

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS
BUSINESS REGULATIONS

Sec. 11-191. Filming: permit required; issuance; suspension or expiration.

(a) Filming Permit required.

- (1) It shall be unlawful for any person to Film without a valid Film Permit issued by the City.
- (2) An applicant for a Film Permit shall file in person at the City an Application made on a form prescribed and provided by the City. The Application shall be signed by the Applicant. The information provided in the Application must be supplemented in writing by certified mail, return receipt requested, to the City within two (2) working days of a change of circumstances that would render the information originally submitted false or incomplete.
- (3) The Application shall include a sketch or diagram showing the configuration of the Film site. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale.
- (4) The Application must include a Certificate of Insurance naming the “City of Peoria, Arizona” as an “Additional Insured” having coverages in the amounts of \$1 million per occurrence and \$3 million in aggregate, covering all of the activities of the Applicant for the entire period of the Filming Permit. The City may require that the coverage amounts be increased by the Applicant if deemed necessary during the review of the Application.
- (5) The information provided by an Applicant in connection with the application for a Film Permit shall be maintained by the City on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function.
- (6) Filming within a Studio is exempt from this Section 11-191.

(b) Issuance of Filming Permit.

- (1) Upon receipt of the Application and payment of the Application Fee, the Communications and Public Affairs Department of the City shall approve, approve with conditions, or deny the issuance of a Filming Permit within five (5) days after receipt. Upon payment of a Filming Permit Expedited Review fee (in addition to the foregoing submissions and fee), the Communications and Public Affairs Department of the City will exercise its commercially reasonable best efforts to approve, approve with conditions, or deny the issuance of a Filming Permit as quickly as possible, with the goal of reaching a determination within two (2) days after receipt. If the City fails to approve, approve with conditions, or deny the issuance of a permanent permit within ten (10) days after receipt of an Application and payment of the Application Fee, the Filming Permit shall be deemed to

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have been approved. The City shall approve or conditionally approve the issuance of a Filming Permit unless one or more of the following is found to be true:

- (A) The Applicant has failed to provide information required by the Application or has falsely answered a question or request for information in the Application.
 - (B) The Application is incomplete, the sketch is unclear or is not provided, or the Certificate of Insurance does not conform to the requirements of this Chapter.
 - (C) The Application Fee has not been paid.
 - (D) The right to use the Location has not been established by the Applicant at the time of the Application.
 - (E) Filming at the Location will cause a nuisance that cannot be mitigated by conditions to the Application.
- (2) The Filming Permit shall state on its face the name of the Applicant, the number of the permit issued to that Applicant and the expiration date. The Applicant shall keep the Filming Permit at the Location and shall produce such Filming Permit for inspection upon request by a law enforcement officer or an authorized City official.

(c) Expiration.

- (1) Each Filming Permit shall expire on the date stated on the Filming Permit and may be renewed by making application as provided in Subsection (a).
- (2) The renewal Application shall contain the information required to be submitted with an original Application, provided that a renewal Application need not contain information that has been provided in a previous Application and has not changed since the date of the most recent Application.
- (3) Application for renewal of a Filming Permit should be made at least two (2) days before the expiration date, and when made fewer than two (2) days before the expiration date, the expiration of the Filming Permit will not be affected.

(d) Suspension.

- (1) Upon a reasonable belief that any of the following items have occurred, the City shall issue a Notice and Order suspending a Filming Permit for a period not to exceed thirty (30) days.

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- (A) The Applicant or an agent of the Applicant has violated and is not in compliance with this Section 11-191, the Peoria City Code, or the Arizona Revised Statutes.
 - (B) The Applicant or an agent of the Applicant refused to allow an inspection of the Location required pursuant to this Section 11-191;
 - (C) The Applicant or any Agent of the Applicant is Filming in a way or in a location other than as stated on the Application.
- (2) The Notice and Order shall become effective twenty-four (24) hours after issuance, unless the Applicant shall have filed a request for hearing with the Communications and Public Affairs Director. No Filming may occur pending the hearing, which must be held within two (2) business days after the request for hearing.
- (e) When the decision to deny, suspend or revoke a license or permit becomes final, the applicant shall have the right to seek judicial review of the decision by way of special action or other available procedure in the superior court. Upon filing of such a special action, the decision of the hearing officer shall be deemed to be stayed until final disposition by the superior court. Should an appeal be taken, the applicant may request a stay in the manner provided by the Arizona Rules of Civil Appellate Procedure. If the applicant fails to file a request for judicial review within thirty (30) days after the decision to deny, suspend or revoke became final, there shall be no stay of the Communication and Public Affairs Director's decision, unless provided for by the Superior Court.
- (f) Notification of Filming. Upon review by the City of the Filming Permit, the City may require Applicant to distribute a Notification of Filming to residents and businesses within one thousand three hundred twenty feet (1320') of the Location no later than two (2) days prior to the Applicant's or Applicant's agents arrival at the Location. Notice may be given by posting the Notification of Filming in locations readily accessible by the public within the area.
- (g) Treatment of the Location. The Applicant must restore the Location to the condition of the Location prior to Applicant's use of the Location. Applicant must remove all litter generated in the course of Applicant's use of the Location, whether generated by Applicant, Applicant's agents, or others, every day prior to departure of the Applicant or Applicant's agents.
- (h) Days and Times. Unless otherwise indicated on the Filming Permit, Applicant may Film only between the hours of 6 a.m. and 10 p.m. Monday through Sunday for a maximum of ten (10) consecutive days.
- (Ord. 06-41, 11/14/06, Enacted) SUPP 2006-4