

LOCAL LAW 7 OF 2016

A LOCAL LAW CREATING A NEW CHAPTER 149 OF THE TOWN CODE OF THE TOWN OF WOODBURY ENTITLED "FILM AND VIDEO PRODUCTIONS".

BE IT ENACTED by the Town Board of the Town of Woodbury, Orange County, New York, as follows:

Section 1 Title.

This local law shall be referred to as "Film and Video Productions".

Section 2 Enactment

Chapter 149 of the Code of the Town of Woodbury is hereby created with the following text:

Chapter 149 - Film and Video Productions

§149-1	Legislative Intent
§149-2	Filming on Town Property
§149-3	Use of Town or Village Employees
§149-4	Previous Offenses
§149-5	Fees and Escrow Deposits
§149-6	Penalties for Offenses
§149-7	Exceptions

§149-1 Legislative Intent

The Town of Woodbury wishes to encourage and facilitate film and video production activities at locations in Woodbury because of the economic value such activities can bring to the businesses within the Town. The Board, however, recognizes that provisions must be made for the safety of the public and the welfare of the Town residents.

§149-2 Filming on Town Property

- A. No commercial, movie, television program, documentary or similar audiovisual production or any portion thereof shall be filmed, videotaped or recorded in any media format or otherwise made on any Town of Woodbury property without first obtaining a permit.
- B. Application for a permit shall be submitted on an application form to be provided by the Town Clerk.
- C. Permit applications must be submitted at least 30 days prior to the date any on-site activity in connection with filming is to commence.
- D. Operational limitations:
 - 1) Filming shall not be conducted at the same location for more than thirty (30) consecutive days within any twelve month period.
 - 2) No applicant shall allow any filming for which a permit has been issued to be conducted prior to 8:00 AM or after 10:00 PM.
 - 3) No applicant shall allow any equipment used in connection with such filming, including but not limited to lights, generators and related equipment, to be set up or operated at the location described in the permit application prior to 8:00 AM or after 10:00 PM.

- E. The Town Board shall have the authority to approve or disapprove an application for a permit and to establish such conditions for filming as deemed necessary to protect the health, safety and welfare of the residents of the Town of Woodbury. The Town Board may, under appropriate circumstances, waive strict compliance with the specific requirements of this chapter, and/or may impose any conditions or fees as may be required in approving an application for a permit.
- F. A certificate of insurance must be submitted with the application, naming the Town of Woodbury as an additional insured and in compliance with other conditions established by the Town Board in the following minimum amounts:
 - 1) Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence.
 - 2) Personal injury: \$2,000,000 per individual; \$2,000,000 per occurrence.

§149-3 Use of Town or Village Employees

- A. Applicants shall be responsible for all costs incurred by the Town and or Village of Woodbury in assigning police or other employees to facilitate or monitor the filming process.
- B. The decision to assign Town employees shall be at the discretion of the Town Supervisor, in consultation with the town's Department Heads. The decision to assign Village employees shall be the discretion of the Village Mayor, in consultation with the village's Department Heads.
- C. Provisions for billing and collection of costs shall be determined at the time of the event.

§149-4 Previous Offenses

Notwithstanding any section of this chapter, 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.

§149-5 Fees and Escrow Deposits

- A. Fees shall be adopted by resolution of the Town Board for:
 - 1) Filming by or for a not-for-profit organization or the filming of a documentary, for each day, on Town of Woodbury property.
 - 2) Filming by a production company for a commercial by or for a profit-making entity, for each day, on Town of Woodbury property.
- B. Where the use of Town employees is required as a consequence of issuing the permit, the applicant may be required to make an escrow payment to the Town to assure that the Town is reimbursed for the expenditure of all costs associated with the use of Town employees and equipment.
- C. The schedule of fees, once adopted by the Town Board, will be available for inspection in the office of the Town Clerk. The Town Board shall be permitted to increase any fee due under this chapter when the circumstances warrant.

§ 149-6 Penalties for offenses

- A. Any person who violates the provisions set forth in this chapter shall be subject to a fine of not more than \$1000 per day for each day that the violation continues and/or imprisonment not to exceed 15 days.
- B. The imposition of such penalty shall not be the Town's exclusive remedy in the event of a violation of this chapter. The Town may pursue any and all other legal remedies available in connection with any violation of this chapter.

§ 149-7 Exceptions

- A. An individual may perform filming on Town property, provided that it is not undertaken for a commercial or for-profit purpose.
- B. Television or internet-based news organizations may record news events without the need to obtain a permit from the Town.
- C. The recording of municipal public meetings, consistent with the provisions of the New York Open Meetings Law and policies, may be recorded without the need to obtain a permit from the Town.

Section 3 Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This Local Law shall supersede any inconsistent Town local law.

Section 4 Rules and Regulations

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

Section 5 Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6 Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7 Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.