COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

October 26, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

ORDINANCE AMENDING TITLE 32 (FIRE CODE) OF THE LOS ANGELES COUNTY CODE, RELATING TO NEW AND INCREASED PERMIT FEES FOR THE REVIEW AND PROCESSING OF PERMITS FOR MOTION PICTURE, TELEVISION, COMMERCIAL AND RELATED PRODUCTIONS (ALL DISTRICTS) (3 VOTES)

SUBJECT

The Consolidated Fire Protection District of Los Angeles County (District) is requesting approval of the proposed ordinance amending the County Fire Code to implement a new permit requirement and fee for commercial still photography productions, as well as to increase current permit fees related to motion picture, television, and commercial productions, pyrotechnic/special effects and fuel dispensing trucks/vehicles when operating outside of an approved production facility. The purpose is to offset the District's cost of reviewing and processing permit applications.

IT IS RECOMMENDED THAT YOUR BOARD, ACTING AS THE GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY:

Introduce, waive reading, and adopt the attached ordinance, amending Title 32 (Fire Code) of the Los Angeles County Code by establishing new and increased permit fees.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Find that the attached ordinance is being adopted for the purpose of meeting operational expenses, and is therefore, exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of Title 14, of the California Code of Regulations (State CEQA Guidelines).

2. Adopt the ordinance and ordain that the new and adjusted fees will take effect 60 days following the adoption of the ordinance.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this ordinance is to establish a new permit fee and increase existing permit fees to be charged by the District to reflect the operating costs incurred for the reviewing and processing of permits related to motion picture, television and commercial productions, pyrotechnics/special effects, and fuel dispensing trucks/vehicles when operating outside of an approved production facility. For the year of 2009, approximately 4,000 permits were processed by the Public Safety and Film Unit. Therefore, it is necessary to impose these user fees to offset the operating cost of providing these services and to staff the Public Safety and Film Unit of the Fire Prevention Division.

It is essential to obtain a permit for commercial still photography productions where cast and crew is 15 or more, because such productions raise similar life and safety concerns as motion picture and television industry productions and often include similar risks including special effects and pyrotechnics. The ordinance establishes a new fee for the processing of such permits by the District.

The Auditor-Controller has reviewed and approved the methodology and calculations used to determine the amount of the new and increased fees and have determined that the proposed fees are reasonable for cost recovery.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the new fee and the fee increases will provide an offset of operating costs incurred by the District in connection with the review and evaluation of motion picture, television and commercial production permits, including special effects, fuel trucks/vehicles, and commercial still photography.

FISCAL IMPACT/FINANCING

These fees will offset the cost of providing these services by the District's Public Safety and Film Unit. The fees are consistent with the fees of other local agencies. There is no impact to net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The ordinance amending Title 32 (Fire Code) of the Los Angeles County Code has been approved as to form by County Counsel, and an analysis is enclosed. Sections 105.6 and Chapter 46 of the Fire Code will be amended to provide the requirement for the permits and permit fees described herein.

Pursuant to Section 66014 of the Government Code, the above fees cannot exceed the estimated cost of providing the service for which the fee is charged. The Auditor-Controller has reviewed and approved these fees and has found that the proposed fees approximate cost recovery for the services involved.

Pursuant to Section 66016 of the Government Code, any action adopting/increasing a fee or charge which applies to the filing, accepting, reviewing, approving, or issuing of a use permit, or entitlement to use shall be enacted in accordance with the notice and public hearing procedure, as specified.

To comply with the requirements of Sections 66016, 66018, and 6062a of the Government Code, the fee increases must be approved after a public hearing at which oral or written presentations can be made. These code sections also require that the notice of the public hearing, including a general explanation of the matter to be considered, and a statement that data indicating the amount of the cost, or estimated cost required to provide the service for which the fee is levied, is available to the public and shall be mailed to all interested parties who file a written request for such, at least 14 days prior to the public hearing. As of the filing date of this item, no valid written request was on file either with the Fire Department or in the Executive Office of the Board of Supervisors.

Section 66016 also requires that at least ten days prior to the public hearing, the local agency shall make available to the public, data indicating the amount of cost or estimated cost, required to provide the service for which the fee is levied. This data will be made available to the public at the County of Los Angeles Fire Department, Financial Management Division, 5801 South Eastern Avenue, Suite 130, Commerce, California 90040.

ENVIRONMENTAL DOCUMENTATION

Adoption of this ordinance which amends the Fire Code is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of Title 14, California Code of Regulations (State CEQA Guidelines).

IMPACT ON CURRENT SERVICES OR PROJECTS

No adverse impact on current services.

CONCLUSION

Upon approval by your Board, please electronically submit a Statement of Proceedings to the following:

Consolidated Fire Protection District of Los Angeles County
Executive Office
Business Operations

Chief Deputy Daryl L. Osby
dosby@fire.lacounty.gov

Respectfully submitted,

P. MICHAEL FREEMAN

PMF:drr

Attachments

c: William T. Fujioka, Chief Executive Officer
Sachi A. Hamai, Executive Officer
Auditor-Controller
County Counsel

FIRE DEPARTMENT
PROPOSED FEE ORDINANCE

Activity/Permit	Current Fee	Proposed Fee
Motion picture, television, commercials, and related production filming – Fuel-dispensing trucks and vehicles	$40	$223
Motion picture, television, commercials, and related production filming	$104	$282
Motion picture, television, commercials, and related production filming - Pyrotechnics and special effects.	$125	$288
Commercial still photography production with 15 or more cast and crew.	None	$277

Instructions for Public Notice

Section 66018 of the California Government Code requires that when there is an increase of an existing fee, a local agency shall hold a public meeting as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062(a). Section 6062(a) states that publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or more often. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

Therefore, the Los Angeles County Fire Department respectfully requests that the Executive Office of the Board of Supervisors publish the provided Notice of Public Hearing proposed new permit fee for commercial still photography productions involving fifteen or more cast and crew and for increases in permit fees for motion picture, television, and commercial productions, pyrotechnics/special effects, and fuel dispensing trucks/vehicles with the County's contract newspaper to be in compliance with the above sections of the Government Code.

NOTICE OF PUBLIC HEARING
ON NEW AND INCREASED FIRE DEPARTMENT PERMIT FEES FOR THE REVIEW AND PROCESSING OF PERMITS FOR MOTION PICTURE, TELEVISION, COMMERCIALS AND RELATED PRODUCTIONS

Notice is hereby given that a public hearing will be held by the Board of Supervisors regarding an ordinance to adopt a new permit fee for commercial still photography and to increase existing permit fees for the review, processing, and inspection of motion picture, television industry, commercial production, pyrotechnics/special effects, and fuel dispensing trucks/vehicles. Said public hearing will be held on October 26, 2010 at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381-B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue) Los Angeles, California.

Data indicating the estimated cost required to provide the service for which the above fees are levied and the revenue sources anticipated to provide the service shall be made available to the public at least ten (10) days prior to the hearing. The data will be available at the County of Los Angeles Fire Department, Financial Management Division, 5801 South Eastern Avenue, Suite 130, Commerce, California 90040.

The Board of Supervisors will consider and may adopt the ordinance. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Notice is further given that copies of the County of Los Angeles Fire Code and the proposed amendments being considered for adoption are on file in the Executive Office of the Board of Supervisors, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, and are open for public inspection.

Written comments may be sent to the Executive Office of the Board of Supervisors at Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.

For further information, please call the Los Angeles County Fire Department, Fire Prevention Division, (323) 890-4226.

Si no entiende esta noticia o si necesita mas informacion favor de llamar a este numero (323) 890-4226.

SACHI A. HAMAI
EXECUTIVE OFFICER-CLERK OF
THE BOARD OF SUPERVISORS OF
THE COUNTY OF LOS ANGELES

ANALYSIS

This ordinance amends Title 32 – Fire Code of the Los Angeles County Code relating to film permitting and permit fees for the review, processing, and approval of motion picture, television, commercials and related productions, commercial still photography productions, fuel vehicle dispensing, and use of pyrotechnics and special effects.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By
SCOTT KUHN
Senior Deputy County Counsel
Property Division

SK:gjh.
04/29/10 (Requested)
09/23/10 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 32 – Fire Code of the Los Angeles County Code, relating to film permitting and permit fees for motion picture, television, commercials and related productions, commercial still photography productions, fuel vehicle dispensing, and pyrotechnics and special effects.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 4601.3 is hereby amended to add in alphabetical order as follows:

4601.3 Definitions.

. . .

