

Chapter 89

FILMING

§ 89-1. Legislative findings and intent.

- A. The Town Board finds that interest in filming, videotaping and recording on private and public property has been increasing in the Town of Philipstown for commercial purposes, which has resulted in possible hardship, inconvenience, danger and discomfort to large numbers of residents of the Town of Philipstown due to disruption of traffic on public streets and in private neighborhoods.
- B. By reason of the foregoing, the Town Board finds that the health, safety and welfare of the residents of the Town of Philipstown will be served by the adoption of a local law which provides a means of regulating, by license, any filming, videotaping or recording, in a commercial manner, on public or private property.
- C. The Town Board does hereby ordain and enact this chapter to accomplish the aforesaid purposes.

§ 89-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING — The recording of film, videotape or other medium of motion pictures, commercials, documentaries, shows, performances, athletic or sport events, or other similar events or activities, including still photography. Filming by and intended for the exclusive use of the owner and his/her immediate family shall be excepted herefrom. Filming should include setup and breakdown time.

PRIVATE LANDS — All other areas within the Town of Philipstown other than public lands, including areas zoned for residential as well as business use.

PUBLIC LANDS — Any and every public building, street, highway, sidewalk or square, public park or playground or other public place within the jurisdiction and control of the Town of Philipstown.

§ 89-3. Permit required.

No person shall film or permit filming within the Town of Philipstown without first obtaining a permit therefor from the Town Board.

§ 89-4. Application for permit.

An application for a filming permit shall be made on forms required by the Town Board, which forms may be established and/or amended by resolution, and which shall contain at least the following information:

- A. Name, address and telephone number of the person or entity making the film.
- B. Name, address and telephone number of the location coordinator or other contact person.
- C. Purpose of the filming.
- D. Specific location of each property to be used in the filming.
- E. Dates and times of day that the property will be used.
- F. A description of all vehicles, equipment, props and sets to be used in connection with the filming.
- G. Name and address of owner(s) of property.
- H. Consent of owner(s) of property.
- I. Child performer permit for each performer under the age of 18.
- J. Such other information as may be required by the Town of Philipstown.

§ 89-5. Permit: restrictions, waivers and denials.

- A. Every permit shall contain a date of commencement and an expiration date and shall contain the specific hours during which filming shall occur.
- B. At no time shall filming or the use of equipment therefor be conducted between the hours of 11:00 p.m. and 8:00 a.m., unless otherwise approved by the Town Board. The Town Board may require the written consent from a private property owner and/or approval from the Code Enforcement Officer.
- C. No filming shall commence prior to 10:00 a.m. on Sundays, unless otherwise approved by the Town Board.
- D. The Town Board may place further reasonable limitations on the hours of operation based on the needs of the particular neighborhood or the existence of conflicting scheduled events.
- E. Permits shall be valid for 30 days. Filming for longer than 30 days shall require a separate permit(s).
- F. No permit shall be issued for filming within the Town of Philipstown unless the applicant for such permit:
 - (1) Provides proof of insurance coverage as follows: general public liability in the amount of not less than \$1,000,000 combined single limit; automobile liability covering owned and nonowned vehicles in the amount of not less than \$1,000,000 combined single limit; and workers' compensation and disability insurance as required by

the State of New York. The Town of Philipstown shall be named as an additional insured for the entire time granted by the permit.

- (2) Agrees in writing to defend, indemnify and hold harmless the Town of Philipstown from any and all claims, actions at law, liability or damages resulting from the use of public or private lands within the Town.
- G. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives with respect thereto.
- H. The holder of a permit shall conduct filming in such a manner as to minimize inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands.
- I. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for the removal of all equipment, debris and other rubbish from the filming location upon the completion of the filming or upon the expiration of the permit, whichever comes first.
- J. The arrival and setup of equipment and vehicles and the breakdown of such equipment and vehicles at the end of the filming shall be accomplished within the permitted time period.
- K. The Town Board may refuse to issue a permit whenever it is determined, on the basis of objective evidence after a review of the application and any other investigation and/or report required by the Town Board, that filming at the location and/or the time set forth in the application would violate any law, would unreasonably interfere with the public's use of public lands, would unreasonably interfere with the use and enjoyment of adjoining properties, would unreasonably impede the free flow of pedestrian and/or vehicular traffic or would otherwise endanger the public health, safety or welfare or unreasonably disturb the peace and tranquility of adjoining property owners.
- L. The Town Board may authorize a waiver of any of the requirements or limitations of this chapter and may authorize filming other than during the hours and days herein described whenever it determines that such a permit may be issued without endangering the public health, safety and welfare and without unreasonably disturbing the peace and tranquility of the neighborhood where it is proposed to film.
- M. The Town Board may impose additional restrictions or conditions on any filming permit if it determines they are warranted.

- N. The Town Board may deny an application for a filming permit if it determines that it will create a hazardous condition, interfere with the use of Town roads or public lands, create a nuisance to Town residents, or violate any provision of the Town Code.
- O. Any person aggrieved by a decision of the Town Board granting, denying or revoking a permit may appeal in accordance with Article 78 of the Civil Practice Law and Rules. Any such appeal must be instituted no later than 30 days after the decision of the Town Board.

§ 89-6. Suspension or revocation of permit.

- A. The Town Board may suspend or revoke a filming permit issued for any of the following reasons:
 - (1) Violation of any law, code, rule or regulation of the United States, the State of New York, the County of Putnam, the Town, or any department or agency thereof.
 - (2) Violation of any condition of the permit.
 - (3) Conduct that is detrimental to the health, safety or welfare of the public.
- B. A decision of the Town Board to suspend or revoke a permit shall be appealable in accordance with Article 78 of the Civil Practice Law and Rules, and must be instituted no later than 30 days after the decision of the Town Board.
- C. In the event that a permit is suspended or revoked, the fees paid therefor shall be forfeited and shall not be refunded to the applicant.

§ 89-7. Application fee; security deposit.

- A. Each applicant shall pay an application fee for each permit in accordance with a fee schedule which shall be established by, and may be amended from time to time by, resolution of the Town Board.
- B. If it is determined that the filming may involve the potential of damage or injury to public land, the Town Board may require the applicant to post a security deposit or other assurance with the Town to be used to repair any such damage or injury on conclusion of filming. Any unused security shall be returned to the applicant. The security shall be in the form of a cash bond or in such other form as the Town Board may require.

§ 89-8. Penalties for offenses.

- A. Any person who or which violates any provision of this chapter shall be guilty of an offense. Such offense shall be punishable by a fine of not more than \$1,000 per offense or by imprisonment not exceeding 15

days, or by both such fine and imprisonment. Each day such violation occurs shall constitute a separate offense.

- B. In addition to the penalties set forth above, the Town may enforce any provision of this chapter by injunction or by civil action to recover a civil penalty in an amount not to exceed \$2,500 for each violation.
- C. Notwithstanding any of the foregoing, no applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of 18 months from the date of such conviction.

§ 89-9. Compliance with other laws.

No filming permit shall be deemed to authorize the violation by any person of any general or local law, code, rule or regulation.

§ 89-10. Exemptions.

The provisions of this chapter shall not apply to:

- A. Filming of news stories by public media.
- B. Filming permitted by school districts within the Town of Philipstown (sport events, plays, etc.).
- C. Filming for or in connection with political campaigns.
- D. Filming of governmental events.
- E. Filming by emergency service organizations within the Town of Philipstown.

§ 89-11. Enforcement.

This chapter shall be enforced by the Code Enforcement Officer. This chapter may also be enforced by direct action of the Town Board.