

## **COMMERCIAL FILMING POLICY**

**1.0 PURPOSE:** To provide a clear and detailed process for applying for approval of commercial filming activities within the City, to establish specific requirements and limitations, to articulate criteria on which applications are evaluated, and to outline operating parameters for approved filming activities. This directive is intended to provide direction to applicants and City staff, minimize negative impacts on properties in the vicinity of commercial filming activity, and provided for full cost recovery by the City.

### **2.0 SCOPE:**

- 2.1 Establish clear permit application requirements;
- 2.2 Establish a process for fully documenting costs incurred by the City in reviewing and supporting commercial filming requests;
- 2.3 The City Manager reserves the right to impose additional regulations on commercial filming activities in the interest of public safety if deemed necessary; and
- 2.4 These procedures cover requests for commercial use of City-owned property (streets, rights-of-way, and public buildings), and the commercial use of private property which may affect adjacent public or private property, for equipment and personnel in the filming of movies, TV shows, commercials, and related activities.

**3.0 DEFINITIONS:** For the purpose of this policy and future amendments hereto, certain terms and words are hereby defined. Whenever the following words, terms and/or phrases are used in this Policy, they shall have the meanings respectively ascribed to them in this Section as specified below

**COMMERCIAL FILMING:** The process of recording live action or still photography on film, digital recording, magnetic tape, or other medium, for the primary purpose of commercial sale or distribution as a movie, television show, documentary, music video, commercial, or training film.

**COMMERCIAL FILMING EVENT:** All activity associated with an on-site commercial filming shoot; inclusive of setup and other site preparations, filming and all associated activity. This includes removal of all props and equipment and full restoration of the site and surrounding area.

**FULL IMPACT:** All effects on City services, personnel, residents, properties, infrastructure, businesses and any other community impacts arising from or related to a commercial filming event. For example, impacts include, but are not limited to road closures that require police personnel and impacts on traffic flows.

**PARTIAL IMPACT:** Any road closure or use of personnel arising from or related to a commercial filming event that does not impact traffic flow

**PERMIT:** A non-transferable approval issued under this Policy by the City to authorize commercial filming

activities within the City. The Commercial Filming Permit Application Form may be amended from time-to-time at the discretion of the City Manager

PRIVATE PROPERTY: Land or buildings not in public ownership.

PUBLIC PROPERTY: Land or buildings, including, but not limited to public rights-of-way, that are publicly owned.

RESIDENTIAL PROPERTY: Land that is zoned or used for residential uses including single-family homes, duplexes and townhomes and multi-family buildings.

#### **4.0 PERMIT AND GENERAL REQUIREMENTS; APPLICATION PROCESS:**

- 4.1 Pre-application Meeting Required for Class A Permits. At least **twenty-five (25) business days** prior to proposed filming dates, and before filing an application for a Class A commercial filming permit, a pre-application meeting must be scheduled with the Office of the City Manager. Class B and Class C permits require an advanced notice via written communication to the City at least twenty-five (25) business days prior to the proposed filming dates and before filing an application.
- 4.2 Permit Application. Any party proposing to engage in any commercial filming within the City limits must submit a completed application and all required submittal attachments to the Office of the City Manager a minimum of **fifteen (15) business days prior** to the proposed start date for filming.
- 4.3 Application Submittal Requirements. A complete permit application shall include all of the following unless waived in writing by the City:
  - a. Certificate of Insurance in the amount of \$1,000,000 for general liability including: Bodily injury and property damage with a \$5 million umbrella and Automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage, naming the City of Lake Forest as an additional insured;
  - b. Detailed Production Schedule including, but not limited to all set-up activity dates and times, filming dates and times, and any time period for clean up or restoration efforts;
  - c. List of all equipment and vehicles proposed for use on the filming site or at staging areas including, but not limited to, light poles, power generators, trailers, trucks and props. Details must be provided on the number and size of each piece of equipment and each vehicle;
  - d. Full site plan reflecting ALL proposed areas of use including, but not limited to filming location, parking, staging and support services;
  - e. List of total people involved in filming activities, including, but not limited to, all production crew members, staff and filming subjects. Information shall be provided to detail where the parties will be staged, how they will be transported and the location

of activities;

- f. List of requested City support including use of facilities, equipment, rights-of-way and personnel;
  - g. Description of areas public property proposed for use and details of proposed restrictions to public use and the duration of proposed impacts;
  - h. Any and all other materials that may be determined to be necessary by the City in order to fully understand and evaluate the filming approval request; and
- 4.4 The City Manager shall classify the commercial filming application as a “Class A,” “Class B,” or “Class C” level in accordance with the following criteria:
- a. *“Class A” Film Permit.* A Class A filming permit is defined as any commercial filming activity that requires any one of the following: (1) the complete closure of a public road or pedestrian walkway for any period of time; (2) City personnel support in excess of twelve (12) hours; or (3) disruption or interruption of public use of a public building, property or facility during regular operating hours.
  - b. *“Class B” Film Permit.* A Class B filming permit is defined as any commercial filming activity that requires any one of the following: (1) the partial closure of a public road or pedestrian walkway, where public use is restricted, but not completely obstructed, for any period of time; (2) partial use of a public building, property or facility that does not require a closure to the public; or (3) City personnel support of twelve (12) hours or less.
  - c. *“Class C” Film Permit.* A Class C filming permit is defined as any commercial filming activity that (1) does not require the closure or limitation on the use of any public roads, pedestrian walkways, or use of public property, facilities and/or buildings; and (2) does not require the use of any City personnel or services.

4.5 General Permit Conditions.

- a. If the proposed commercial filming event meets the requirements of a Class A film permit, the applicant’s proposed timeline is subject to change based on approval from the City Council for a total road closure;
- b. Each commercial filming event, inclusive of set up, filming activity and restoration of the site is limited to no more than five (5) days;
- c. Up to three (3) commercial filming events are permitted at a specific property during any twelve (12) month period with filming activity occurring at least sixty (60) days apart;
- d. Unless otherwise approved by the City Council or the City Manager, all filming activity shall be in compliance with all applicable Code provisions; and

- e. Filming is limited to the following hours: Monday thru Friday 7:00 a.m. to 8:00 p.m. and Saturday, Sunday and holidays 8:00 a.m. to 6:00 p.m. The specific dates when filming is allowed will be provided for in the filming permit.
- f. As part of each permit application, the applicant must agree in writing to a hold harmless agreement with the City to indemnify, defend, and hold harmless the City, together with its officers, agents, employees, and volunteers from all losses, damages, injuries, claims demands and expenses arising out of, or as the result of, the operation of the applicant's commercial filming permit, any City services provided as part of the commercial filming permit, and/or the condition, maintenance and use of any public or private property in connection with the commercial filming permit.
- g. The City Manager, in his or her discretion, may require an applicant for a commercial filming permit to provide written notice to property owners and occupants of properties within 250 feet of the location of the commercial filming event. The City Manager may also require an applicant to provide additional written notice to other parties that may need to be notified of the commercial filming event. The notice must be approved by the City Manager, and must include, at a minimum, the date, time, and location of the commercial filming event.

#### 4.6 Procedure for Review of Applications.

- a. The City Manager will assign to each filming request a City Liaison who will assist the applicant throughout the application process and will serve as the primary contact;
- b. The City Liaison shall supply the applicant with information or a list of permit requirements or additional permit application(s), if applicable;
- c. The City Liaison shall forward copies of the commercial filming permit application and other related application(s) to the heads of City departments that may be affected by the proposed commercial filming permit such as, but not limited to, the Chief of Police, Fire Chief, Director of Community Development, the Director of Public Works, and Director of Parks and Recreation, or their designees. Following review by each department of the application(s), the City Liaison shall coordinate the comments and recommendations from the various departments and submit such information and make recommendations to the City Manager or Corporate Authorities depending on the type of Permit. Each City department shall analyze the application in light of the applicable criteria set forth in of this Policy;
- d. After receipt and consideration of the recommendations from all relevant department heads, the City Liaison shall make a recommendation to the City Manager on the classification of the commercial filming permit;
- e. For commercial filming permits classified as "Class B" or "Class C" Events, the City Manager shall consider the application and the review and recommendations of the relevant City department heads, and approve or disapprove the requested Permit in writing based upon the criteria set forth in this Policy;

- f. For commercial filming permits classified as “Class A” Film Permits, the City Manager shall distribute to the Corporate Authorities copies of the application and the review and recommendations of the City Liaison, relevant department heads, and City Manager. The Corporate Authorities shall approve or disapprove the requested permit based upon the criteria set forth in this Policy; and
- g. The commercial filming permit, once issued by the City, is nontransferable and can only be used on the designated dates and times as approved.

