

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adopting Ordinance No. 859 - Establishing a New Chapter, SMC Chapter 5.25 Filming Regulations and Amending SMC 3.01 Fee Schedule
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	Nathan Daum, Economic Development Program Manager
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The media-production industry offers opportunities for Shoreline to increase commercial activity throughout the entire city. The City's current policies and procedures could be better tailored to filmmaking, as filmmakers are currently subject to a permitting process that was designed for other types of applicants through the City's right-of-way and park rental fees. Council discussed proposed Ordinance No. 859 on June 10, 2019 and asked questions of staff which are addressed in this report. Tonight, proposed Ordinance No. 859 is being brought back to Council for potential adoption.

**RESOURCE/FINANCIAL IMPACT:**

The financial impacts of implementing these changes are minimal and staff time is primarily required for the one-time drafting of regulations and procedures to streamline the permitting process.

**RECOMMENDATION**

Staff recommends that Council adopt Ordinance No. 859.

Approved by:

City Manager **DT**

City Attorney **MK**

## **BACKGROUND**

During the City Council Strategic Planning Workshop in March 2019, Council requested that staff develop filmmaking regulations based on model code and best practices from other cities. Staff explained to Council that this has been on staff's current work plan, and Council expressed support for continuing this work.

On June 10, 2019, the City Council discussed proposed Ordinance No. 859 (Attachment A), creating a new chapter in the City's Municipal Code, Chapter 5.25 (Attachment A, Exhibit A), outlining the regulations to guide the filmmaking industry when filming within the City of Shoreline and amending the City's fee schedule to add a new section, SMC 3.01.205, to establish filmmaking permit fees. A copy of the staff report for this Council meeting can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport061019-8c.pdf>.

## **DISCUSSION**

### **Responses to Council Questions**

During the June 10<sup>th</sup> Council discussion, Council had a number of questions for staff regarding proposed Ordinance No. 859. Council's questions and staff's responses are as follows.

#### **Are there penalties if it is discovered after the fact that a filmmaking permit was needed but the producer never applied for a permit?**

Section 5.25.080.C.1 SMC (Attachment A, Exhibit A) provides that failure to secure a permit prior to filming will result in a penalty of \$250 per day per violation. This would apply even after a production has been completed and the filmmaker is found to have failed to secure a required permit.

#### **Does 5.25.040 require a permit for filming anywhere in the city of Shoreline, including private property, but the permit fees are only imposed if there is filming on public property?**

Section 5.25.040.A SMC (Attachment A, Exhibit A) has been updated to clarify that the City's permit and associated fee requirements only apply to public property. This is in line with model code and peer cities. The City's regulation of Filmmaking will continue to apply to the use of public property such as parks, rights of way, and city facilities.

#### **How are additional fees and expenses incurred by the City addressed and is it clear to Filmmakers those fees will be passed along to them?**

Section 5.25.070 SMC (Attachment A, Ex. A) and Section 3.01.205.C SMC (Attachment A, Exhibit B) have been updated to clarify that additional costs incurred by the City related to filmmaking on public property will be the responsibility of the permit applicant. Section 5.25.070 SMC states that the Film Manual will establish rules and guidelines on fees and costs and Section 3.01.205.C SMC states that the Shoreline Film Manual will detail Additional Cost requirements.

**As this is a policy choice related to certain public benefits, is there a way to clarify that this is not a gift of public funds and prevent reference to this policy as a precedent for federal preemption of rental of our rights-of-way?**

Proposed Ordinance No. 859 (Attachment A) has been amended to include a recital to clarify the various public benefits of filmmaking. The recital is as follows:

- *“WHEREAS, the economic contribution to other businesses within the City from filmmaking and the limited and temporary nature of the use of various City rights-of-ways and property makes the media-production industry a unique contributor to the City’s economic base with limited impact to the City.”*

**Why is the use of drones considered high-impact filmmaking?**

Council discussed the growing use of drones for a variety of photography and filmmaking purposes, as well as the risks of aerial vehicles in public spaces should they come down unexpectedly. Based on this discussion, staff will remove drones from the list of what is defined as high-impact in the Film Manual, but those using drones may be required to provide a higher level of liability coverage as per Section 5.25.050.C SMC (Attachment A, Exhibit A). This aligns with Washington Cities Insurance Authority’s (WCIA’s) recommendations.

**Does the ordinance clearly articulate the difference between commercial use and individuals filming for personal use?**

The intent of the proposed regulations is to cover all commercial filmmaking activities on public property not listed as being exempt in Section 5.25.060 SMC. The regulations as proposed are oriented towards the scale of impact, with the word “commercial” added for emphasis of the non-personal filmmaking intended to be regulated. Section 5.25.040 SCM (Attachment A, Exhibit A), states, “Any person that desires to Film or engage in Film Production on public property within the City *for commercial purposes* shall submit a complete Filmmaking permit application with the appropriate fees to the City unless specifically exempted in this chapter.” The City Attorney’s Office considers reliance on common understanding of the word “commercial” to be sufficient. Staff does not believe any changes are necessary to the proposed regulations to address this distinction.

**How are student filmmakers impacted by this policy change?**

Staff received feedback from stakeholders that requiring students to secure a permit is an important part of their filmmaking learning process. Low-Impact Film Productions will be defined in the Shoreline Film Manual to include student filmmakers. Additionally, per Section 3.01.205.B SMC, the City Manager may consider a fee waiver as was recommended by stakeholders.

**What is the need in terms of developing regulations for high-impact productions? Can this be addressed later or as needed, to prioritize the removal of barriers for the types of filmmaking activities happening now?**

Council discussed the unlikelihood of large-scale productions coming to Shoreline in the near term and the importance of improving the process for the typical productions happening in Shoreline. Based on Council feedback, staff will prioritize efforts to support

low-impact, moderate-impact, and student productions. Staff will revisit high-impact filmmaking policies as needed, bringing any needed changes in policy to Council.

**How can the City increase effectiveness of notifications particularly in terms of publicity and increasing awareness among members of the public who may be interested?**

Staff will continue to develop publicity and notification efforts to better inform the public and coordinate with the Chamber of Commerce to explore ways to connect visiting filmmakers with local businesses.

**Do all film producers also need a business license?**

Business License requirements would apply to filmmakers working in the city that meet the business licensing threshold requirements.

**Recap of Proposed Ordinance No. 859**

As noted above, Proposed Ordinance No. 859 creates a new chapter in the City’s Municipal Code, Chapter 5.25, which outlines the regulations to guide the filmmaking industry when filming within the City of Shoreline. With the proposed changes referenced above, the proposed Ordinance:

- Requires, unless explicitly exempted, that a person must obtain a permit prior to conducting filmmaking activities on public property (Section 5.25.030.A),
- Establishes a tiered system of filmmaking permits (Section 5.25.030.B),
- Establishes permit submission requirements (Section 5.25.040),
- Establishes liability insurance requirements (Section 5.25.050),
- Establishes exemptions to the filmmaking permit requirements (Section 5.25.060),
- Requires that the City Manager, or designee, create a Shoreline Film Manual for administering the filmmaking activities within the City (Section 5.25.070), and
- Establishes penalties for those failing to comply with the City’s filmmaking regulations (Section 5.25.080).

Proposed Ordinance No. 859 also amends the City’s fee schedule to add a new section, Section 3.01.205 SMC, to establish filmmaking permit fees (Attachment A, Exhibit B). Those fees are proposed as follows:

<b>Permit Type</b>	<b>2019 Fee Schedule</b>
Low-Impact Film Production	\$25 flat fee per production (for up to 14 consecutive days of filming)
Low-Impact Daily Rate (each additional day after 14 days)	\$25 per additional day
Moderate-Impact Film Production	\$25 per day
High-Impact Film Production	Applicable permit fees apply, including but not limited to, permits for the right-of-way and park rental fees.

