

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 ORDINANCE NO. ORD-13-0006

2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING CHAPTER 5.61 IN ITS
6 ENTIRETY RELATING TO FILMING ACTIVITY
7

8 WHEREAS, in 2003, the Long Beach Area Peace Network was issued a
9 special events permit pursuant to Chapter 5.60 of the Long Beach Municipal Code for a
10 free speech event along Ocean Blvd. Following the event, the Peace Area Network
11 objected to the fees assessed by the City pursuant to Chapter 5.60 and filed a lawsuit in
12 Federal Court. After several years of litigation, the Ninth Circuit Court of Appeals issued
13 a finding that parts of Long Beach Municipal Code Chapter 5.60 were unconstitutional;
14 and

15 WHEREAS, as a consequence of the Court's ruling, the City Attorney's
16 Office and the Office of Special Events and Filming have rewritten Chapter 5.60 of the
17 Municipal Code and now wish to have the Council readopt this amended Chapter 5.61 in
18 its entirety to make it consistent with the revised Chapter 5.60.

19 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
20 follows:

21 Section 1. Chapter 5.61 of the Long Beach Municipal Code is amended
22 in its entirety to read as follows:

23 FILMING ACTIVITIES
24

25 5.61.010 Definitions.

26 A. "Motion Picture, Television, Still Photograph", as used in this
27 Chapter, means and includes all activity attendant to staging or shooting
28 commercial motion pictures, television shows or programs, and

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commercials.

B. "Charitable films", as used in this Chapter, means commercials, motion pictures, television, videotapes, or still photograph 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", as used in this Chapter, means the filming or videotaping for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers or cameramen.

5.61.020 Permit required.

No person shall use any City street, alley, sidewalk, park, pier, way or other public property owned or controlled by the City for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the City Manager or his/her designee, provided that the provisions of this Chapter shall not apply to or be construed to affect:

A. Reporters, photographers or cameramen in the employ of a newspaper, news service, or similar entity engaged in on the spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest; or

B. The filming or videotaping of Motion Pictures solely for private family use; or

C. Charitable films: projects which qualify under section 501(c)(3) of the Internal Revenue Code.

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1 5.61.030 Permit application.

2 A. An application for filming activity under this Chapter must be
3 completed and filed at least three (3) working days prior to the first day of
4 filming proposed.

5 B. Each such application must include:

6 1. The name of the owner, the address and telephone
7 number of the place at which the activity is to be conducted;

8 2. The specific location at such address or place;

9 3. The inclusive hours and dates such activity will
10 transpire, including, but not limited to the preparation and clean-up of the
11 location;

12 4. A general statement of the character or nature of the
13 proposed filming activity;

14 5. The name, address and telephone number of the
15 person or persons in charge of such filming activity;

16 6. The exact number of personnel to be involved;

17 7. Use of any animals or pyrotechnics;

18 8. The exact amount/type of vehicles/equipment to be
19 involved; and

20 9. Such additional information as the City Manager or
21 his/her designee may reasonably require.

22 C. The City Manager or his/her designee shall refer the
23 application for review as provided in Section 5.60.040 of this Code.

24 D. The City Manager or his/her designee shall grant, deny or
25 revoke the permit in accordance with Subsection 5.60.040(I) or Section
26 5.60.060 of this Code.

27 E. The provisions of Subsection 5.60.040(E) shall apply to all
28 permits issued under this Chapter.

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5.61.040 Permit application fees.

The provisions of Subsections 5.60.050 (A) and (B) of this Code shall apply to every application made under this Chapter.

5.61.050 Rules and regulations.

A. Upon twenty-four (24) hours' notice by the applicant, the City Manager or designee 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.

B. Rules. The City Manager or designee is 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. He/she shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

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

5.61.060 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. The provisions of Subsections

1 5.60.080(A) and 5.60.080(B) shall apply.

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3 5.61.070 General permit conditions.

4 Any applicant granted a permit pursuant to this Chapter shall
5 comply with all of the following conditions:

6 A. An applicant will be required to submit a permit request at
7 least three (3) working days prior to the date on which such person
8 desires to conduct an activity for which a permit is required. If such activity
9 interferes with traffic or involves potential public safety hazards, an
10 application may be required at least ten (10) working days in advance.

11 B. The permittee shall conduct operations in an orderly fashion
12 with continuous attention to the storage of equipment not in use and the
13 cleanup of trash and debris. The area used shall be cleaned of trash and
14 debris upon completion of shooting at the scene and restored to the
15 original condition before leaving the site.

16 C. An applicant is required to obtain the property owner's
17 permission, consent, and/or lease for use of property not owned or
18 controlled by the City.

