

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:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Margaret King
City Attorney

Date of Publication: June 27, 2019

Effective Date: July 15, 2019

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 non-commercial use.

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.

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.

ORIGINAL

AMENDMENT - Chapter 3.01 Fee Schedule

New Section - Section 3.01.205 Filmmaking permit fees.

A. Permit Fees

| Permit Type | 2019 Fee Schedule |
|---|--|
| 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.