas of the County of Humboldt without first applying for and receiving a permit from the Permitting Officer.

(b) Permit Exemptions:

(1) Breaking News: 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) Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.

(3) Studio Filming: Filming activities (motion or still photography) conducted at a studio.

(4) Still photography for business advertisements completed at the business being advertised.

§ 812-3 Permits

The Permitting Officer shall provide for the issuance of permits. Permit applications shall be evaluated based on, but not limited to, the following criteria:

1. The health and safety of all persons and the environment;
2. Mitigation of disruption to all persons within the affected area;
3. The safety of property within the County; and
4. Traffic congestion at particular locations within the County.

§ 812-4 Applicants and Issuance

(a) Issuing Authority: the issuing authority shall be the Permitting Officer.

(b) Applications: The following information shall be included in the application:

1. The representative of the property and his/her email address and phone number, as well as the address of the property (if different) 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 of the character or nature of the proposed filming activity;
5. The name, address, email address, and telephone number of the person or persons representing the production;
6. The exact number of personnel to be involved;
7. Activity which may cause public alarm such as the use of animals, gunfire, pyrotechnics and/or low-flying helicopters or other aircraft;
8. The exact amount/type of vehicles/equipment to be employed along with a parking plan;
9. Activity which may result in disturbances to nearby bodies of water, streambeds, soil, flora, and/or fauna; and
10. Activity which may result in levels of light, glare, and noise exceeding that which is normal for the area or generate levels of dust that are likely to impact surrounding properties.

(c) Fee Schedule: The County may adopt a fee schedule applicable to the permit process.

(d) Reimbursement for Personnel: The production company shall reimburse the County for any personnel provided to the company (e.g., sheriff, fire, traffic) for the purpose of assisting the production.

(e) Waiver of Permit Fees for Charitable and Student Films. Permit fees for charitable films and student films shall be waived. Reimbursement for County personnel shall not be waived pursuant to this subsection.

(f) Change of Date: Upon the request of the applicant, the Permitting Officer 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.

(g) Review: Permit applications are subject to review by any agency for input and/or comment as determined by the Permitting Officer.

§ 812-5 Liability Provisions

(a) Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the County as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property

damage. The County officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the County. A copy of the certificate shall remain on file.

(b) Automobile/Motor liability Insurance: Before a permit is issued, a certificate of insurance will be required with a limit of liability of not less than \$1,000,000 combined single limit coverage. Such insurance shall include coverage of all "owned", "hired", and "non owned" vehicles or coverage for "any auto".

(c) Change of Provisions: The Permitting Officer, in conjunction with Risk Management, shall have the power to change the insurance requirements of section (a) and (b) and/or require other insurance policies dependent upon the individual circumstances of a film permit application.

(d) 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.

(e) Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the County prior to the issuance of a permit under this ordinance.

(f) Security Deposit: To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the County, if no verifiable damage has occurred, the security deposit should be returned to the applicant.

§ 812-6 Violations

Any person violating any provision of this chapter shall be deemed guilty of an infraction as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation; (3) guilty of an infraction offense and punished by a fine not exceeding five hundred dollars (\$500.00) for every subsequent offense.

Any violation of this chapter shall be justification for the Permitting Officer to revoke the film permit.

Nothing in this Chapter shall prohibit the Permitting Officer from promulgating rules and regulations upon approval by the Board of Supervisor by resolution to carry out this Chapter.

**TITLE VIII - BUSINESS LICENSES, FRANCHISES
AND MUNICIPAL SOLAR UTILITY PROGRAMS**

DIVISION 1

BUSINESS LICENSES

Chapter 1 - Business Licenses

- § 811-1. Required Approval Prior to Issuance of Licenses.
- § 811-11. Licenses Required.
- § 811-12. License Tax Collector.
- § 811-13. Duties of License Tax Collector.
- § 811-14. Auctioneers.
- § 811-15. Bankers and Financiers.
- § 811-16. Theaters and Other Places of Amusement.
- § 811-17. Carnivals, Caravans, Menageries, Etc.
- § 811-18. Exceptions.
- § 811-19. Retail and Wholesale Establishments.
- § 811-20. Public Lodging Accommodations.
- § 811-21. Traveling Merchants, Hawkers and Peddlers.
- § 811-22. Animals Used for Stud Purposes.
- § 811-23. Horses and Carriages for Hire.
- § 811-24. Ferries.
- § 811-25. Wharves.
- § 811-26. Violations and Penalties.
- § 811-27. Pleading Prior Recovery on Action.