The City Manager also has the authority to waive fees and reference to this authority was revised to adhere to US Constitution First Amendment requirements that such policies be content-neutral. The new language reads: “The City Manager may consider a waiver for any fees that may apply under this Section” (Section 3.01.205.B SMC, Attachment A, Exhibit B).

### **Effective Date of Proposed Ordinance No. 859**

As was discussed with Council on June 10, staff must still finalize the draft the Shoreline Film Manual following the adoption of these regulations. In order to allow staff time to finalize the Manual, staff is proposing that proposed Ordinance No. 859 have an effective date of July 15, 2019, rather than the standard effective date of most City ordinances of five days following the publication of the ordinance. This will allow staff an additional two weeks or so to finalize the Film Manual so that it will be available if anyone seeks a permit under these new regulations.

### **Adoption of Proposed Ordinance No. 859 Tonight**

Tonight, proposed Ordinance No. 859 is being brought back to Council for potential adoption. Changes made to proposed Ordinance No. 859 based on the Council’s questions and feedback from the June 10 Council discussion and from staff’s additional review of the proposed Ordinance can be seen in the legislative format version (strikethrough-underline) of the Ordinance in Attachment B. All of these changes have been incorporated into proposed Ordinance No. 859 in Attachment A, but are provided in legislative format as well for ease of use.

## **STAKEHOLDER OUTREACH**

To develop new policy recommendations, the Shoreline Film Office solicited the input of Washington Filmworks, Shoreline Community College, the City of Seattle’s Office of Film + Music + Special Events as well as local filmmakers. Feedback from these partner organizations and from filmmakers with experience working with the City was incorporated into the proposed ordinance.

## **COUNCIL GOALS ADDRESSED**

This agenda item addresses Council Goal 1 of the City Council’s 2018—2020 Workplan, which is to “*Strengthen Shoreline’s economic climate and opportunities.*” Action Step #6 of this Council Goal calls for the City to “*Facilitate collaboration with and between members of the business community in order to remove barriers to starting and growing businesses, increasing commerce and profitability, and to identify appropriate new industries for Shoreline.*” In addition, the Council-adopted 2018—2023 Economic Development Strategic Plan, includes “*Growing a Media Production Industry*” as one of nine non-geographic Placemaking Projects intended to enrich the overall economic climate of the city.

## **RESOURCE/FINANCIAL IMPACT**

The financial impacts of implementing these changes are minimal and staff time is primarily required for the one-time drafting of regulations and procedures to streamline the permitting process.

## **RECOMMENDATION**

Staff recommends that Council adopt Ordinance No. 859.

## **ATTACHMENTS**

Attachment A: Ordinance No. 859, Including Exhibit A and B (Clean)

Attachment B: Ordinance No. 859, Including Exhibit A and B (Legislative Format  
Highlighting Changes from June 10, 2019 Version)

**ORDINANCE NO. 859**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADDING A NEW CHAPTER TO TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.25 FILMMAKING REGULATIONS, OF THE SHORELINE MUNICIPAL CODE AND AMENDING CHAPTER 3.01 FEE SCHEDULE.**

WHEREAS, in 2012, the City Council adopted the 2012-2017 Economic Development Strategic Plan focusing on “placemaking” and, since at least 2013, the City Council has included the filmmaking industry in its Goals and Workplan so as to strengthen Shoreline’s economic base; and

WHEREAS, the Shoreline Film Office, a collaborative effort between the City and Shoreline Community College, was established in 2013 to actively promote and encourage film production in Shoreline; and

WHEREAS, in 2018, the City Council adopted the 2018-2023 Economic Development Strategic Plan which articulates placemaking projects, including “Growing a Media Production Industry,” so as to enrich the overall economic climate of the City of Shoreline; and

WHEREAS, over the years, the City has hosted filmmaking productions totaling roughly \$1 million per year; and

WHEREAS, despite the filming activity, the City does not provide regulations or fees specifically related to the use of City property for film related activities; and

WHEREAS, the economic contribution to other businesses within the City from filmmaking and the limited and temporary nature of the use of various City rights-of-ways and property makes the media-production industry a unique contributor to the City’s economic base with limited impact to the City; and

WHEREAS, on June 10, 2019, the City Council held a study session on the proposed filmmaking regulations and fees; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment - SMC Title 5, establishing Chapter 5.25 Filmmaking Regulations.** SMC Title 5 is amended to establish a new chapter, Chapter 5.25 Filmmaking Regulations, as set forth in Exhibit A.

