

**Local Law #4 of 2016**

A LOCAL LAW CREATING A NEW CHAPTER 150 OF THE VILLAGE CODE ENTITLED "FILM AND VIDEO PRODUCTIONS".

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

**SECTION 1.**

Chapter 150 of the Code of the Village of Woodbury is hereby created as following:

**CHAPTER 150 - FILMING AND VIDEO PRODUCTIONS**

- §150-1** Legislative Intent
- §150-2** Filming on Private Property
- §150-3** Filming on Public Property
- §150-4** Use of Town Employees
- §150-5** Previous Offenses
- §150-6** Fees
- §150-7** Penalties for Offenses

**§150-1 Legislative Intent**

The Village 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 Village. However, the Board of Trustees recognizes that provision must be made for the safety of the public and the welfare of the Woodbury residents.

**§150-2 Filming on Private Property**

- A. No movie, television or internet program or advertisement, documentary or similar audio/visual production, or any portion thereof, shall be filmed, videotaped or recorded in any media format or otherwise made (hereinafter collectively described as "Filming") on any private property in the Village of Woodbury without first obtaining a permit from the Village. Filming is subject to the following conditions:
  - 1) The property must be of adequate size.
  - 2) No heavy equipment shall be permitted on septic tanks or leach fields.
  - 3) All vehicles and equipment associated with the filming must be contained on the site or arrangements made to lawfully park vehicles off site.
- B. Application for a permit shall be submitted on a form provided by the Village Clerk.
- C. Permit applications must be submitted at least 30 days prior to the date any on-site activity in connection with Filming is proposed to be commenced.
- D. Operational limitations:
  - 1) Filming shall not be conducted at the same location (i.e., in the same building or at the same street address) more than 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 8:00AM or after 10:00PM unless otherwise expressly approved by the Mayor.
  - 3) No applicant shall allow 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 7:00AM or after 10:00PM unless otherwise expressly approved by the Mayor.

- 4) The Board of Trustees may, in its discretion, waive any of the restrictions in this subsection if in the public interest, and shall be permitted to impose reasonable conditions in doing so.
- E. The Board of Trustees 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 Woodbury.
- F. A certificate of insurance must be submitted with the application, naming the Village of Woodbury as an additional insured in the following minimum amounts:
  - 1) Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence; and
  - 2) Personal injury: \$2,000,000 per individual; \$2,000,000 per occurrence.

### **§150-3 Filming on Public Property**

- A. No filming may be made on any public property in the Village of Woodbury without first obtaining a permit from the Village. A permit shall be required for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles or any other Film-related activity on any public property or any other use of public property for the purpose of making audio/visual productions.
- B. Application for a permit shall be submitted to the Village Clerk on a form provided by the Village Clerk.
- C. Permit applications must be submitted at least 30 days prior to the date any on-site activity in connection with filming is proposed to be commenced.
- D. A certificate of insurance must be submitted with the application, naming the Village of Woodbury as an additional insured in the following minimum amounts:
  - 1) Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence; and
  - 2) Personal injury: \$2,000,000 per individual; \$2,000,000 per occurrence.
- E. Operational limitations:
  - 1) No applicant shall allow any filming for which a permit has been issued to be conducted prior to 8:00AM or after 10:00PM.
  - 2) 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 8:00AM or after 10:00PM.
- F. The Board of Trustees 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 Woodbury. The Board of Trustees may extend the hours of filming on public property, subject to any conditions and additional fees deemed necessary and appropriate.

### **§150-4 Use of Town/Village Employees**

- A. Applicants shall be responsible for all costs incurred by the Town of Woodbury in assigning police or other Town employees to facilitate or monitor the Filming process.
- B. Applicants shall be responsible for all costs incurred by the Village of Woodbury in assigning Village employees to facilitate or monitor the Filming process.
- C. The decision to assign Town employees shall be at the discretion of the Town of Woodbury Town Board.
- D. The decision to assign Village employees shall be at the discretion of the Mayor, in consultation with the Department Heads.
- E. Provisions for billing and collection of costs shall be determined at the time of the issuance of the permit.

### **§150-5 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.

### **§150-6 Fees**

- A. Fees shall be adopted by resolution of the Board of Trustees for:
  - 1) Filming by or for a not-for-profit organization or the filming of a documentary, for each day, on either private or public property - \$100 per day.
  - 2) Filming by a production company by or for a for-profit entity, for each day, on either private or public property - \$250 per day.
- B. The Board of Trustees may revise the fees due under this Chapter by resolution.

### **§150-7 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 \$250 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 Village's exclusive remedy in the event of a violation of this Chapter. The Village may pursue any and all other legal or equitable remedies available in connection with any violation of this Chapter.

### **§150-8 Exceptions**

- A. A property owner may conduct Filming on his/her own property, or permit an invited guest to do so, 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 for a permit from the Village.
- C. Recording of municipal public meetings, consistent with New York State Open Meetings Law and Village polices, are allowed without the need for a permit from the Village.

### **SECTION 2. Savings Clause**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION 3 Superseding Provision**

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

### **SECTION 4. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State in Albany.