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CITY ATTORNEY

REPORT NO. R 13 - 0 2 9 3  
OCT 10 2013

REPORT RE:

**REVISED DRAFT ORDINANCE AMENDING SUBSECTIONS (b) AND (d)(5)  
OF SECTION 41.20 AND ADDING SUBSECTION (a)(11) TO SECTION 41.20.1 OF  
THE LOS ANGELES MUNICIPAL CODE TO INCLUDE A DEFINITION OF  
TELEVISION PILOTS AND EXEMPT THE FILMING OF TELEVISION PILOTS  
FROM CERTAIN FEES**

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

Council File No. 12-0564-S1

Honorable Members:

This Office previously prepared and transmitted a draft ordinance that would include a definition of television pilots in Los Angeles Municipal Code (LAMC) Section 41.20.1 and would exempt the filming of television pilots from certain fees (City Attorney Report No. R13-0216 dated July 26, 2013).

At the August 27, 2013, meeting of the Economic Development Committee, the Committee moved to amend the definition of television pilots such that the television pilots would not be limited to network television. Consequently, we provided an amended Section 41.20.1(a) to include this expanded definition of a television pilot:

**Television Pilot** means a stand-alone episode of a television series used to sell the show in any market and to test and gauge whether a television series based on the episode will be successful.

Thus, the stand-alone episode could be produced for any market, including traditional network television, downloadable content, transmission through the internet, or any other.

Upon reviewing this change, Film LA determined that this definition would be difficult if not impossible to administer. This definition of Television Pilot would not provide sufficient clarity and guidance to allow non-arbitrary determinations of which film projects would and would not qualify for these exemptions. Consequently, Film LA proposes the following definition:

**A Television Pilot** is a stand-alone episode of a television series that is used to sell the show to a distributor of episodic television. At the time of its creation, the pilot is meant to be the testing ground to gauge if a series will be ordered, and is therefore a test episode of an intended television series.

We have prepared a draft ordinance reflecting this suggestion from Film LA.

If you have any questions regarding this matter, please contact Deputy City Attorney Daniel M. Whitley at (213) 978-7786. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By   
DAVID MICHAELSON  
Chief Assistant City Attorney

DM:DMW:cm  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Subsections (b) and (d) of Section 41.20 and adding Subsection (a)(11) to Section 41.20.1 of the Los Angeles Municipal Code to include a definition of television pilots and exempt the filming of television pilots from certain fees.

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

Section 1. Subsection (b) of Section 41.20 is amended to read as follows:

(b) **Application for Permit.** Applications for Special Events, including those requiring street closures of local streets, including collector streets, and of major and secondary highways, or lane(s) thereof, shall be filed with the One-Stop Special Events Permit Office in the Bureau of Street Services at least forty-five (45) days prior to the expected first day of the Special Event. Beginning on January 1, 2010, and thereafter, there shall be a non-refundable administrative late fee of \$312.00 for all applications submitted twenty-one (21) days or less before an event. The Bureau of Street Services shall establish notification procedures to immediately notify the respective Council office, as well as: all affected City departments and offices and affected non-City government agencies, if known; the Los Angeles Police Department; the appropriate Neighborhood Council, if any; and the Business Improvement District, if any, in which a proposed event is to be held, whenever a Special Event Permit application is submitted to the Bureau for processing. The respective Council office and all affected City departments and offices shall be provided a copy of the permit application for their review and comment. The Council office and all affected offices and departments shall be responsible for notifying the Bureau of Street Services in writing or electronically of any objection to, or condition required for, the issuance of the permit for the Special Event. Upon issuance of a Special Event Permit, each of those City departments and offices shall be provided a copy of the permit issued and shall be responsible for enforcement of the terms and conditions of the permit that are within the subject matter jurisdiction of that department or office. Special Event Permits shall be issued for the dates of the event and necessary days for setup and take-down. Special Event Permits issued for recurring Certified Farmers' Markets sponsored by a non-profit organization or a local government agency (state, county or district) may be issued for all events on the days specified for up to one (1) year. Applications for Special Event Permits may be filed directly at the One-Stop Special Events Permit Office or may be completed and submitted on-line through the City's web-based Special Events Permit Application. Any changes made by the applicant to the initial Special Event Permit Application or Site Plans for the event will require payment of a \$100.00,

non-refundable, processing fee. Decisions to deny or to condition the issuance of a Special Event Permit which are contested by the applicant shall be reviewed as set forth in Section 41.20.1. No fees under this subsection will be required with respect to the filming of Television Pilots as set forth in Section 41.20.1.

The Bureau of Street Services shall develop a "How to Obtain a Special Event Permit Application" informational brochure with updates, as appropriate, and make the information available on the City's website, at public counters, and through Neighborhood Councils.

If the Special Event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the permit shall file a communication, in writing, from the organization authorizing the applicant to apply for the permit on its behalf. The Bureau of Street Services shall take reasonable steps to verify that information.

Sec. 2. Subdivision 5 of Subsection (d) of Section 41.20 is amended to read as follows:

5. Upon the request of the Bureau of Street Services with respect to an application for a Special Event Permit, the Department of Transportation and each of the other affected City departments shall provide to the Bureau of Street Services a statement of the estimated fees and charges, including salary costs, for providing traffic control services (traffic control costs) or other services, as applicable, for the event. The Bureau of Street Services shall provide to the permittee a statement of the estimated fees and charges, including salary costs, for all City services, equipment and materials required for the event, including traffic control costs. Traffic control services consist of the preparation of the traffic management plan, as well as clearing the event route or area of unauthorized vehicles, posting any parking restrictions necessary for the event, diverting traffic around the event, and directing pedestrian and vehicular traffic along the route of the event. The traffic control costs shall be computed by determining the number of City personnel that will be required for traffic control beyond that which would otherwise be required at that time, multiplied by the number of hours for which those additional services are to be rendered at the rate of the City's full cost of providing personnel at the respective classifications on an hourly basis. At the conclusion of the event, the actual costs for traffic control and for other services, as applicable, for the event shall be determined by the Department of Transportation and each of the other affected City departments. If the actual costs for services for the event are less than the estimated costs paid, the permittee shall be refunded the difference. If the actual costs for traffic control for the event are greater than the estimated costs paid, the permittee shall be billed for and

required to pay the additional costs within fifteen (15) calendar days of receipt of an invoice therefor. Unless otherwise required to insure public safety as determined by the Department of Transportation, the permittee for a block party Special Event shall be allowed to pick up, place and return traffic control devices required for the event from the Bureau of Street Services at the nearest convenient location. The permittee for a block party shall make a refundable deposit of an amount determined by the Bureau of Street Services to be reasonable to insure return, and payment for any damage to, all traffic control devices provided for the event. Those filming a Television Pilot shall not be required to pay the Department of Transportation for the costs of posting and removing street signs.

Sec. 3. A new Subdivision 11 is added to Subsection (a) of Section 41.20.1 of the Los Angeles Municipal Code to read as follows:

11. A **Television Pilot** is a stand-alone episode of a television series that is used to sell the show to a distributor of episodic television. At the time of its creation, the pilot is meant to be the testing ground to gauge if a series will be ordered, and is therefore a test episode of an intended television series.

Sec. 4. 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 \_\_\_\_\_.

HOLLY L. WOLCOTT, Interim City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  \_\_\_\_\_  
DANIEL M. WHITLEY  
Deputy City Attorney

Date 10/10/13

File No. CF 12-0564-S1