19 D. If the applicant must park equipment, trucks, and/or cars in
20 zones that will not permit it, temporary "No Parking" signs must be posted
21 by the City. The applicant must also obtain permission to string cable
22 across sidewalks, or from a generator to a service point.

23 E. For filming that would impair traffic flow, an applicant must
24 use City law enforcement personnel and comply with all traffic control
25 requirements deemed necessary by the City.

26 1. An applicant shall furnish and install advance warnings
27 signs and any other traffic control devices in conformance with the manual
28 of traffic controls, State of California, Department Of Transportation. All

1 appropriate safety precautions must be taken;

2 2. Traffic may be restricted to one (1) twelve-foot (12')
3 lane of traffic and/or stopped intermittently. The period of time that traffic
4 may be restricted will be determined by the City, based on location;

5 3. Traffic shall not be detoured across a double line
6 without prior approval of the appropriate City departmental representative;

7 4. Unless authorized by the City, the camera cars must be
8 driven in the direction of traffic and must observe all traffic laws;

9 5. Any emergency road work or construction by City
10 crews and/or private contractors, under permit or contract to the appropriate
11 department, shall have priority over filming activities.

12 6. Street closure may be restricted to one (1) twelve-foot
13 (12') lane of traffic and/or stopped intermittently. The period of time that
14 traffic may be restricted will be determined by the City, based on location.

15 F. When parking in a parking lot, an applicant may be billed
16 according to the current rate schedule established by the City. In order to
17 assure the safety of citizens in the surrounding community, access roads to
18 beaches, which serve as emergency service roads, must never be blocked.
19 No relocation, alteration, or moving of City-owned structures or property will
20 be permitted without prior approval.

21
22 5.61.080 Hold harmless.

23 A. The provisions of Section 5.60.070 shall apply to every permit
24 issued under this Chapter.

25 B. Every applicant/permittee shall provide insurance and bonds
26 as prescribed in regulations issued by the City Manager pursuant to Section
27 2.84.040.

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1 5.61.090 Appeals.

2 The proceedings set forth in Section 5.60.120 shall apply to any
3 applicant or permittee aggrieved by an adverse decision under this Chapter
4 5.61.

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6 5.61.095 Interference with special event or film activity is prohibited.

7 It shall be unlawful for any person to interfere with, disrupt or impede
8 a permitted special event or permitted film activity as specified herein.

9 While not limited to, the following acts are prohibited by this section when
10 done for the purpose of or with knowledge that an effect thereof is to
11 interfere with or disrupt the ability of the permittee to carry on the special
12 event or film activity:

13 A. To block, obstruct or impede the passage of participants,
14 vehicles or animals in the special event or filming activity;

15 B. When not participating in the special event or filming activity
16 with the permission of the permit holder, to walk, run, operate a skateboard,
17 ride any wheeled vehicle or rollerskate through, between, with or among the
18 participants, vehicles or animals in the special event or filming activity,
19 except in cases of bona fide emergency;

20 C. To drop, roll, throw, toss, squirt or propel any gaseous, liquid,
21 semisolid or solid substance or object toward or among the participants,
22 vehicles or animals in the special event or filming activity.

23 D. To grab, take hold of, strike, hit, pull or push any participant,
24 vehicle or animal in the special event or filming activity, or to mount any
25 vehicle in the special event or filming activity, except with the permission of
26 the permittee or in cases of bona fide emergency;

27 E. To enter upon the grounds, playing field, stage, floor, or any
28 other area set apart for the participants, performers, officials, attendants or

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service personnel, unless authorized so to do by usher, by public safety personnel, or by an authorized representative of the sponsor of the special event or filming activity.

5.61.095.5 Violation - penalty.

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$1,000.00 or imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment or may be deemed guilty of an infraction punishable by a fine of not more than two hundred-fifty dollars (\$250). Each person may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

Section 2. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of May 14, 2013, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong, O'Donnell, Schipske, Johnson, Austin, Neal.

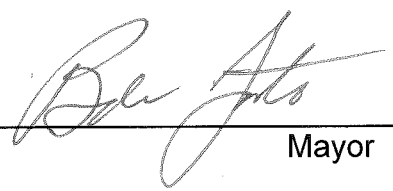
Noes: Councilmembers: None.

Absent: Councilmembers: Andrews.



City Clerk

Approved: 5/14/13
(Date)



Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 16th day of May, 2013, I posted three true and correct copies of Ordinance No. ORD-13-0006 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



A handwritten signature in cursive script, appearing to read 'Megan Wiegelman', is written over a horizontal line.

Subscribed and sworn to before me
this 16th day of May, 2013.



A handwritten signature in cursive script, appearing to read 'J. Ogden', is written over a horizontal line.

CITY CLERK