

## **CHAPTER 105: FILMING**

### **§ 105-1. Legislative intent..**

The Board of Trustees of the Village of South Blooming Grove is cognizant of the fact that commercial filming has taken place in the Village over the past years and that such filming has, on occasion, created some disruption of the peace and tranquility of the Village. For this reason, the Board of Trustees declares that it is necessary to regulate and control commercial filming in the Village both on public as well as private property.

### **§ 105-2. Definitions.**

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

**FILMING** — The taking of still or motion pictures, either on film, videotape or similar recording medium, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use. Filming shall include setup and breakdown time.

**PERSON** — An owner of property or an applicant for a permit under this chapter.

**PRIVATE LANDS** — All other areas within the Village of South Blooming Grove 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 Village.

### **§ 105-3. Permits.**

- A. No person shall film or permit filming within the Village of South Blooming Grove without first obtaining a permit therefore from the Village Clerk-Treasurer, which permit shall set forth the location of such filming, the date or dates when filming shall take place and such other information as may be required by the Village Clerk-Treasurer. Notwithstanding the foregoing, any filming which is scheduled to last more than two consecutive days or shall require the closing of a public street shall require the additional approval of the Board of Trustees.
- B. Applications for permits shall be obtained in the office of the Village Clerk-Treasurer during normal business hours. Applications for such permits shall be in a form approved by the Board of Trustees and shall be accompanied by a nonrefundable application fee and permit fee as hereinafter set forth. The Village Clerk-Treasurer shall receive applications for permits no later than five days prior to the date of filming.
- C. A permit shall be required for each location.
- D. If a permit is issued and, due to inclement weather or other good cause, filming does not take place on the dates specified, the Village Clerk-Treasurer may, at the request of the applicant who shall certify that filming did not take place on the dates specified, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.
- E. At least 48 hours prior to the issuance of a permit, the applicant shall notify adjacent and abutting property owners in writing by delivering to them personally or leaving at their place of residence, a copy of the permit application to be submitted to the Village Clerk-Treasurer.

### **§ 105-4. Rules and regulations; appeals; waiver of regulations.**

- A. No permit shall be issued for filming at a particular location within the Village of South Blooming Grove which would permit filming at said location on more than six days during any one calendar year.

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- B. No permit shall be issued for filming upon public lands within the Village of South Blooming Grove 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 non-owned 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 Village 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 Village of South Blooming Grove from any and all claims, actions at law, liability or damages resulting from the use of public lands or employees of the Village of South Blooming Grove.
- C. 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 issued by the Town of Blooming Grove Police Department with respect thereto.
- D. The holder of a permit shall conduct filming in such a manner as to minimize the 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.
- E. 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.
- F. Filming shall be permitted only Monday through Friday, except where special permission has been granted by the Village Board. In this connection, 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.
- G. The Village Clerk-Treasurer or the Board of Trustees may refuse to issue a permit whenever it is determined, on the basis of objective evidence after a review of the application and a report thereon from the Town of Blooming Grove Police Department and by any other applicable Village departments or agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law 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 free flow of pedestrian and vehicular traffic or otherwise endanger the public health and welfare or unreasonably disturb the peace and tranquility of adjoining property owners.
- H. Any person aggrieved by a decision of the Village Clerk-Treasurer or the Board of Trustees granting, denying or revoking a permit or a person requesting relief pursuant to § 105-4I may appeal in accordance with Article 78 of the Civil Practice Law and Rules. Any such appeal must be filed not later than 30 days after the decision of the Village Board of Trustees.
- I. The Board of Trustees 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. A public hearing shall be held for every application for a waiver. The Village Board shall fix the time and place of such a hearing and shall give written notification to abutting and adjacent property owners.

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### **§ 105-5. Fees and deposit.**

Fees associated with this chapter shall be as follows:

- A. Daily filming permit on private property: \$750.
- B. Daily filming permit on public land: \$300.
- C. Daily filming permits for student filming project applicants: \$20.
- D. Daily filming permits for non-profit filming project applicants: \$50.
- E. Nonrefundable application fee as follows:
  - For application received on the day of filming: \$ 1,000

### **§ 105-6. Exemptions.**

The provisions of this chapter shall not apply to the filming of news stories by media personnel or for filming regarding any and all Law Enforcement investigation.

### **§ 105-7. Penalties for offenses.**

Any person who shall violate or permit the violation of any of the provisions of this chapter shall be subject to a fine in an amount not less than \$750 for the first offense, \$1,500 for the second offense and \$3,500 and loss of rights for a period of six months for the third and subsequent offenses.

### **§ 105-8. Enforcement.**

As to private property, this chapter shall be enforced by the Building Inspector, and, as to public property, the Town of Blooming Grove Police Department shall enforce this chapter. This chapter may also be enforced by direct action of the Board of Trustees.