

9) **Second Reading of an Ordinance Amending and Restating Lake Elsinore Municipal Code Chapter 5.110 Regarding Motion Pictures, Television and Broadcasting, and Photographic Production**

Adopt by title only and waive further reading of AN Ordinance OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.110 OF THE LAKE ELSINORE MUNICIPAL CODE REGARDING MOTION PICTURES, TELEVISION AND BROADCASTING, AND PHOTOGRAPHIC PRODUCTION

**ORDINANCE NO. 2023—**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE  
CHAPTER 5.110 REGULATING MOTION PICTURES, TELEVISION AND  
PHOTOGRAPHIC PRODUCTION IN THE CITY**

**Whereas**, the City of Lake Elsinore is an ideal backdrop for television, commercial and film production due to its "Dream Extreme" lifestyle and climate for motion picture and television filming;

**Whereas**, the "Uniform Film Permit Act" commencing with Section 14999.20 et seq. of the California Government Code encourages municipalities to adopt uniform permit procedures throughout the State;

**Whereas**, the City wishes to adopt regulations for the issuance of motion picture and television film permits and to establish a more uniform process for the permitting of commercial film activities in the City;

**Whereas**, as required by the Uniform Film Permit Act, the California Film Commission reviewed the City's proposed ordinance and provided comment F1 which have been incorporated in this ordinance;

**Whereas**, the City Council held a public meeting regarding the proposed amendment to the Lake Elsinore Municipal Code, reviewed the City staff's agenda report and received public testimony and documentary evidence provided prior to and at the public meeting;

**Whereas**, On October 23, 2012, the City Council adopted Ordinance No. 2012-1305 amending Title 5 of the Lake Elsinore Code by adding Chapter 5.110 regulating Motion Pictures, Television and Photographic Production in the City.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN AS FOLLOWS:**

**Section 1:** LEMC Section 5.110, Motion Pictures, Television and Photographic Production is hereby amended as follows:

**5.110.020 Definitions.**

"Film Permit Officer" means the Director of the Community Services Department or designee.

"Motion pictures, television and broadcasting, and still photography" shall mean all activity attendant to the staging or shooting of commercial motion pictures, television programs and commercials in any medium including film, tape or digital format.

"News coverage" shall mean filming or still photography by individuals in the employ of newspapers, news services, and similar entities of on-the-spot, current coverage of news events concerning persons, scenes and occurrences which are in the news and of general public interest.

"Student films" shall mean motion pictures, television and broadcasting, and still photography produced as part of the instructional program of an accredited school or college. [Ord. 1305 § 1, 2012].

“Studio” means a fixed place of business where filming activities (motion or still photography) are regularly conducted upon the premises.

**5.110.030 Permit required.**

No person shall use any public or private property, facility or residence for the purpose of taking commercial motion pictures, television and broadcasting, or still photography without first applying for and receiving a permit from the Film Permit Officer. [Ord. 1305 § 1, 2012].

**5.110.040 Permit exemptions.**

C. Charitable films. Projects that qualify under Section 501(c)(3) of the Internal Revenue Code.

D. Those filming activities (motion or still photography) conducted at a studio.

E. Those education, government, and public access and local origination programs for cable television systems franchised within the City.

F. Publications (newspapers, magazines, etc.) and filming companies (television, motion picture companies) producing films or still photography for the City’s benefit (publicity, advertising and tourism-related purposes).

**5.110.050 Authorization**

The Film Permit Officer is hereby authorized to impose reasonable conditions governing the form, time and location of any filming activity set forth within the City. The Film Permit Officer shall also provide for the issuance of permits. The conditions shall be based upon the following criteria:

**5.110.060 Applications**

Applications for a film permit must be filed with the Film Permit Officer a minimum of one working day in advance of the date the filming activity is to begin. If such activity interferes with traffic or involves stunts, special effects, or is deemed extraordinary, an application must be submitted at least seven working days in advance. No late applications will be processed by the City unless the Film Permit Officer determines that special circumstances beyond the control of the applicant precluded its timely submittal and that sufficient time remains for processing. The applicant must keep a copy of the permit posted on site in a conspicuous place at all times. [Ord. 1305 § 1, 2012].

**5.110.070 Permit approval or denial.**

The Film Permit Officer shall approve, conditionally approve or deny the application within three business days of receipt of the application unless the proposed filming activity requires extensive review by other City departments or public safety agencies due to significant public health and welfare considerations or traffic safety.

I. The permit applicant has not paid permit application fees or has a demonstrated record of nonpayment for cost recovery fees.

J. The “Film LE logo” must appear on all materials and meet all identity standards. The consistent application of the Film LE logo by all of our partners should increase the effectiveness of collateral material, print ads, and outdoor signage for the consumer.

#### **5.110.080 Fees**

All fees associated with this section shall be set according to resolution adopted by the City Council and shall be paid by applicant to the film permit officer when the completed application form is submitted for approval.

#### **5.110.090 Permit conditions.**

A. Requirements for the presence of City employees or public safety personnel at the applicant’s expense, when required for the particular filming activity.

#### **5.110.100 Notification**

B. Written authorization from all property owners on whose property filming will occur as part of the film permit application at the time of submission.

C. If filming in residential areas is to occur between the hours of 10:00 p.m. and 6:00 a.m., notification 72 hours in advance of filming to all residents within 300 feet shall be required on a designated City form or notice approved by the Film Permit Officer.

E. A copy of the approved permit and applicant’s contact information or applicant’s designee must be displayed at the place of filming in a location that is visible to the public.

**Section 2: CEQA.** This Ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b) (3) there is no possibility that the activity in question may have a significant effect on the environment.

**Section 3: Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 4: Effective Date.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after the date of adoption.

**Section 5: Certification.** The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Lake Elsinore, California, on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Mayor's Name  
Mayor

Attest:

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF LAKE ELSINORE )

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2023-\_\_\_\_\_ was introduced by the City Council of the City of Lake Elsinore, California, at the Regular meeting of \_\_\_\_\_, 20\_\_ and adopted at the Regular meeting of \_\_\_\_\_, 20\_\_ and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk