

Chapter 64

FILMING, COMMERCIAL

[HISTORY: Adopted by the Board of Trustees of the Village of Saddle Rock 7-5-2000 by L.L. No. 2-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 102.

Peace and good order — See Ch. 112.

§ 64-1. Findings.

The Board of Trustees hereby finds that it would serve the public interest to require a permit for use of property in the village for commercial filming and to establish the standards that will govern application for such permits.

§ 64-2. Definitions.

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

FILMING — The recording, on film, tape or other medium, of motion pictures, commercials, documentaries, shows, performances, athletic or sport events or other similar events or activities, including still photography, with the intention that the end product be distributed commercially or shown or exhibited at any place or locale where an admission fee is charged. The term filming shall not include recording of news, political events and local sports or school district events by any person for the purposes of providing news or information about such activities or events, nor activities contained wholly within any building in the village and which involve no physical activity or presence outside such building. The term filming also shall not include any recording by the village.

§ 64-3. Permit required.

No person, firm, association or corporation shall commence, conduct, permit or cause filming in the Village of Saddle Rock unless a permit therefor has been issued by the Mayor, and unless such filming is in compliance with the terms and conditions of such permit. As used herein, filming shall include the use of public property for persons, equipment, vehicles, props, cameras and any other items or materials used in connection with such filming.

§ 64-4. Permit application.

- A. An application for a filming permit shall be made on forms provided by the Village Clerk and shall contain at least the following information:
 - (1) Name, address and telephone number of the person or entity owning the rights to the film.

- (2) Name, address, telephone number and written consent of the owner of the property where the proposed filming is to be conducted, and the name, address and telephone number of the location coordinator or other contact person.
 - (3) Purpose of the filming.
 - (4) Specific location of the property to be used.
 - (5) Dates and times of day that the property will be used.
 - (6) A description of all vehicles and bulky equipment to be used in connection with the filming, together with the vehicle registration identification of all such vehicles.
 - (7) Such other information as may be required by the Mayor or Board of Trustees.
- B. Any change in the planned filming activities for which a permit has been requested or obtained shall be submitted in advance of the proposed changes and shall be approved or denied in the same manner as the original application.
- C. Application for a filming permit must be submitted at least 10 business days prior to the first date of filming, unless the Mayor waives this condition for good cause.

§ 64-5. Denial or issuance; permit contents; restrictions.

- A. The Mayor may deny an application for a filming permit if it does not comply with the purpose and intent of this chapter or if the public interest will be served by such denial. The Mayor may also deny any application for a permit in connection with filming which, in the Mayor's judgment, would conflict with other scheduled events in the area of the filming location, would be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed filming, including but not limited to the use of explosives, or would unduly interfere for an extended period of time with the day-to-day activities of citizens, property owners or merchants. The applicant may appeal such denial to the Board of Trustees, whose decision thereon will be final.
- B. Every permit shall contain a date of commencement and an expiration date and shall contain the specific hours during which filming shall occur. No filming shall take place except in accordance with the terms and conditions of the permit.
- C. At no time shall filming or the use of equipment therefor be conducted in the residential area between the hours of 11:00 p.m. and 8:00 a.m.
- D. At no time shall filming or the use of equipment thereof be conducted in the downtown area between the hours of 11:00 p.m. and 8:00 a.m., except that the Mayor may permit filming during such hours, upon good cause shown and upon a finding that such filming will not have any adverse effect on a resident or business in the village.
- E. On Sundays, no filming in any area of the village may commence before 10:00 a.m.
- F. No filming activity shall intrude or interfere with the privacy or property of any resident or property owner in the village unless a written consent is obtained from said resident or property owner.

- G. There shall be no rerouting of traffic in connection with the filming activity except as specifically authorized by the Mayor as a condition of the permit approval.
- H. The filming shall be conducted so as not to interfere with access to fire stations and fire hydrants. Equipment, materials or obstructions shall not be placed within 15 feet of fire hydrants. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of equipment, materials or obstructions. Parking spaces for the handicapped shall be kept free of equipment, materials or obstructions.
- I. The Mayor may place further reasonable conditions and/or limitations on the activity, including hours of operation, based on the needs of the particular neighborhood or the existence of conflicting scheduled events, or to protect the public health, safety and general welfare.

§ 64-6. Fees.

- A. The fee for a filming permit shall be established, and may be amended, by the Board of Trustees by resolution. The fee shall be paid in cash or by certified check prior to the issuance of the permit.
- B. In addition, the applicant shall pay the actual cost for the use of any village personnel, services or equipment in connection with the filming. The applicant shall, prior to the issuance of a permit, pay such costs on an estimated basis and shall also post adequate security to insure the payment of any such costs which cannot be reliably estimated.

§ 64-7. Suspension or revocation of permit.

- A. Upon the Mayor's own initiative or upon notice from any person, the Mayor may suspend or revoke a filming permit for any of the following reasons:
 - (1) Violation of any law, rule or regulation of the United States, the State of New York, the County of Nassau, the Village of Saddle Rock 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 residents of the Village of Saddle Rock or that is detrimental to public or private property within the village.
- B. A decision of the Mayor to suspend or revoke a permit shall be appealable to the Board of Trustees, whose decision thereon shall be final.
- C. In the event that a permit is suspended or revoked, the fee paid therefor shall be forfeited and shall not be refunded to the applicant.
- D. Revocation of a filming permit shall bar the offender from applying for a new permit within one year from the date of the revocation and shall bar any further application for a filming permit at the same premises for a period of one year from the date of revocation.

§ 64-8. Insurance and bond.

- A. No permit shall be issued until the applicant has deposited with the Village Clerk a certificate or policy of liability, personal, bodily injury and property damage insurance coverage in an amount not less than \$3,000,000, naming the Village of Saddle Rock, its officers, agents and employees as additional insureds, thereby providing defense and indemnity from and against any claim, loss or damage resulting from the filming for which the permit is issued.
- B. In addition, the applicant shall deposit with the Village Clerk a cash bond or letter of credit, in an amount to be determined by the Mayor, to guarantee the reconstruction or restoration of any public or private property damaged as a result of the filming. Such bond or letter of credit shall be in a form acceptable to and approved by the Village Attorney.

§ 64-9. Penalties for offenses.

- A. Any person, firm or corporation who shall violate or fail, neglect or refuse to comply with any provision of this chapter or any rule or determination made thereunder, or who shall undertake filming without a permit therefor, shall, upon conviction thereof, be guilty of a violation, and shall be punished as provided for violations of this Code.¹
- B. In addition to the penalties set forth hereinabove, the village may enforce any provision of this chapter by injunction or by civil action to recover a civil penalty in an amount not greater than \$2,500 for each day on which a violation occurs.

1. Editor's Note: See § 1-15, General penalties.