

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE TITLE FIVE (BUSINESS LICENSES AND
REGULATIONS) TO ESTABLISH CHAPTER 5.51 TO REGULATE FILM
PRODUCTION**

The City Council of the City of Cupertino finds that:

1. The purpose of this Chapter is to: (a) establish a standardized film permit process to regulate commercial, television, motion picture, and nonprofit filming activities conducted within the City; and (b) ensure coordination with appropriate City departments to protect public health, safety, and welfare, and minimize disruptions to residents, businesses, and public spaces.
2. This Chapter further authorizes the City to recover administrative and operational costs associated with the processing, review, and issuance of film permits through the collection of film permit fees pursuant to a reasonable fee schedule implemented herewith.
3. The establishment of a film permit process, including the associated fee schedule is consistent with the City's goals of transparency, accountability, and fiscal responsibility.
4. The City desires to encourage filming activity that is compatible with the City's character, preserves public safety and welfare, and supports local businesses while ensuring that applicants contribute to the costs incurred by the City in facilitating such activity.
5. The City Council of the City of Cupertino held a duly noticed public hearing on November 4, 2025, and after considering all testimony and written materials provided in connection with that hearing introduced this ordinance and waived the reading thereof.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

The Cupertino Municipal Code is hereby amended as set forth in Attachment A, attached hereto and incorporated herein by this reference.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment; therefore, the activity is not subject to CEQA. Future filming activities will remain subject to applicable City regulations and may be further reviewed for CEQA compliance on a case-by-case basis, if warranted. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after final adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be

prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on November 4, 2025, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Liang Chao, Mayor
City of Cupertino

Date

ATTEST:

Kirsten Squarcia, City Clerk

Date

APPROVED AS TO FORM:

Floy Andrews, Interim City Attorney

Date

Attachment A – An ordinance to regulate film production

A new Chapter 5.51 is hereby added to Title 5 of the Cupertino Municipal Code, to be adopted in its entirety and shall read as follows:

Chapter 5.51: Regulation of Film Production Permits

5.51.010 Purpose and Intent

This Chapter establishes procedures for the review and issuance of permits for filming activities on location within the city. The intent of this Chapter is to facilitate the production of such work while protecting the residents, property owners, and businesses for the potential adverse impacts of filming activities.

5.51.020 Definitions

- A. "Charitable or student film" means any filming by (i) a nonprofit organization, which qualifies under Section 501 (c)(3) or (4) of the Internal Revenue Code as a charitable organization; or (ii) an accredited educational institution, and for which no person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- B. "Film Production" means all activities related to staging or shooting of commercial motion pictures, television shows or programs, commercials and advertisements, commercial still photography, video tapes, computer-based programs or other visual reproduction technology now known or hereafter created and the filming of commercial radio station promotional events. The period of filming includes the set-up, all on-site production time, and striking the set, including but not limited to removing scenery, equipment or props at the conclusion of filming.
- C. "News Media" means filming for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.
- D. "Private Property" means any property in the City not owned by the City.
- E. "Studio" shall mean a fixed place of business where filming activities, including motion or still photography, are regularly conducted upon the premises.

5.51.030 Permit Requirements and Exemptions

No person, including students, shall use any public or Private Property, facility or residence within the City for the purpose of Film Production without first applying for and receiving a permit from the City, with the following exemptions:

- A. News Media. The provisions of this Chapter shall not apply to or affect reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
- B. Private Non-Commercial Video. Filming, videotaping or still photography solely for private non-commercial use.
- C. Studio Filming. Filming activities, motion or still photography conducted at a studio.
- D. Charitable or Student Films. Projects as defined in CMC 5.51.020(A) are exempt from permit-related fees but still require a permit.
 - 1. Nonprofit organizations desiring a film permit must complete an application form and must provide a copy of their proof of tax-exempt status.
 - 2. Student film projects require students to supply a written certificate from the school of their attendance stating that the filming project is an assignment for their class and is not intended for commercial distribution.
- E. City-sponsored Events. Film Production conducted or commissioned by the City, or produced with City funding, sponsorship, or direction.

5.51.040 Permit Application and Fees

- A. The issuing authority shall be the City Manager or their designee. The City shall only issue a permit if it is determined that at least the following criteria have been met:

1. The proposed use will not unreasonably interfere with traffic or pedestrian movement, or unreasonably interfere with or endanger the public peace or rights of nearby residents and merchants to the quiet, peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare;
 2. The proposed use will not unduly impede, obstruct or interfere with the operation of emergency vehicles or equipment in or through the permit area, or adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permitted area;
 3. The proposed use will not constitute a fire or safety hazard and all proper safety precautions will be taken as are reasonably necessary to protect the public peace, health, safety or general welfare; and
- B. A complete application for a filming permit shall be filed with the City at least fourteen (14) calendar days prior to the date of the requested Film Production activity, or, if such Film Production activity interferes with traffic or involves potential public safety hazards, an application shall be submitted at least thirty (30) calendar days in advance of commencement. In either case, the applicable filing timelines may be adjusted from time to time as established by the City Manager or his or her designee, with any such changes to be duly noted in the permit application and on the City's Official webpage. The City, in its sole discretion, may have availability to process an urgent request for a permit within three (3) business days, subject to staff availability. Any such expedited processing shall incur an additional fee.
- C. An application for a film permit shall be submitted on the City's form and shall include all information, materials, and documentation required by this Chapter, including but not limited to (i) a certificate of insurance demonstrating compliance with all insurance requirements set forth in this Chapter, and (ii) evidence of any and all permits, approvals, or personnel required under the CMC or other applicable laws to proceed with the proposed use. An application shall not be deemed complete until all required items have been submitted and all information provided is accurate and complete. The City may require

supplemental information as reasonably necessary to evaluate the application and ensure compliance with applicable local regulations.

- D. A schedule of fees for City services and use of City property shall be established as part of the City's master fee schedule.
- E. The City's Communications and Marketing Coordinator, or such other staff member as may be designated by the City Manager, shall serve as the primary point of contact for the applicant.
- F. The applicant shall obtain any required business license and encroachment permit pursuant to CMC 5.04 et. seq. and 14.08 et. seq., respectively, from the City's respective departments. The applicant shall also coordinate with the City's Office of Emergency Management to secure any necessary public safety personnel, including police and fire personnel, to assist with the Film Production.
- G. A filming permit shall be valid for the production period set forth in the approved application. Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided applicant is in compliance with established limitations to time and location.

5.51.050 Film Production Insurance, Liability and Indemnification

- A. For Film Production on public property, including on the public right of way, a permittee is required to carry commercial general liability and automobile liability insurance and provide a certificate of insurance in an amount of at least one million dollars (\$1,000,000) per occurrence or higher, if required by the permit, naming the City, its City Council, commissions, officers, employees, agents and volunteers as additional insureds for protection against claims for personal injury, wrongful death and/or property damage. The certificate shall not be subject to cancellation or modification until after thirty (30) days' written notice to the City. A copy of the certificate will remain available upon request by City. Student applicants must conform to the provisions listed in this subsection by providing a certificate of insurance from their educational institution.

- B. If the Film Production will involve the use of helicopters, cranes, lifts, aircrafts, or other aerial vehicles or equipment, the applicant shall obtain additional insurance coverage satisfactory to the City, including but not limited to aircraft liability coverage or unmanned aircraft liability coverage, in an amount not less than five million dollars (\$5,000,000) per occurrence. The applicant shall provide the City with a copy of the certificate of insurance as proof of coverage prior to the commencement of any aerial filming activities. All aerial filming activities shall comply with applicable federal, state, and local laws, including but not limited to all regulations of the Federal Aviation Administration and any other governing authority having jurisdiction over the operation of an aircraft.
- C. An applicant shall conform to all applicable Federal and State requirements for worker's compensation insurance for all persons operating under a Film Production permit under this Chapter.
- D. An applicant shall execute an indemnification and hold harmless agreement in a form provided by the City prior to the issuance of a permit under this Chapter. Such indemnification and hold harmless agreement may be incorporated into the terms and conditions of the film permit.
- E. To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable security deposit, in the amount to be determined by the City Manager or their designee. Upon completion of filming and the City's inspection of the site and determination that the site has been restored to its prior condition, the security deposit will be returned to the applicant.

5.51.060 General Requirements for Film Production

- A. Notice. All residents and merchants within a three hundred (300) foot radius of the film location must receive notice of filming at least forty-eight (48) hours prior to the first day of filming. Notwithstanding the foregoing, the City reserves the right to impose additional notice requirements if, in the City's discretion, extraordinary circumstances of the filming warrant additional notice. The City Manager may waive some or all of the notification requirements contained in this section.

- B. **Filming Hours.** The hours for filming are 7:00 a.m. to 10:00 p.m. Filming activities occurring outside the designated hours require signature approval by eighty (80) percent of residents and businesses within a three hundred (300) foot radius. The City Manager may waive the signature approval requirements contained in this section.
- C. **No Interference.** Filming shall not interfere with normal activities of any neighborhood, such as refuse collection, street sweeping, gardening, deliveries or ingress or egress to public or Private Property without permission of the appropriate authority.
- D. **Roadwork and Construction.** Any roadwork or construction by City crews and/or private contractors under permit or contract to the City or any other public agency has priority over filming activities.
- E. **Inspections.** The permittee must allow site inspections by City staff at any time. A copy of the approved City license and permit must remain at the filming location.
- F. **Crew Behavior.** Cast and crew are to refrain from unscripted, off-camera language that is loud or lewd within earshot of the general public.
- G. **Condition of the Site.** The permittee shall conduct operations in a neat and orderly fashion, and upon completion of filming, the area shall be cleaned of trash and debris and restored to its original condition.
- H. **Oversight Personnel.** The permittee shall ensure that any required personnel pursuant to CMC 5.51.040(D)(3) are on site during filming.
- I. **At the City's request, a briefing between City staff and the permittee may be required.**
- J. **For filming that would impact public movement within the right-of-way, an applicant must submit a traffic control and handling plan to the City for review and approval. The plan shall consider:**
 - 1. The furnishing and installation of warning signs and any other traffic control devices necessary for conformance with the California Department of Transportation's California Manual on Uniform Traffic Control devices.

2. Use of Santa Clara County Sheriff's personnel for traffic handling assistance may be required, at the discretion of the City.
3. Traffic may be restricted to non-peak hour periods, depending upon location and potential impacts to traffic.
4. Additional restrictions may apply for filming in the vicinity of schools.
5. Unless authorized by the City, camera cars must be driven in the direction of traffic and must observe all traffic laws.

5.51.070 Permit Denial, Enforcement, and Revocation

- A. The City shall deny the permit if the conditions of CMC 5.51 and any other applicable laws or regulations have not been met or if the application contains incomplete or false information.
- B. The City may immediately revoke or suspend a permit which has been granted, if the conditions of CMC 5.51 and all applicable laws and regulations are no longer being met, if the information supplied by the applicant becomes or is determined to be false or incomplete, or if any substantial change in circumstances results in the proposed use becoming detrimental to the public peace, health, safety or general welfare.
- C. Upon revocation of a permit, the permittee may be prohibited from applying for another permit for a period of one (1) year if it is determined by the City Manager or City Attorney that the application was filed under false pretenses or that future filming may be detrimental to the public peace, health, safety or general welfare.
- D. The City further reserves the right to initiate criminal, civil and/or administrative penalties pursuant to CMC 1.12.010, depending upon the nature of the violation.
- E. The City Manager, or designee, may waive or modify any requirement of this Chapter upon determining that the waiver is in the public interest and consistent with the purpose of this Chapter.