

Local Law 5 of 2015

CHAPTER 93

FILM AND MOVIE PERMITS

Section 93-1 Legislative Intent

A. The Board of Trustees recognizes that the Village of Port Washington North has natural beauty, geographical location, historical sites and waterfront sites that are attractive to individuals, organizations, corporations, groups and other entities involved in the business of motion pictures, television, internet production, and still photography production.

B. It is the intent of the of the Incorporated Village of Port Washington North to regulate the activities of individuals, organizations, corporations, groups and other entities involved in the business of motion pictures, television, internet production, still photography production, so as to assure the health, safety and welfare of the residents of the Village of Port Washington North and to generate additional jobs for local residents and income for local businesses.

Section 93-2 Definitions

FILMING

The taking of still motion pictures on any type of analog or digital recording medium, for commercial, educational or institutional purposes, intended for viewing on any device, including, but not limited to, television, projector screen, computer, smart phone, tablet, or other electronic device, or for viewing over the internet or in any place of assembly, or for educational or institutional use. Filming includes all rehearsals, preparations, assembly and dismantling of all equipment and structures, including, but not limited to scaffolding, lights, backdrops, tools and food, and the loading and unloading of vehicles containing the equipment, structures and food.

MOTION PICTURE, TELEVISION AND STILL PHOTOGRAPH

All activity pertaining to production, staging or shooting motion pictures, television shows or programs involving music videos and commercials in any medium.

INCIDENTIAL USE OF PUBLIC LANDS

Public lands used in conjunction with filming that occurs on private property.

PUBLIC LANDS

Every public street, highway, sidewalk or square, public park or playground, public waters, waterfront property or other public place located within the jurisdiction and control of the Village of Port Washington North or involving the use of any Village owned or maintained facilities or equipment.

PRIVATE PROPERTY

Any property other than public lands.

VILLAGE OF PORT WASHINGTON NORTH FILM PERMIT

Written authorization to engage in film, motion picture, television, internet and still photography production on Village property or facilities and/or the incidental use of public lands for said production.

Section 93-3 PERMITS REQUIRED

A. No individual, organization, corporation, group, and any other entity involved in the business of film, shall engage in motion pictures, television, internet and still photography production on public lands within the Village of Port Washington North without first applying for and obtaining a permit therefore from the Village Clerk in accordance with this Chapter, except as provided for in Section 55-4 hereof.

B. No individual, organization, corporation, group, and any other entity shall violate federal, state or local law or health and safety codes while engaging in motion picture, television, internet and still photography production on any Village property or facility.

C. No individual, organization, corporation, group and any other entity shall film or allow filming on private property within the Village of Port Washington North without first obtaining a permit from the Village Clerk in accordance with this chapter, except as provided for in Section 55-4 hereof. Any incidental use of public lands shall be fully disclosed, described and included in any application for a permit; provided, however, that nothing contained in this section shall prevent persons from temporarily loading or unloading filming equipment on any public right-of-way, provided that such loading or unloading is done without unnecessary delay, and provided that such filming equipment is not allowed or permitted to remain on such public right-of-way for a period longer than 15 minutes.

D. One (1) permit shall be required for each location and one (1) permit may authorize filming for up to a maximum of three (3) consecutive days. Thereafter, a new permit must be applied for and granted.

E. A non-refundable application fee of \$150.00 shall accompany any application submitted to the Village Clerk.

Section 93-4 EXEMPTIONS FROM PERMITS

A. Notwithstanding the permit requirements of this chapter, the filming activities designated below do not require a permit to be obtained pursuant to this chapter, provided that such activity does not obstruct or interfere with the use of any public lands and facilities of the Village.

1. Filming and coverage by news media.
2. Any police, fire or emergency related activities.
3. Non-commercial filming, motion picture, internet or still photography by and intended for private family use.

Section 93-5 REVIEW OF PERMIT APPLICATION BY VILLAGE CLERK

A. The Village Clerk, upon receipt of a complete application for a permit under this chapter, shall conduct a review of the application and consider any facts and circumstances that the Village Clerk deems relevant to the specific application, including but not limited to the following:

1. The location of the proposed filming;
2. The date and duration of the proposed filming;
3. Any complaints or objections raised by any neighboring property owners;
4. Recommendations and or objections from the Police Department and/or Village Departments;
5. The number of permits previously granted at the location of the proposed filming; and
6. Any facts and circumstances specific to the proposed filming that may impact the health, safety and welfare of the residents of the Village.

B. In conducting the review, the Village Clerk shall communicate with the Police Department, Fire Department and other Village Departments and officials regarding the application.

C. The Village Clerk shall complete the review in five (5) business days from the date the application is submitted.

D. The Village Clerk may deny an application for a permit under this chapter after a review of the application and consultation with police, whenever a determination is made that the proposed filming would violate any law or ordinance or would unreasonably interfere with the public's use of public lands, unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the flow of vehicular or pedestrian traffic, 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, a potentially dangerous activity or creation of a dangerous condition otherwise endanger the public's health, safety or welfare. Such denial shall be in writing and shall specify the reasons for the denial.

Section 93-6 APPEALS TO THE BOARD OF TRUSTEES

A. Any person aggrieved by a decision of the Village Clerk to deny a permit may appeal to the Board of Trustees. A written notice of appeal setting forth the reasons for

the appeal shall be filed with the Village Clerk within ten (10) days of the Village clerk's decision. The Board of Trustees shall render a decision in the form of a resolution.

Section 93-7 FEES

- A. Fees for filming shall be as follows:
 - 1. Five Hundred Dollars (\$500.00) for a full day anything over four (4) hours a day.
 - 2. Two hundred and fifty Dollars (\$250.00) for a half day up to and including four (4) hours.
- B. Film permit fees may be waived or modified in connection with filming done for charitable, educational, student films, public service or other non-profit purpose.
- C. The applicant shall pay actual cost, if any, for the incidental use of any Village of Port Washington North personnel, service or equipment in connection with permitting filming activities.

Section 93-8 PENALTIES FOR OFFENCES

- A. The violation of any provision of this chapter shall be punishable by a fine of not less than \$1500.00 nor more than \$2500.00 for a first offence; by a fine of not less than \$2500.00 nor more than \$5000.00 for a second or subsequent offence committed within a period of three (3) years. Each day's continued violation shall be a separate, additional violation of this chapter.
- B. During the course of the filming, any authorized Village Code enforcement official or a police officer may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action.

Section 93-9 SEVERABILITY

- A. If any section or provision of this local law shall be adjudged to be invalid by any Court of competent jurisdiction, such section or provision shall not affect, impair or invalidate any other part of this Local Law or the remainder thereof, but shall be confined in its operation to the section or provision thereof directly involved in the controversy in which such judgment shall be rendered.

Effective date of this local law shall take effect upon filing with the Secretary of State.