Chapter 2 - Film Permits

- § 812-1. Definitions.
- § 812-2. Permits and Exemptions.
- § 812-3. Permits.
- § 812-4. Applicants and Issuance.
- § 812-5. Liability Provisions.
- § 812-6. Violations.

Chapter 3 - Regulation of Wood Products

- § 813-1. Applicability.
- § 813-2. Permit Requirement.
- § 813-3. Application for Permit.
- § 813-4. Copies.
- § 813-5. Fee.
- § 813-6. Issuance of Permit.
- § 813-7. Effect of Permit.
- § 813-8. Suspension of Permit.
- § 813-9. Revocation of Suspension.
- § 813-10. Renewal of Permit.
- § 813-11. Display of Permit.
- § 813-12. Portable Sawmills.
- § 813-13. Penalty.
- § 813-14. Enforcement.

TITLE VIII - BUSINESS LICENSES, FRANCHISES

AND MUNICIPAL SOLAR UTILITY PROGRAM

DIVISION 1

CHAPTER 2

FILM PERMITS

812-1. DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein: (Ord. __, § __, __/__/2015)

(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, web productions and student films in any medium including film, tape or digital format. (Ord. __, § __, __/__/2015)

(b) "Charitable films" shall mean commercials, motion pictures, television, videotapes, digital recording 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. (Ord. __, § __, __/__/2015)

(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 camerapersons. (Ord. __, § __, __/__/2015)

(d) "Studio" shall mean a fixed place of business certified as such by the local land use authority where filming activities (motion or still photography) are regularly conducted upon the premises. (Ord. __, § __, __/__/2015)

(e) "Permitting Officer" shall mean the County Administrative Officer, or designee, who shall have authority to approve film permits under this chapter. (Ord. __, § __, __/__/2015)

812-2. 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, or commercial still photography within the unincorporated areas of the County of Humboldt without first applying for and receiving a permit from the Permitting Officer. (Ord. __, § __, __/__/2015)

(b) Permit Exemptions:

(1) Breaking News: 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. (Ord. __, § __, __/__/2015)

(2) Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use. (Ord. __, § __, __/__/2015)

(3) Studio Filming: Filming activities (motion or still photography) conducted at a studio.

(4) Still photography for business advertisements completed at the business being advertised. (Ord. __, § __, __/__/2015)

812-3. PERMITS.

The Permitting Officer shall provide for the issuance of permits. Permit applications shall be evaluated based on, but not limited to, the following criteria: (Ord. __, § __, __/__/2015)

1. The health and safety of all persons and the environment; (Ord. __, § __, __/__/2015)

2. Mitigation of disruption to all persons within the affected area; (Ord. __, § __, __/__/2015)

3. The safety of property within the County; and (Ord. __, § __, __/__/2015)

4. Traffic congestion at particular locations within the County. (Ord. __, § __, __/__/2015)

812-4. APPLICANTS AND ISSUANCE.

(a) Issuing Authority: the issuing authority shall be the Permitting Officer. (Ord. __, § __, __/__/2015)

(b) Applications: The following information shall be included in the application: (Ord. __, § __, __/__/2015)

1. The representative of the property and his/her email address and phone number, as well as the address of the property (if different) at which the activity is to be conducted; (Ord. ____, § __, __/__/2015)
2. The specific location at such address or place; (Ord. ____, § __, __/__/2015)
3. The inclusive hours and dates such activity will occur; (Ord. ____, § __, __/__/2015)
4. A general statement of the character or nature of the proposed filming activity; (Ord. ____, § __, __/__/2015)
5. The name, address, email address, and telephone number of the person or persons representing the production; (Ord. ____, § __, __/__/2015)
6. The exact number of personnel to be involved; (Ord. ____, § __, __/__/2015)
7. Activity which may cause public alarm such as the use of animals, gunfire, pyrotechnics and/or low-flying helicopters or other aircraft; (Ord. ____, § __, __/__/2015)
8. The exact amount/type of vehicles/equipment to be employed along with a parking plan; (Ord. ____, § __, __/__/2015)
9. Activity which may result in disturbances to nearby bodies of water, streambeds, soil, flora, and/or fauna; and (Ord. ____, § __, __/__/2015)
10. Activity which may result in levels of light, glare, and noise exceeding that which is normal for the area or generate levels of dust that are likely to impact surrounding properties. (Ord. ____, § __, __/__/2015)

(c) Fee Schedule: The County may adopt a fee schedule applicable to the permit process. (Ord. ____, § __, __/__/2015)

(d) Reimbursement for Personnel: The production company shall reimburse the County for any personnel provided to the company (e.g., sheriff, fire, traffic) for the purpose of assisting the production. (Ord. ____, § __, __/__/2015)

(e) Waiver of Permit Fees for Charitable and Student Films. Permit fees for charitable films and student films shall be waived. Reimbursement for County personnel shall not be waived pursuant to this subsection. (Ord. ____, § __, __/__/2015)

(f) Change of Date: Upon the request of the applicant, the Permitting Officer 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. (Ord. __, § __, __/__/2015)

(g) Review: Permit applications are subject to review by any agency for input and/or comment as determined by the Permitting Officer. (Ord. __, § __, __/__/2015)

812-5. LIABILITY PROVISIONS.

(a) Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the County as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The County officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the County. A copy of the certificate shall remain on file. (Ord. __, § __, __/__/2015)

(b) Automobile/Motor liability Insurance: Before a permit is issued, a certificate of insurance will be required with a limit of liability of not less than \$1,000,000 combined single limit coverage. Such insurance shall include coverage of all "owned", "hired", and "non owned" vehicles or coverage for "any auto". (Ord. __, § __, __/__/2015)

(c) Change of Provisions: The Permitting Officer, in conjunction with Risk Management, shall have the power to change the insurance requirements of section (a) and (b) and/or require other insurance policies dependent upon the individual circumstances of a film permit application. (Ord. __, § __, __/__/2015)

(d) 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. (Ord. __, § __, __/__/2015)

(e) Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the County prior to the issuance of a permit under this ordinance. (Ord. __, § __, __/__/2015)

(f) Security Deposit: To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the County, if no verifiable damage has occurred, the security deposit should be returned to the applicant. (Ord. __, § __, __/__/2015)

812-6. VIOLATIONS.

Any person violating any provision of this chapter shall be deemed guilty of an infraction as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued. (Ord. __, § __, __/__/2015)

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation; (3) guilty of a infraction offense and punished by a fine not exceeding five hundred dollars (\$500.00) for every subsequent offense. (Ord. __, § __, __/__/2015)

Any violation of this chapter shall be justification for the Permitting Officer to revoke the film permit. (Ord. __, § __, __/__/2015)

Nothing in this Chapter shall prohibit the Permitting Officer from promulgating rules and regulations upon approval by the Board of Supervisor by resolution to carry out this Chapter. (Ord. __, § __, __/__/2015)

ATTACHMENT III

SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE

(The summary shall be published within fifteen (15) days
after the adoption of the ordinance.)

SUMMARY

On May __, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. _____, adding Chapter 2 to Division 1 of Title VIII of the Humboldt County Code Relating to Regulation and Permitting of Filming in Humboldt County amending sections of Humboldt County Code

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Room 111, Eureka, California 95501-1153.

The votes were:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:
ABSTAIN: Supervisors: