

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of \_\_\_\_\_ Philipstown \_\_\_\_\_
- Town
- Village

Local Law No. \_\_\_\_\_ of the year 20 07

A local law to add Chapter 89 entitled Filming to the Code of the  
(Insert Title)  
Town of Philipstown  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board of the  
(Name of Legislative Body)

- County
- City of \_\_\_\_\_ Philipstown \_\_\_\_\_ as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**SECTION 1. The Code of the Town of Philipstown is hereby amended to add a New Chapter 89 entitled Filming as follows:**

**§Section: 89-1 Legislative Findings and Intent.**

- A. The Town Board finds that interest in filming, videotaping and recording on private and public property has been increasing in the Town of Philipstown for commercial purposes, which has resulted in possible hardship, inconvenience, danger and discomfort to large numbers of residents of the Town of Philipstown due to disruption of traffic on public streets and in private neighborhoods.
- B. By reason of the foregoing, the Town Board finds that the health, safety and welfare of the residents of the Town of Philipstown will be served by the adoption of a Local Law, which provides a means of regulating, by license, any filming, videotaping or recording, in a commercial manner, on public or private property.
- C. The Town Board does hereby ordain and enact this chapter to accomplish the aforesaid purposes.

**§Section: 89-2 Definitions.**

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

**FILMING** -- The recording of film, video tape or other medium of motion pictures, commercials, documentaries, shows, performances, athletic or sport events, or other similar events or activities, including still photography. Filming by and intended for the exclusive use of the owner and his/her immediate family shall be excepted herefrom. Filming should include setup and breakdown time.

**PRIVATE LANDS** -- All other areas within the Town of Philipstown other than Public lands, 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 Town of Philipstown.

**§Section: 89-3 Permits.**

- A. No person shall film or permit filming within the Town of Philipstown without first obtaining a Permit therefor from the Town Board.

**§Section: 89-4 Application For Permit.**

An application for a filming Permit shall be made on forms required by the Town Board, which forms may be established and/or amended by Resolution, and which shall contain at least the following information:

- A. Name, address and telephone number of the person or entity making the film.
- B. Name, address and telephone number of the location coordinator or other contact person.
- C. Purpose of the filming.
- D. Specific location of each property to be used in the filming.
- E. Dates and times of day that the property will be used.
- F. A description of all vehicles, equipment, props and sets to be used in connection with the filming.
- G. Name and address of owner(s) of property.
- H. Consent of owner(s) of property.
- I. Child performer permit for each performer under the age of 18.
- J. Such other information as may be required by the Town of Philipstown.

**§Section: 89-5 Permits: Restrictions, Waivers, Denials.**

- A. Every Permit shall contain a date of commencement and an expiration date and shall contain the specific hours during which filming shall occur.
- B. **At no time shall filming or the use of equipment therefor be conducted between the hours of 11:00 p.m. and 8:00 a.m., unless otherwise approved by the Town Board. The Town Board may require the written consent from private property owner and/or approval from the Code Enforcement Officer.**
- C. No filming shall commence prior to 10:00 a.m. on Sundays, unless otherwise approved by the Town Board.
- D. The Town Board may place further reasonable limitations on the hours of operation based on the needs of the particular neighborhood or the existence of conflicting scheduled events.
- E. Permits shall be valid for 30 days, Filming for longer than 30 days shall require a separate permit(s).
- F. No permit shall be issued for filming within the Town of Philipstown unless the applicant for such Permit:
  - a. 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 nonowned 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 Town of Philipstown shall be named as an additional insured for the entire time granted by the permit.

- b. Agrees in writing to defend, indemnify and hold harmless the Town of Philipstown from any and all claims, actions at law, liability or damages resulting from the use of public or private lands within the Town.
- G. 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 with respect thereto.
- H. 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.
- I. 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.
- J. 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.
- K. The Town Board may refuse to issue a Permit whenever it is determined, on the basis of objective evidence after a review of the application and any other investigation and/or report required by the Town Board that filming at the location and/or the time set forth in the application would violate any law, would unreasonably interfere with the public's use of public lands, would unreasonably interfere with the use and enjoyment of adjoining properties, would unreasonably impede the free flow of pedestrian and/or vehicular traffic or would otherwise endanger the public health, safety or welfare or unreasonably disturb the peace and tranquility of adjoining property owners.
- L. The Town Board 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.
- M. The Town Board may impose additional restrictions or conditions on any filming Permit if it determines they are warranted.

- N. The Town Board may deny an application for a filming Permit if it determines that it will create a hazardous condition, interfere with the use of Town Roads or public lands, create a nuisance to Town residents, or violate any provision of the Town Code.
- O. Any person aggrieved by a decision of the Town Board granting, denying or revoking a Permit may appeal in accordance with Article 78 of the Civil Practice Law and Rules. Any such appeal must be instituted no later than 30 days after the decision of the Town Board.

**§ Section: 89-6 Suspension or Revocation of Permit.**

- A. The Town Board may suspend or revoke a filming Permit issued for any of the following reasons:
  - (1) Violation of any law, code, rule or regulation of the United States, the State of New York, the County of Putnam, the Town , 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 public.
- B. A decision of the Town Board to suspend or revoke a Permit shall be appealable in accordance with Article 78 of the Civil Practice Law and Rules, and must be instituted no later than 30 days after the decision of the Town Board.**
- C. In the event that a Permit is suspended or revoked, the fees paid therefore shall be forfeited and shall not be refunded to the applicant.

