



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 1 - 0 3 0 5
AUG 0 5 2011

REPORT RE:

DRAFT ORDINANCE TO AMEND SECTION 12.22A.13 OF ARTICLE 2 OF THE LOS ANGELES MUNICIPAL CODE REGARDING INFREQUENT USE OF PROPERTY FOR COMMERCIAL FILMING

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Honorable Members:

On April 27, 2011, your Honorable Body requested that this Office draft an ordinance that would make unpermitted filming a misdemeanor. As requested, this Office has prepared and now transmits for your consideration the attached draft ordinance, amending Section 12.22A.13 of Article 2 of the Los Angeles Municipal Code (LAMC) regarding Infrequent Use of Property for Commercial Filming, approved as to form and legality.

Background and Summary of Ordinance Provisions

On April 27, 2011, the Los Angeles City Council requested this Office to draft an ordinance as described above, and the attached draft ordinance incorporates the requested provisions. The draft ordinance amends Section 12.22A.13 of Article 2 of the LAMC which presently requires a permit to be acquired before the filming of commercial films takes place on any property in all zones. The amendment creates criminal liability for property owners that knowingly allow unpermitted commercial filming to occur on their property. As requested by your Honorable Body, it specifies that a notice of

warning be given prior to the issuance of a citation and that the citation will move with the property owner and not just the property. As also requested, there is language that gives the City Attorney's Office prosecutorial discretion in the filing of any criminal charges.

CEQA Findings

The approval of the ordinance is not subject to California Environmental Quality Act (CEQA) because it is not a project as defined by CEQA, Pub. Res. Code Section 21065 and State CEQA Guidelines Section 15378(b), which state that a CEQA project is an activity that may result in a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Council Rule 38 Referral

The draft ordinance creates a criminal penalty and would not require enforcement by any City officer, board or commission, and accordingly Council Rule 38 does not require review of the ordinance by any such City officer or entity. Nonetheless, a copy of the draft ordinance was sent to the Los Angeles Police Department and the Department believes that the draft ordinance accurately reflects Council's request.

If you have any questions regarding this matter, please contact Deputy City Attorney Kimberly Miera at (213) 978-7100. She or another member of this Office will be present when you consider this matter and to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:KM:lee
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 12.22A.13 of Article 2, Chapter 1 of the Los Angeles Municipal Code regarding infrequent use of property for commercial filming.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Paragraph 13 of Subsection A of Section 12.22 of Article 2, Chapter 1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

13. **Infrequent Use of Property for Commercial Filming.**

(a) Notwithstanding any of the provisions of this article to the contrary, property in all zones may be used for the purpose of infrequent filming of commercial motion pictures and still photographs, provided that a permit therefor has first been obtained from the City Council, or whomever the Council by order, resolution or ordinance may delegate to exercise such authority. The City Council, or whomever the Council by order, resolution or ordinance may delegate to exercise such authority shall adopt such rules and regulations concerning the issuance of said permits as may be necessary to assure that filming will be conducted at such times and in such a manner as to cause a minimum of interference with the enjoyment and use of adjacent property, and consistent with public health, safety and general welfare.

(b) No person shall allow filming of commercial motion pictures and still photographs to occur unless a permit is first obtained pursuant to Subsection (a).

(c) **Violations.** Any Person violating a provision of this Section shall be subject to the following penalties:

1. **First violation.** A first violation of this Section shall result in a written warning.

2. **Second and Subsequent Violations.** A second violation, and all subsequent violations, shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$250.00, or prosecution as a misdemeanor punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
KIMBERLY MIERA
Deputy City Attorney

Date 8.2.11 _____

Files No. _____