4.7 Standards For Issuance of Commercial Filming Permits. The City Manager, or the Corporate Authorities in the case of a Class A Film Permit, will approve a commercial filming permit application as provided under this Policy when, from a review of the application and other information as may be obtained, it is found that:

- a. The commercial filming event will not unreasonably interfere with the safe and orderly movement of vehicular and pedestrian traffic;
- b. The commercial filming event will comply with all applicable laws, regulations, and ordinances;
- c. The commercial filming event will not unduly interfere with the movement of emergency personnel and equipment or the provision of proper fire and police protection or ambulance service in responding to emergencies;
- d. The commercial filming event will not unduly interfere with City functions or the normal activities of the public;
- e. The commercial filming event will not have an unreasonable impact on the personal and property rights of residents and businesses;
- f. The City can be adequately compensated for the direct use of City resources required for the safe and orderly operation of the commercial filming activity;
- g. The commercial filming applicant does not have a history of unsatisfactory performance under prior commercial filming permits issued under this Policy; and
- h. The public health, safety, and welfare can be adequately protected during the commercial filming event.

4.8 Use of City Property, Facilities, Rights-of-Way, Equipment and Personnel.

- a. *Permit Fees.* Prior to the issuance of a commercial filming permit authorizing any filming activity, applicants will pay all applicable permit fees as adopted by the City Council on an annual basis. The City Manager may waive all or part of the required fees and reimbursement costs under this Policy for non-profit organizations and educational institutions in his or her sole discretion.
- b. *Full Cost Recovery.* Prior to the issuance of a commercial filming permit authorizing any filming activity, applicants will post a cash bond in the amount estimated to provide for full cost recovery, including the City’s standard overhead costs. City costs shall include, but not be limited to personnel costs related to evaluation, processing and support

during the commercial filming activity. After completion of the commercial filming activity, all City costs shall be documented and as appropriate, a refund of unused funds shall be issued to the applicant by the City or, an invoice shall be issued to the applicant for any additional payment needed to fully cover City costs. The applicant must agree to pay in full, promptly upon receipt of an invoice, the City's costs.

- c. *Fees for Use of City Facilities, Properties, Rights-of-Way.* Prior to the issuance of a commercial filming permit authorizing any filming activity that will utilize one or more City facilities, properties or rights-of-way, all fees for such use shall be paid in an amount as established in the Fee Schedule as approved by the City Council on an annual basis.
- d. *Additional Personnel.* At the City Manager's discretion, additional City personnel may be required for public safety or to mitigate congestion or neighborhood impacts resulting from the commercial filming activity. If additional city personnel is required, Police presence requires a three (3) hour minimum, and Fire presence requires a two (2) hour minimum. The applicant will be required to reimburse the City for any costs associated with the provision of additional City personnel as part of the City's Full Cost Recovery under Section 4.8(b).

4.9 Cancellation Policy. Cancellations occurring on or before the film date will be assessed a cancellation charge as follows, and in accordance to fees adopted by the City Council on an annual basis:

- a. Five or more business days – No Penalty;
- b. Three or four business days – 50% of the agreed upon cost of permits and personnel;
- c. Less than three business days – 100% of the agreed upon cost of permits and personnel

4.10 Additional Conditions on Permit Approvals. At the discretion of the City Council, or the City Manager in the case of a Class B or Class C permit, and in addition to the conditions contained in Section 4.5 of this Policy, the issuance of a commercial filming may be subject to additional conditions of approval as determined to be necessary to limit impacts on residents and businesses, prevent damage to public or private properties and minimize demands on City personnel.

4.11 Revocation. Any commercial filming permit issued under this Policy may be revoked by the City Manager if the permittee fails to comply with this Policy, the terms and conditions of the commercial filming permit, or otherwise conducts any commercial filming activities in an unlawful manner. Notice of revocation will be provided to the permittee in writing.

4.12 Exceptions. No commercial filming permit will be required for the following filming activities provided that such filming activities do not require the closure of any streets, sidewalks, or public property, or otherwise require special City services:

- a. Filming activities conducted solely for personal use;
- b. Filming activities by any news media; or
- c. Filming activities conducted by or in conjunction with any educational program

sponsored by a public or private school or college that is either located in the City or that serves City residents.

**5.0 DISTRIBUTION:** HR website: [citylf.org](http://citylf.org). Distributed to all departments impacted, or potentially impacted, by filming activities.

A handwritten signature in black ink, appearing to read "Jason Wicha". The signature is fluid and cursive, with a large initial "J" and "W".

Jason Wicha  
City Manager