

ORDINANCE NO. 85

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING
TITLE 8, DIVISION 4, CHAPTER 6 (SPECIAL USES) OF
THE YUCCA VALLEY DEVELOPMENT CODE BY
ADDING A NEW SECTION, 84.0632, RELATED TO THE
PROCESSING OF FILMING PERMITS**

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Development Code Amended

A new Section 84.0632 is hereby added to Chapter 6 (Special Uses) of Division 4 of Title 8 of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley to read as follows:

“84.0632 Filming Permits

(A) **PERMIT REQUIREMENT:** No person shall use any public or private property, facility or residence within the Town of Yucca Valley for the purpose of taking commercial motion picture or television pictures or commercial still photography where the activity involves the use of explosives or combustibles, or other equipment which has the possibility of impacting property or requires police or fire services or where a separate permit is required by the Town or another public agency without first applying for and receiving a permit to do so from the Director of Community Development or his/her designee.

(B) **INTERPRETATIONS:** The Community Development Director and/or his/her designee shall determine the classification or type of filming taking place, pursuant to this chapter. The Director may at his/her discretion determine the applicability of this chapter to filming activity, and may waive the requirement for obtaining a filming permit based upon the filming activity and the lack of impact upon the subject and surrounding properties and upon public property. Where the Director waives the permit process, the waiver shall be given in letter form.

(C) **SUBMITTAL:**

(1) An application for a film permit shall be filed with the Community Development Department. The following information shall be included in the application:

(a) The name, address and telephone number of the applicant or duly authorized representative.

(b) The name of the owner, address or assessors parcel number of the site at which the activity is to be conducted.

(c) The type of production.

(d) The date (s), time (s), brief description of filming activity, and exact location including preparation and clean up where the activity is to take place.

(e) The number of individuals in cast and crew.

(f) A description of types and number of vehicles to be utilized.

(g) If an applicant intends to use either wild animals, chemicals, explosives, or fire, or intends to engage in any other hazardous activity.

(2) The charge for the permit shall be that set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting the production.

(D) PROCESSING:

(1) The processing of a complete Film Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interferes with traffic or involves potential public safety hazards, an application may take up to five working days.

(2) Each application for a Film Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interferes with traffic or involves potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(3) At the completion of the Planning Section's review, a permit shall be issued including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

(E) RULES AND REGULATIONS:

(1) Change of Date: Upon the request of the applicant, the issuing authority 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.

(2) Conditions of Approvals: The conditions of approval will be based upon the following criteria:

(a) The health, safety, and welfare of all persons;

(b) Avoidance of undue disruption of all persons within the affected area;

- (c) The safety of property within the Town;
- (d) Traffic congestion at particular locations within the Town; and
- (e) Compliance with all other applicable agency regulations.

(3) Additional Regulations: From time to time, the Community Development Director may recommend, and the Town Council may adopt by resolution, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

(a) Maintain the health and safety of persons and property within the Town:

(b) Avoid undue disruption of persons and traffic within the affected areas of Town.

(F) INSURANCE REQUIREMENTS:

(1) Before any permit is issued the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in the amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the filming conducted by the applicant, and the insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate will remain on file.

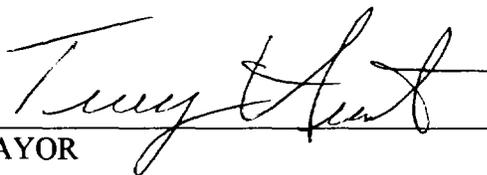
(2) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(3) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of filming and inspection of the site by the Town, the deposit may be returned to the applicant.”

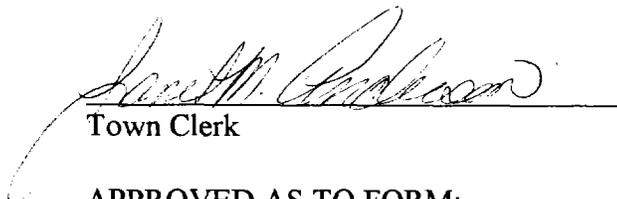
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 19th day of March, 1998.


MAYOR

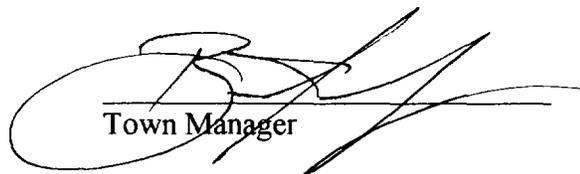
ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 5th day of March, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 19th day of March, 1998, by the following vote, to wit:

Ayes: Council Members Crouter, Hockett, Leone, Loveless and Mayor Hunt

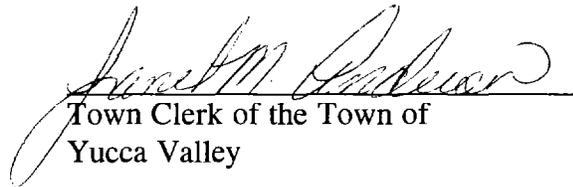
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 24th day of March, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley