



Rio Arriba
Board of County Commissioners

Rio Arriba County Film, Television and Movie Production Ordinance
2009-04

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RIO ARRIBA COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE COMPILING AND ADOPTING FILM, TELEVISION AND MOVIE PRODUCTION REGULATIONS THROUGHOUT RIO ARRIBA COUNTY; SETTING FORTH PERFORMANCE STANDARDS FOR FILMING AND MOVIE PRODUCTION IN RIO ARRIBA COUNTY; PROVIDING FOR ADMINISTRATION OF THE ORDINANCE; AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, this Ordinance will supplement Ordinance No. 2000-01 which provides standards for land use development within Rio Arriba County.

ARTICLE I. GENERAL PROVISIONS

Section 1. Introduction

This Ordinance provides performance standards and regulations for all film, television and movie production activities throughout Rio Arriba County to assist private or public organizations with their production interests and to ensure the safety of Rio Arriba County citizens and the protection of Rio Arriba County's natural resources. As per the Comprehensive Plan, this Ordinance will fulfill more than one strategy in regard to economic development; patronizing local services, job creation for available workers and create protocol and standards for conducting business within the County.

Section 2. Short Title

This Ordinance shall be referred to as the Filming and Movie Production Ordinance 2009-04.

Section 3. Jurisdiction

This Ordinance shall be of County-wide applicability to the extent that zoning jurisdiction is conferred by Ordinance 2000-01.

RIO ARRIBA
J. PAUL VIGIL, COUNTY CLERK
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BY SUIKATY

P.O. Box 127 * Tierra Amarilla, New Mexico 87575 * Phone (505) 588-7254 * Fax (505) 588-7810
Española Annex * 1122 Industrial Park Road * Espanola, New Mexico 87532 * Phone (505) 751-2992 * Fax (505) 751-9397

Section 4. Interpretation

The provisions of this Ordinance are held to be minimum requirements. Whenever any provisions of this Ordinance conflict with other laws, rules, regulations, covenants, or ordinances, the more restrictive shall govern. This Ordinance shall be construed broadly to promote the purposes for which it is adopted.

ARTICLE II. DEFINITIONS

Special Effects Blasting - Any activity entailing the use of explosives for the purpose of producing an explosion for the purpose of special effects in film and movie production.

Charitable Films - Shall mean commercials, motion pictures, television, videotapes, or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. 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.

Motion Picture, Television, Still Photography - Shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials in any medium including film, tape or digital format.

News Media - Shall mean the photographing, filming or videotaping for the purpose of television news broadcast, spontaneous or otherwise, or reporting for print media by reporters, photographers or cameramen.

Production Company – Any LLC, sole proprietorship, corporation, partnership or other type of organization that specializes in film production, whether still photography or motion picture creation.

Site – The place or parcel of land where all film or television activity is to be located.

Studio - Shall mean a fixed place of business where filming activities (motion or still photography) are regularly conducted deleted.

ARTICLE III. PERMITS AND EXEMPTIONS

Section 1. Permittance: No person or organization shall use any public or private property, facility or residence for the purpose of film and movie production without applying for and receiving a Filming and Movie Production Permit through the County Planning and Zoning Department.

Section 2. Exemptions: A Filming and Movie Production Permit shall not be required for filming activities for personal use, news gathering or investigative reporting.

Educational, public and private school activities, public service announcements that are filmed outside and other filming activities that are conducted by public agencies will need to observe the Filming and Movie Production Permit protocol but fees within the Planning and Zoning Department for filming will be waived.

ARTICLE IV. PROCEDURES, RULES AND REGULATIONS

Section 1. Application Procedure: A Filming and Movie Production Permit is obtained from the County Planning and Zoning Department by the process outlined below:

- a. **Pre-Film Conference:** In order to determine the requirements for film and movie production at a particular site or sites, a pre-filming conference shall be scheduled with the Planning and Zoning Department. The applicant shall submit a request for a pre-film conference in writing to the Planning Director. The Director shall schedule a pre-film conference as soon as possible, but not later than five (5) business days from the date of request.
- b. **Submit Application for Film and Movie Production Permit:** Upon the conclusion of the Pre-Film Conference, the applicant shall be provided with a blank application form for a Filming and Movie Production Permit. Once this form has been filled out, the applicant may submit said form to the Planning Director, and remit payment by cashier's check, money order or cash to the Planning and Zoning Department and other necessary departments for calculated fees.
 - i. **Required Submittals:** The applicant shall include the following with the submission of the application form: a vicinity map of the proposed location for filming, valid certificate of insurance, and tentative schedule of activities.
 1. **Vicinity Map:** A vicinity map of the proposed location for filming may be created for the applicant by the Planning and Zoning Department for a nominal fee.
 2. **County Services Department Approval:** If it is determined during the pre-film conference that County services (Fire, Sheriff, etc.) will be required to safely allow for film production, the Planning Director shall require written approval from the appropriate department in order to consider the application complete. The Planning Director shall request approval from the applicable County department in writing immediately upon application submission, but not later than three (3) business days from the date of submission.

Section 2. Filming and Movie Production Permits: There are two types of Permits. Filming and Movie Production Permit Fees apply as per the Filming and Movie Production Permit Application.

a. Small-Scale Filming and Movie Production Permits: If an organization determines that its filming needs will require access to one or more sites with eighty (80) or less than eighty (80) employed persons at one site at one time a Small-Scale Film and Movie Production Permit will be required before production activities may commence.

i. Review and Approval of Small-Scale Filming and Movie Production

Permits: Upon submittal of a complete application, the Planning Director shall review the application as soon as possible, but not later than five (5) business days from the date of submission. The Planning Director shall approve, deny or refer the application to the Planning and Zoning Committee within ten (10) business days from the date of submission. Referral of the application to the Planning and Zoning Committee shall be in writing, and accompanied by findings of fact in support of either approval or denial. The Planning and Zoning Committee shall consider the application in a public hearing at the next available meeting for which public notice requirements can be met. The Planning and Zoning Committee shall provide a recommendation for approval or denial to the Board of Commissioners, which will conduct a public hearing in order to render a final decision on the application at the next available meeting for which notice requirements can be met.

1. Rights of Appeal: Any applicant or member of the public who has been adversely affected by a decision of the Planning Director under the review process set forth above shall have the right of appeal to the Planning and Zoning Committee. All recommendations of the Planning and Zoning Committee may be appealed to the Board of Commissioners. All appeals from the Board of Commissioners shall be governed by state statute.

b. Large-Scale Filming and Movie Production Permit: If an organization determines that its filming needs will require access to one or more sites with more than eighty one (81) employed persons at one site at a time a Large-Scale Film and Movie Production Permit will be required before production activities may commence.

i. Review and Approval of Large-Scale Filming and Movie Production

Permits: Upon submittal of a complete application, the Planning Director shall review the application as soon as possible, but not later than five (5) business days from the date of submission. The Planning Director shall refer the application to the Planning and Zoning Committee within ten (10) business days from the date of submission. Referral of the application to the Planning and Zoning Committee shall be in writing, and accompanied by findings of fact in support of either approval or denial. The Planning and Zoning Committee shall consider the application in a public hearing at the next available meeting for which public notice requirements can be met. The Planning and Zoning

Committee shall provide a recommendation for approval or denial to the Board of Commissioners, which will conduct a public hearing in order to render a final decision on the application at the next available meeting for which notice requirements can be met.

Section 3. Expiration of Filming and Movie Production Permit: All Film and Movie Production Permits will expire ninety (90) days from date of issuance. An organization may reapply for a Film and Movie Production Permit before the preceding Permit has expired if necessary to extend operations beyond ninety (90) days.

Section 4. Site Standards and Safety: The Planning Director will determine, through interview, what resources are required to safely allow for film and movie production. Examples of pertinent questions and subject matter include the following:

- Has an agreement with the private landowners involved in the production been reached?
- Will there be explosive blasting?
- Will there be stunt scenes where people may be subject to bodily injury?
- Will there be a need to create fire/ burn foliage or man-made structures?
- Will there be a need to fire blank shells from a firearm?
- Will there be a need to create motor vehicle accidents?
- Will there be a need to stop or divert motor vehicle traffic on County, State or private roads?
- Will there be a need to create long-duration noises which may disturb the surrounding population?
- Will the production crew and support staff be located at the filming site overnight and how many persons will be at the site for daily activities?
- Does the production company have a removal plan for liquid and solid waste?

Section 5. Sanitation and Solid Waste Removal at Production Sites: To negate environmental impacts of a filming location the production company have a liquid and solid waste removal plan.

ARTICLE V. REQUIREMENTS FOR FILMING

Section 1: Insurance Requirements: Before the County issues a Filming and Movie Production Permit, a valid certificate of General Liability Insurance shall be submitted to

the County. This coverage shall insure the filming company and shall coinsure the County, County Officers and Employees for protection against claims of third persons for personal injuries, wrongful deaths and property damage. The certificate of insurance shall not be subject to cancellation or modification until thirty (30) days after filming has concluded and the filming company and crew have withdrawn from the site.

Filming company or individual shall present proof of General Liability Insurance naming Rio Arriba County as an additional insured in the amount of \$1,000,000.

ARTICLE VI. STRUCTURES, SAFETY NOTIFICATION

Section 1: Non-Permitted Structures: Permanent structures, including houses, garages, barns and related structures shall be permitted per Rio Arriba County Design and Development Ordinance and New Mexico Construction Industries Division Standards. Temporary filming structures which are not permitted through the Rio Arriba County Design and Development Ordinance shall be demolished and removed within thirty (30) days of completion of filming by the production company.

Section 2: Safety Notification: A production company requiring potentially dangerous techniques for creating a movie, television show or related film or photographic production, including but not limited to; blasting, fire, firing blank shells from a firearm, motor vehicle accidents and other situation that may harm persons or the environment the production company shall notify all neighboring residences and businesses within a half mile (1/2) radius of the film site.

The Planning Director shall produce a template notification letter which must be completed with the filming company's name, dates of filming, location and activities which may disturb the adjacent community. This letter must be delivered by the production company two (2) days before filming activities commence. Hand delivered letters will suffice for the neighborhood safety notification.

ARTICLE VII. ADMINISTRATIVE FEES

For all related fees and costs in regard to filming in Rio Arriba County, please refer to the Rio Arriba County Film and Movie Production Application.

ARTICLE VIII. EFFECTIVE DATE

Pursuant to §4-37-7 NMSA 1978 it is hereby declared by the Board of County Commissioners of Rio Arriba County that there is an immediate danger of the public health, safety and welfare of Rio Arriba County and therefore this Ordinance shall take effect immediately upon signature by the County Commissioners, signature and recording by the County Clerk and publication by title and general summary in a newspaper of general circulation in Rio Arriba County.

REVIEWED, APPROVED AND ADOPTED ON THIS 30th of October, 2008.

THE BOARD OF COUNTY COMMISSIONERS
OF RIO ARriba COUNTY, NEW MEXICO



Alfredo L. Montoya
Alfredo L. Montoya, Chairman
Commissioner, District II

Elias Coriz
Elias Coriz
Commissioner, District I

Felipe D. Martinez
Felipe D. Martinez
Commissioner, District III

ATTEST:

J. Fred Vigil
J. Fred Vigil, County Clerk

CERTIFICATE OF FILING

I, J. Fred Vigil, County Clerk, do hereby certify that the foregoing Ordinance designated
as Ordinance 2008-04 was filed in my office on the 30th day of Nov 2008 in Book Number
531, pages 7735.

J. Fred Vigil
J. Fred Vigil, County Clerk

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