

**ORDINANCE NO. 1983**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MANHATTAN BEACH  
AMENDING TITLE 6 OF MANHATTAN  
BEACH MUNICIPAL CODE TO ADD A NEW  
CHAPTER 6.18 REGARDING TEMPORARY  
FILM PERMITS**

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES HEREBY  
ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

A. Film production is an important economic activity which benefits the community. Nevertheless such activity requires regulation to ensure that impacts on vehicle and pedestrian traffic, circulation, safety of bystanders and crew are protected and that the least possible disruption to the community occurs;

B. In order to insure the greatest protection of health and safety and the least disruption to traffic and the rights of other members of the community all persons filming within the City should be required to obtain a permit and to be subject to such conditions as shall be appropriate to protect the general health, safety and welfare;

C. This ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines, section 15061(b)(3) as there is a certainty that it cannot possibly have a significant effect on the environment since the ordinance is regulatory in nature and will effect no change in the physical environment.

SECTION 2. A new Chapter 6.18 is hereby added to Title 6 of the Manhattan Beach Municipal Code to read as follows:

“Chapter 6.20 Temporary Film Permits

**6.18.010 Permit Required**

No person shall, within the boundaries of the City of Manhattan Beach, take still, motion or television pictures without first applying for and receiving a permit therefor. A permit issued hereunder shall satisfy the temporary use permit requirement in Title 10 of this Code.

### **6.18.020 Exceptions**

The provisions of this Chapter shall not apply to amateur photographers or to reporters, photographers or cameramen in the employ of a newspaper, news service, radio or television broadcasting station, or similar entity engaged in on the spot broadcasting, reporting or photographing of news of general public interest or to commercial television or film production occurring on the premises of a properly permitted motion picture and/or television production studio. However, if such exempted activities result in adverse impacts on adjacent properties from, but not limited to, such activities as the use of explosions, noise from firearms, bull horns, pyrotechnics, car chases, sirens, volcanic eruptions, lighting apparatus, after hour filming, parking, obstruction of public access and assembly disruption, may be abated by the City as a public nuisance based upon a finding of adverse impact and abatement order by the Director of Community Development. Such abatement may be appealed by the affected parties under Section 6.18.150 of this Chapter.

### **6.18.030 Permit Administrator**

The City Manager shall appoint a permit administrator to be responsible for administering the provisions of this ordinance.

### **6.18.040 Application For Permit**

Any person desiring to engage in filming within the boundaries of the City of Manhattan Beach which does not come within any of the exceptions set forth in section 6.18.020 above shall, not less than fifteen (15) days before the date on which the applicant desires to conduct the activity, file an application for a permit hereunder with the Permit Administrator on a form to be furnished by the City.

The application shall be verified and shall set forth the following information:

- A. The name, address and telephone number of the person wishing to conduct such activity.
- B. The name, address and telephone number of the person who will be in charge of the activity and responsible for its conduct.

- C. The date or dates and hours when such activity is to be conducted.
- D. The approximate time when such activity will begin and end.
- E. The location or locations where such activity will take place.
- F. The approximate number of persons who will engage in such activity.
- G. A list of major equipment to be used in the activity including, but not limited to trucks, buses, lighting, limousines and cameras.
- H. A general statement of the character or nature of the proposed activity.

**6.18.050 Urgency Permit**

The Permit Administrator may, at his or her discretion, grant a permit when an application has been filed less than seven (7) days before the activity is conducted. However, a surcharge shall be added to the fee authorized by section 6.18.150 below to compensate the City for the extra expense of processing an expedited permit.

**6.18.060 Student Permit**

Any person engaging in film production as a part of a bona fide educational curriculum may obtain a Student Film Permit which shall be exempt from any application fee required. An applicant for a Student Film Permit shall accompany their application with a letter from the educational institution sponsoring the production on that institution's letterhead. Applicants receiving a Student Film Permit must comply with the provisions of Section 6.18.040 and 6.18.110 and reimburse the City for any costs of City services.