**Section 2. Amendment – SMC Chapter 3.01, establishing Section 3.01.205 Filmmaking permit fees.** SMC Chapter 3.01 is amended to establish a new section, Section 3.01.205 Filmmaking permit fees as set forth in Exhibit B.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect on July 15, 2019.

**PASSED BY THE CITY COUNCIL ON JUNE 24, 2019**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2019  
Effective Date: July 15, 2019



## Ordinance No. 859 – Exhibit A

### NEW Chapter 5.25 Filmmaking Regulations

#### 5.25.010 Purpose:

The purpose of this chapter is to establish procedures to guide the filmmaking industry when filming within the City.

#### 5.25.20 Definitions

- A. “B roll” means film content that captures the environment, area, or surroundings of a story, or any generic, unscripted action which supplements the main storytelling content.
- B. “Build” means any set-dressing, props, or other structures built on set.
- C. “City” means the City of Shoreline, Washington.
- D. “Days” means calendar days.
- E. “Filmmaking” or “Filming” means motion-picture photography activity using film, digital video or other media storage technologies, not including news media or personal use.
- F. “Film Production” means the full range of activities supportive of the development of motion-picture media content for general public or limited audiences, not including news media or personal use.
- G. “City Manager” means the City Manager or designee.
- H. “Person” means any natural person, firm, partnership, company, corporation, association, or organization.
- I. “Public property” means any improved or unimproved public right-of-way, including sidewalks, bikeways, walkways, and parking areas, public park, or public building owned or managed by the City.
- J. “Responsible party” means the applicant and its agents, representative, or employees who control, manage, or supervise the film production.
- K. “Shoreline Film Manual” means the manual adopted pursuant to SMC 5.25.070 that includes permit criteria, rules, guidelines, standards, and specifications related to Filmmaking and Film Production in the City.

#### 5.25.030 Permit - Required

A. Unless explicitly exempt in this chapter, it is unlawful for any Person to make use of a public place for Filmmaking or Film Production without first securing a Filmmaking Permit when the Filmmaking or Film Production requires the:

- 1. Use of a City park or City Building for Filming;
- 2. Temporary interruption of vehicle or pedestrian traffic on City streets or sidewalks;
- 3. Use of a tripod or dolly on City streets or sidewalks;
- 4. Placement of wires or cables across or over City streets or sidewalks;
- 5. Placement of a generator on a City street or sidewalk; or
- 6. Impact to areas of public parking, including reservation of space(s).

B. Types of Filmmaking Permits.

1. The type of permit required is based on the anticipated impact of the Filmmaking activity. Filmmaking Permits types are:
  - a. Low Impact Film Production
  - b. Moderate-Impact Film Production
  - c. High-Impact Film Product
2. The criteria for each permit type shall be set forth in the Shoreline Film Manual.

#### **5.25.040 Filmmaking permit application.**

- A. Any person that desires to Film or engage in Film Production within the City for commercial purposes shall submit a complete Filmmaking permit application with the appropriate fees to the City unless specifically exempted in this chapter. No filming may occur on or in City rights-of-way, parks, buildings, or other public property until the filmmaking permit application has been approved and issued.
- B. At the minimum, the application shall include:
  1. A completed application form with the authorized signature of the applicant;
  2. The appropriate application fee based on the official fee schedule (chapter 3.01 SMC) and
  3. Any supplemental information required for submittal as set forth in the Shoreline Film Manual.
- C. Prior to issuance of the Filmmaking permit:
  1. The applicant shall pay all applicable fees;
  2. If required by the City Manager, the applicant shall post a bond or damage deposit in an amount determined by the City Manager to be sufficient to cover any damages to public resources or facilities which may occur during the filming; and
  3. Provide a certificate of insurance, naming the City as additional insured, for liability insurance to cover any liability costs associated with the film production activities.

#### **5.25.050 Liability Insurance**

- A. Unless waived by the City Manager, commercial general liability insurance in an amount of not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate shall be obtained and maintained during the permit term at the applicant's sole expense. The City shall be named as an additional insured.
- B. The City Manager may reduce the coverage amounts set forth in this section or require additional coverage amounts depending on the filmmaking activity proposed by an applicant.
- C. Higher liability coverage and other requirements for special circumstances including but not limited to use of helicopters, drones, and pyrotechnics may apply. Applicant shall comply with all insurance requirements contained in the Shoreline Film Manual.

#### **5.25.060 Exemptions**

This chapter shall not be applicable to:

1. Journalists and other news media representatives in the pursuit of journalism.

2. Private individuals making film or digital video content for their personal use.
3. "Roving" film productions filming b-roll, zero impact sidewalk scenes, and documentary-style footage at various public exterior locations throughout Shoreline. A Filmmaking permit shall be required unless the "Roving" meets all of the following criteria:
  - a. Five or fewer total cast and crew on-site at any one time;
  - b. One camera on-site;
  - c. Outdoor production only;
  - d. No traffic control required;
  - e. No interruption to pedestrian activity;
  - f. No electrical generation, wires, cable runs, or lights set-up;
  - g. Public parking will not be impacted; and
  - h. Not filming in a City park.

#### **5.25.070 Shoreline Film Manual.**

The City Manager shall prepare, administer, interpret, and amend as necessary a Shoreline Film Manual. The Manual shall establish, among other things, reasonable rules, guidelines, standards, fees, costs and other specifications for Filmmaking or Film Production in the City.

#### **5.25.080 Enforcement – Penalty**

- A. Filmmaking permit – suspension, denial, or revocation.
  1. The City may deny a Filmmaking permit if within the three (3) years prior to the date of application:
    - a. The applicant had a Filmmaking permit revoked by the City for which the applicant was a responsible party; or
    - b. The applicant had a Filmmaking permit suspended more than two (2) times by the City for which the applicant was a responsible party; or
    - c. The City discovered that the Filmmaking permit was approved and issued based on fraud or misrepresentation by the applicant.
  2. The City may deny a Filmmaking Permit if, in the City's sole discretion, the filmmaking activity would be unduly burdensome on the City or would be contrary to the public health, safety, and welfare.
  3. If any person violates the terms or conditions of an issued Filmmaking permit, the City may, at its discretion, suspend or revoke a filmmaking permit depending on the severity of the violation(s) and/or impose a penalty for a violation.
- B. Appeal.
 

The City's decision to deny a Filmmaking permit application; to suspend or revoke a Filmmaking permit; to find a violation of the terms and conditions of a Filmmaking permit, or to impose a penalty, may be appealed to the City Hearing Examiner.

  1. A notice of appeal, providing the basis for the appeal, along with the appropriate fee shall be filed within 14 days of the date of the City's decision.
  2. The Hearing Examiner shall hold a closed-record hearing based on the record developed by the City.

3. Review shall be de novo and the burden shall be on the City to show, by a preponderance of the evidence, that its decision was warranted.
4. The Hearing Examiner's decision shall be final. Any person aggrieved by that decision may seek judicial review in King County Superior Court by filing an appeal within 14 days of the date of the Hearing Examiner's decision.

C. Violation - Penalty.

1. A penalty for failing to secure a permit prior to filming, or any other violation of the terms and conditions of a Filmmaking Permit, shall be imposed in the amount of \$250.00 per day per violation.
2. If any Person damages City property during the Filmmaking or Film Production, the Person shall be responsible for the repair, replacement, and/or restoration of the property to a same or better condition than existed prior to the damage. The Person shall also be responsible for any penalties imposed by any chapter of the SMC based on the type of property damaged.
3. An additional penalty of \$2,000 shall be imposed if the violation was deliberate or the result of reckless disregard on the part of any Person. The burden of proof from demonstrating that the violation was not deliberate or in reckless disregard is on the Person responsible for the violation.
4. In addition to the provisions set forth in this Section, the City may take any actions provided by law to obtain compliance with this chapter and/or collect any penalties that have been assessed.

**Ordinance No. 859 – Exhibit B**

**AMENDMENT - Chapter 3.01 Fee Schedule**

**New Section - Section 3.01.205 Filmmaking permit fees.**

**A. Permit Fees**

<b>Permit Type</b>	<b>2019 Fee Schedule</b>
Low-Impact Film Production	\$25 flat fee per production (for up to 14 consecutive days of filming)
Low-Impact Daily Rate (each additional day after 14 days)	\$25 per additional day
Moderate-Impact Film Production	\$25 per day
High-Impact Film Production	Applicable permit fees apply, including but not limited to, permits for the right-of-way and park rental fees.

**B. Fee Waiver**

The City Manager may consider a waiver for any fees that may apply under this Section. Any fee waiver request must be submitted concurrently with the Filmmaking permit application.

**C. Additional Costs**

Any additional costs incurred by the City, related to the filmmaking permitted activity, shall be paid by the applicant. The applicant shall comply with all Additional Cost requirements contained in the Shoreline Film Manual.

**ORDINANCE NO. 859**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADDING A NEW CHAPTER TO TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.25 FILMMAKING REGULATIONS, OF THE SHORELINE MUNICIPAL CODE AND AMENDING CHAPTER 3.01 FEE SCHEDULE.**

WHEREAS, in 2012, the City Council adopted the 2012-2017 Economic Development Strategic Plan focusing on “placemaking” and, since at least 2013, the City Council has included the filmmaking industry in its Goals and Workplan so as to strengthen Shoreline’s economic base; and

WHEREAS, the Shoreline Film Office, a collaborative effort between the City and Shoreline Community College, was established in 2013 to actively promote and encourage film production in Shoreline; and

WHEREAS, in 2018, the City Council adopted the 2018-2023 Economic Development Strategic Plan which articulates placemaking projects, including “Growing a Media Production Industry,” so as to enrich the overall economic climate of the City of Shoreline; and

WHEREAS, over the years, the City has hosted filmmaking productions totaling roughly \$1 million per year; and

WHEREAS, despite the filming activity, the City does not provide regulations or fees specifically related to the use of City property for film related activities; and

WHEREAS, the economic contribution to other businesses within the City from filmmaking and the limited and temporary nature of the use of various City rights-of-ways and property makes the media-production industry a unique contributor to the City’s economic base with limited impact to the City; and

WHEREAS, on June 10, 2019, the City Council held a study session on the proposed filmmaking regulations and fees; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment - SMC Title 5, establishing Chapter 5.25 Filmmaking Regulations.** SMC Title 5 is amended to establish a new chapter, Chapter 5.25 Filmmaking Regulations, as set forth in Exhibit A.

**Section 2. Amendment – SMC Chapter 3.01, establishing Section 3.01.205 Filmmaking permit fees.** SMC Chapter 3.01 is amended to establish a new section, Section 3.01.205 Filmmaking permit fees as set forth in Exhibit B.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect on July 15, 2019~~five (5) days from the date of publication.~~

**PASSED BY THE CITY COUNCIL ON JUNE 24, 2019**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2019  
Effective Date: July 15\_\_\_\_\_, 2019

## Ordinance No. 859 – Exhibit A

### NEW Chapter 5.25 Filmmaking Regulations

#### 5.25.010 Purpose:

The purpose of this chapter is to establish procedures to guide the filmmaking industry when filming within the City.

#### 5.25.20 Definitions

- A. “B roll” means film content that captures the environment, area, or surroundings of a story, or any generic, unscripted action which supplements the main storytelling content.
- B. “Build” means any set-dressing, props, or other structures built on set.
- C. “City” means the City of Shoreline, Washington.
- D. “Days” means calendar days.
- E. “Filmmaking” or “Filming” means motion-picture photography activity using film, digital video or other media storage technologies, not including news media or personal use.
- F. “Film Production” means the full range of activities supportive of the development of motion-picture media content for general public or limited audiences, not including news media or personal use.
- G. “City Manager” means the City Manager or designee.
- H. “Person” means any natural person, firm, partnership, company, corporation, association, or organization.
- I. “Public property” means any improved or unimproved public right-of-way, including sidewalks, bikeways, walkways, and parking areas, public park, or public building owned or managed by the City.
- J. “Responsible party” means the applicant and its agents, representative, or employees who control, manage, or supervise the film production.
- K. “Shoreline Film Manual” means the manual adopted pursuant to SMC 5.25.070 that includes permit criteria, rules, guidelines, standards, and specifications related to Filmmaking and Film Production in the City.

#### 5.25.030 Permit - Required

A. Unless explicitly exempt in this chapter, it is unlawful for any Person to make use of a public place for Filmmaking or Film Production without first securing a Filmmaking Permit when the Filmmaking or Film Production requires the:

1. Use of a City park or City Building for Filming;
2. Temporary interruption of vehicle or pedestrian traffic on City streets or sidewalks;
3. Use of a tripod or dolly on City streets or sidewalks;
4. Placement of wires or cables across or over City streets or sidewalks;
5. Placement of a generator on a City street or sidewalk; or
6. Impact to areas of public parking, including reservation of space(s).

B. Types of Filmmaking Permits.



1. The type of permit required is based on the anticipated impact of the Filmmaking activity. Filmmaking Permits types are:
  - a. Low Impact Film Production
  - b. Moderate-Impact Film Production
  - c. High-Impact Film Product
2. The criteria for each permit type shall be set forth in the Shoreline Film Manual.

#### **5.25.040 Filmmaking permit application.**

- A. Any person that desires to Film or engage in Film Production on public property within the City for commercial purposes shall submit a complete Filmmaking permit application with the appropriate fees to the City unless specifically exempted in this chapter. No filming may occur ~~within the~~ on or in City rights-of-way, parks, buildings, or other public property until the filmmaking permit application has been approved and issued.
- B. At the minimum, the application shall include:
  1. A completed application form with the authorized signature of the applicant;
  2. The appropriate application fee based on the official fee schedule (chapter 3.01 SMC) and
  3. Any supplemental information required for submittal as set forth in the Shoreline Film Manual.
- C. Prior to issuance of the Filmmaking permit:
  1. The applicant shall pay all applicable fees;
  2. If required by the City Manager, the applicant shall post a bond or damage deposit in an amount determined by the City Manager to be sufficient to cover any damages to public resources or facilities which may occur during the filming; and
  3. Provide a certificate of insurance, naming the City as additional insured, for liability insurance to cover any liability costs associated with the film production activities.

#### **5.25.050 Liability Insurance**

- A. Unless waived by the City Manager, commercial general liability insurance in an amount of not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate shall be obtained and maintained during the permit term at the applicant's sole expense. The City shall be named as an additional insured.
- B. The City Manager may reduce the coverage amounts set forth in this section or require additional coverage amounts depending on the filmmaking activity proposed by an applicant.
- C. Higher liability coverage and other requirements for special circumstances including but not limited to use of helicopters, drones, and pyrotechnics may apply. Applicant shall comply with all insurance requirements contained in the Shoreline Film Manual.

#### **5.25.060 Exemptions**

This chapter shall not be applicable to:

1. Journalists and other news media representatives in the pursuit of journalism.

2. Private individuals making film or digital video content for their personal use.
3. "Roving" film productions filming b-roll, zero impact sidewalk scenes, and documentary-style footage at various public exterior locations throughout Shoreline. A Filmmaking permit shall be required unless the "Roving" meets all of the following criteria:
  - a. Five or fewer total cast and crew on-site at any one time;
  - b. One camera on-site;
  - c. Outdoor production only;
  - d. No traffic control required;
  - e. No interruption to pedestrian activity;
  - f. No electrical generation, wires, cables runs, or lights set-up;
  - g. Public parking will not be impacted; and
  - h. Not filming in a City pPark.

#### **5.25.070 Shoreline Film Manual.**

The City Manager shall prepare, administer, interpret, and amend as necessary a Shoreline Film Manual. The Manual shall establish, among other things, reasonable rules, guidelines, standards, fees, costs ,and other specifications for Filmmaking or Film Production in the City.

#### **5.25.080 Enforcement – Penalty**

A. Filmmaking permit – suspension, denial, or revocation.

1. The City may deny a Filmmaking permit if within the three (3) years prior to the date of application:
  - a. The applicant had a Filmmaking permit revoked by the City for which the applicant was a responsible party; or
  - b. The applicant had a Filmmaking permit suspended more than two (2) times by the City for which the applicant was a responsible party; or
  - c. The City discovered that the Filmmaking permit was approved and issued based on fraud or misrepresentation by the applicant.
2. The City may deny a Filmmaking Permit if, in the City's sole discretion, the filmmaking activity would be unduly burdensome on the City or would be contrary to the public health, safety, and welfare.
3. If any person violates the terms or conditions of an issued Filmmaking permit, the City may, at its discretion, suspend or revoke a filmmaking permit depending on the severity of the violation(s) and/or impose a penalty for a violation.

B. Appeal.

The City's decision to deny a Filmmaking permit application; to suspend or revoke a Filmmaking permit; to find a violation of the terms and conditions of a Filmmaking permit, or to impose a penalty, may be appealed to the City Hearing Examiner.

1. A notice of appeal, providing the basis for the appeal, along with the appropriate fee shall be filed within 14 days of the date of the City's decision.
2. The Hearing Examiner shall hold a closed-record hearing based on the record developed by the City.

3. Review shall be de novo and the burden shall be on the City to show, by a preponderance of the evidence, that its decision was warranted.
4. The Hearing Examiner's decision shall be final. Any person aggrieved by that decision may seek judicial review in King County Superior Court by filing an appeal within 14 days of the date of the Hearing Examiner's decision.

C. Violation - Penalty.

1. A penalty for failing to secure a permit prior to filming, or any other violation of the terms and conditions of a Filmmaking Permit, shall be imposed in the amount of \$250.00 per day per violation.
2. If any Person damages City property during the Filmmaking or Film Production, the Person shall be responsible for the repair, replacement, and/or restoration of the property to a same or better condition than existed prior to the damage. The Person shall also be responsible for any penalties imposed by any chapter of the SMC based on the type of property damaged.
3. An additional penalty of \$2,000 shall be imposed if the violation was deliberate or the result of reckless disregard on the part of any Person. The burden of proof from demonstrating that the violation was not deliberate or in reckless disregard is on the Person responsible for the violation.
4. In addition to the provisions set forth in this Section, the City may take any actions provided by law to obtain compliance with this chapter and/or collect any penalties that have been assessed.

**Ordinance No. 859 - Exhibit B**

**AMENDMENT - Chapter 3.01 Fee Schedule**

**New Section - Section 3.01.205 Filmmaking permit fees.**

**A. Permit Fees**

<b>Permit Type</b>	<b>2019 Fee Schedule</b>
Low-Impact Film Production	\$25 flat fee per production (for up to 14 consecutive days of filming)
Low-Impact Daily Rate (each additional day after 14 days)	\$25 per additional day
Moderate-Impact Film Production	\$25 per day
High-Impact Film Production	Applicable permit fees apply, including but not limited to, permits for the right-of-way and park rental fees.

**B. Fee Waiver**

The City Manager may consider a waiver for any fees that may apply under this Section.  
~~The City Manager may waive fees for student or non-profit filmmakers who produce films that serve the community and are consistent with adopted City programs.~~ Any fee waiver request must be submitted concurrently with the Filmmaking permit application.

**C. Additional Costs**

Any additional costs incurred by the City, related to filmmaking activity on public property, shall be paid by the applicant. The applicant shall comply with all Additional Cost requirements contained in the Shoreline Film Manual.