COMMERCIAL STILL PHOTOGRAPHY PRODUCTION includes all activity attendant to the staging or shooting of commercial still photography to create photographic images for sale or use for a commercial purpose.

. . .

SECTION 2. Section 4603.2.1 is hereby renumbered and amended to read as follows:

~~4603.2.1~~4603.4 Permit fees.

Permit fees for permits required by Section 4603.2 and Appendix Chapter 1 Section 105.6 shall be collected for the issuance of the following permits:

1. ~~Permit to Dispense Fuel or Liquids on motion picture and television production locations. To dispense flammable or combustible liquids, liquefied petroleum gases, or compressed natural gas to vehicles and equipment on motion~~

~~picture and television production locations.~~Motion picture, television, commercials and related production filming. The permit fee shall be ~~forty ($40.00)~~ two hundred eighty-two dollars ($282).

~~2. Permit for Motion Picture, Commercial, and Television Productions. To conduct motion picture, television, commercials, and related productions. The permit fee shall be one hundred four ($104.00)dollars.~~

~~3~~2. ~~Pyrotechnic and Special Effects. To use pyrotechnic special effects, open flame, flammable or combustible liquids and gases, and welding.~~Motion picture, television, commercials, and related production filming – Fuel-dispensing trucks and vehicles. The annual permit fee shall be ~~one hundred twenty-five ($125.00)~~two hundred twenty-three dollars ($223).

~~4~~3. ~~The parking of motor vehicles in any building or location used for the purpose of motion picture, television, and commercial production.~~Motion picture, television, commercials, and related production filming – Pyrotechnics and special effects. The permit fee shall be ~~one hundred twenty-five ($125.00)~~two hundred eighty-eight dollars ($288).

4. Commercial still photography production outside of an approved production facility and where the on-site cast and crew numbers fifteen (15) or more persons. The permit fee shall be two hundred seventy-seven dollars ($277).

SECTION 3. Appendix Chapter 1 Section 105.6.18.1 is hereby renumbered and amended to read as follows:

~~105.6.18.1~~105.6.47.2 **Motion picture, television, commercials, and related production filming – Fuel-dispensing trucks and vehicles ~~(film location)~~.**

An annual operational permit is required to dispense flammable or combustible liquids, liquefied petroleum gases, or compressed natural gas from trucks or vehicles to equipment and vehicles on motion picture, television, and commercial production locations. ~~The permit fee shall be forty ($40.00) dollars.~~The applicant is required to pay the annual permit fee amount shown in Section 4603.4(2) prior to permit issuance.

SECTION 4. Appendix Chapter 1 Section 105.6.29.2 is hereby renumbered and amended to read as follows:

~~105.6.29.2~~105.6.47.1 **Motion picture, television, commercials, and related production~~and other~~ filming.**

An operational permit is required to conduct motion picture, television, commercials, and related productions~~. The permit fee shall be one hundred four ($104.00) dollars.~~ outside of an approved production facility. The applicant is required to pay the permit fee amount shown in Section 4603.4(1) prior to permit issuance.

SECTION 5. Appendix Chapter 1 Section 105.6.47 is hereby amended to read as follows:

105.6.47 Additional permits.

In addition to the permits required by Appendix Chapter 1, Section 105.6, the following permits shall be obtained from the fire prevention division prior to engaging in

the following activities, operations, practices, or functions:

1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.

2. **Motion picture, television, commercials, and related production filming - Pyrotechnics and special effects**. To use pyrotechnic special effects, open flame, hot work, use of flammable or combustible liquids and gases, dust, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television, and commercial production. ~~The permit fee shall be one hundred twenty-five ($125.00) dollars.~~The applicant is required to pay the permit fee stated in Section 4603.4(3) prior to permit issuance.

3. **Live audiences**. To install seating arrangements for live audiences in approved production facilities, production studios, and sound stages. See Chapter 46.

SECTION 6. Appendix Chapter 1 Section 105.6.47.3 is hereby added to read as follows:

105.6.47.3 Commercial still photography production with cast and crew numbering fifteen (15) or more persons.

An operational permit is required to take still photographs for commercial purposes outside of an approved production facility and where the on-site cast and crew numbers fifteen (15) or more persons. The applicant is required to pay the permit fee amount stated in Section 4603.4(4) prior to permit issuance.

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