**6.18.070 Special Areas**

The following locations shall be designated "Special Areas" and restricted from filming: Artesia Boulevard between Sepulveda Boulevard and Aviation Boulevard; Aviation Boulevard between Artesia Boulevard and Rosecrans Avenue; All of Highland Avenue; Manhattan Avenue between Eighth Street and Thirty-Eighth Place; All of Manhattan

Beach Boulevard; All of The Strand; All of Aviation Boulevard; and all of Rosecrans Avenue.

Filming in Special Areas may be done only with the express consent of the City Manager who may issue a permit therefore at his or her sole discretion.

#### **6.18.080 Issuance of Permit**

The permit administrator shall issue a permit hereunder when the following findings can be made:

- A. The conduct of the activity will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet, peaceable and unmolested enjoyment of their property, or otherwise to be detrimental to the public peace, health, safety or general welfare.
- B. The conduct of such activity will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant.
- C. The conduct of such activity will not constitute a fire hazard and all proper safety precautions will be taken.
- D. The conduct of such activity will not require the diversion of such a large number of police officers to properly police the activity so as to interfere with the normal level of police protection for all other areas of the City.

#### **6.18.090 Conditions of Approval**

The Permit Administrator shall have the authority to impose such conditions on any permit issued hereunder as he or she shall deem necessary to insure that the findings required by section 6.18.080 can be made and that the protection of the public is accomplished.

No filming shall be permitted before 7:00 A.M. or after 10:00 P.M. without the express approval of the City Manager. The Permit Administrator may require notice to be given to all businesses and/or residences within a two block or

greater radius of the production site. Catering services shall not be permitted to provide catering services on any public right of way.

#### **6.18.100 Bond, Insurance and Indemnification**

Every permit issued hereunder shall include:

- A. A provision whereby the permittee guarantees to indemnify and hold the City harmless against any claims, liability or judgments arising out of the permittee's activities.
- B. A requirement that the permittee furnish a bond, insurance or both to protect the City against claims of third persons for personal injury, wrongful death and property damage and to indemnify the City for damage to City property arising out of the permittee's activities.

#### **6.18.110 Notice of Approval or Disapproval**

The Permit Administrator shall act upon the application within two (2) days after the filing thereof, unless the applicant agrees to a longer period of time, and shall at such time mail to the applicant a notice of his or her action. If the application is disapproved, said notice shall state the reasons for such disapproval.

#### **6.18.120 Term of Permit**

The Permit Administrator shall have authority to issue a permit for a term of any duration up to twelve months.

#### **6.18.130 Suspension or Revocation Permit**

The Permit Administrator shall have the authority, after notice and an opportunity for a hearing, to suspend or revoke any permit issued hereunder where the terms and conditions of said permit have been violated or ignored or where the public safety or welfare is endangered by the permitted activity. Provided however, that whenever there is an imminent danger to the public health, safety or welfare from activities conducted by the permittee to the extent that immediate action is necessary to protect the public, the Permit Administrator shall have the authority to suspend a permit pending a hearing.

#### **6.18.140 Appeal**

Any person aggrieved by the Permit Administrator's decision to grant, deny, suspend or revoke a permit hereunder shall have the right to appeal that decision to the City Council. The appeal must be filed with the City Clerk within five (5) days after notice of the decision is mailed or confirmed to the applicant.

#### **6.18.150 Fees and Costs**

Any permit issued hereunder shall be subject to the payment by the applicant of all costs to the City of protecting, regulating and assisting the permitted activity which costs shall be determined at the time the permit is issued and which shall be in addition to the application fee discussed below. Any application for a permit pursuant to this chapter shall be accompanied by an application fee to be set from time to time by resolution of the City Council. Any application for an urgency permit as described in section 6.18.050 above must also be accompanied by a surcharge to compensate the City for the additional costs of processing the permit on an accelerated basis.

#### **6.18.160 Business License Requirement**

The permit required herein is not in lieu of a City business license as required by Chapter 6.01 of Title 6 of this Code.”

SECTION 3. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5. This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 6. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a

minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

PASSED, APPROVED, and ADOPTED this 16<sup>th</sup> day of June , 1998.