**§ Section: 89-7 Application Fee; Security Deposit.**

- A. Each Applicant shall pay an Application Fee for each Permit in accordance with a fee schedule which shall be established by, and may be amended from time to time by, Resolution of the Town Board.
- B. If it is determined that the filming may involve the potential of damage or injury to Public Land, the Town Board may require the Applicant to post a security deposit or other assurance with the Town to be used to repair any such damage or injury on conclusion of filming. Any unused security shall be returned to Applicant. The security shall be in the form of a Cash Bond, or in such other form as the Town Board may require.

**§Section: 89-8 Penalties for Offenses.**

- A. Any person who or which violates any provision of this chapter shall be guilty of an offense. Such offense shall be punishable by a fine of not more than \$1,000.00 per offense or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day such violation occurs shall constitute a separate offense.

B. In addition to the penalties set forth above, the Town may enforce any provision of this chapter by injunction or by civil action to recover a civil penalty in an amount not to exceed \$2,500.00 for each violation.

C. Notwithstanding any of the foregoing, 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.

**§Section: 89-9 Compliance With Other Laws.**

No filming Permit shall be deemed to authorize the violation by any person of any general or local law, code, rule or regulation.

**§Section 89-10 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Filming of news stories by public media.
- B. Filming permitted by School Districts within Town of Philipstown (sport events, plays, etc.)
- C. Filming for or in connection with political campaigns.
- D. Filming of Governmental Events.
- E. Filming by Emergency Service Organizations within the Town of Philipstown.

**§ Section 89-11 Enforcement.**

This chapter shall be enforced by the Code Enforcement Officer. This chapter may also be enforced by direct action of the Town Board.

**SECTION 2: Effective Date. This Local Law shall become effective immediately Upon its filing with the Secretary of State.**

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 07 of the ~~(County)(City)(Town)(Village)~~ of Philipstown was duly passed by the Town Board on \_\_\_\_\_ 20 07, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1 \_\_\_\_\_, above.~~

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body  
TINA M. MERANDO, Town Clerk  
Date: \_\_\_\_\_, 2007

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF PUTNAM \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature EDWARD W. DOYLE  
Town Attorney  
Title \_\_\_\_\_

~~County~~  
~~City~~ of Philipstown  
Town  
~~Village~~

Date: \_\_\_\_\_, 2007

## Fee Schedule

<b>Fee</b>	<b>Type</b>	<b>Property</b>
\$0	Student	Public or Private
\$25	Public service/teaching, not-for-profit	Private
\$50	Public service/teaching, not-for-profit	Public
\$100	Agency Advertising	Private
\$200	Agency Advertising	Public
\$600	Feature film/TV/video	Private
\$700	Feature film/TV/video	Public



## **TOWN OF PHILIPSTOWN**

P.O. Box 155, 238 Main Street, Cold Spring, New York 10516

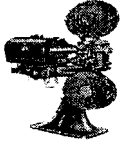
(845)265-3329 (845)265-3958 (fax)

Email: [Townclerk@philipstown.com](mailto:Townclerk@philipstown.com)

### **INSTRUCTIONS FOR FILMING PERMIT APPLICATION**

- 1) Complete pages 1 and 2 of application.
- 2) Owner must sign application.
- 3) Applicant must sign filming information and the Release of Liability on page 2.
- 4) Attach Certificate of Insurance, which should name the "Town of Philipstown" as additionally insured.
- 5) Submit plan showing parking plans and mitigating measures proposed.
- 6) Confirm fee with the Town Clerk's Office and make check payable to "Town Clerk."

**TOWN OF PHILIPSTOWN**  
**P.O. Box 155, 238 Main Street, Cold Spring, NY 10516**  
**Tel.: (845)265-3329 Fax: (845)265-3958**



**Application for Filming Permit**

**Applicant:** \_\_\_\_\_

(Name of Company and/or Individual)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(Locality)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip)

\_\_\_\_\_  
(Telephone)

**Contact Information**

Supply the name, address, local telephone number and cell number of the person who will be available 24 hours a day during the activity. This person should have control and responsibility for the direction of all participants in the permitted activity and for the property for which the activity is permitted.

\_\_\_\_\_  
(Name of Individual)

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(Locality)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Cell Number)

*If applicant is not owner or tenant in possession of property where filming is to take place, supply owner information below:*

**OWNER:** \_\_\_\_\_

(Owner of Property)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Cell Number)

**FILMING FORMAT**

Student      Public Service, Teaching or Not-for-Profit          Agency Advertising          Feature Film, TV, or Video      
Private Property          Public Property   

**PROJECT NAME:** \_\_\_\_\_

(Name of Person or Entity Being Filmed)

**LOCATION:** \_\_\_\_\_

(Street Address)

\_\_\_\_\_  
(Locality)

**FILMING DATES:** \_\_\_\_\_

**HOURS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(APPLICATION CONTINUED)*

**DESCRIPTION OF ALL VEHICLES, EQUIPMENT, PROPS AND SETS TO BE USED IN CONNECTION WITH FILMING:**

*Vehicles:* \_\_\_\_\_

\_\_\_\_\_

*Equipment:* \_\_\_\_\_

\_\_\_\_\_

*Props:* \_\_\_\_\_

\_\_\_\_\_

*Sets:* \_\_\_\_\_

\_\_\_\_\_

*Outdoor Lighting:* \_\_\_\_\_

\_\_\_\_\_

***Attach child performer permit(s) for each performer under 18.***

**OTHER INFORMATION AS MAY BE REQUIRED BY THE TOWN:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWN OF PHILIPSTOWN**  
P.O. Box 155, 238 Main Street, Cold Spring, NY 10516  
Tel.: (845)265-3329 Fax: (845)265-3958

\_\_\_\_\_  
Signature of Applicant Date

**The Owner hereby consents to this Application and the filming to be done hereunder:**

\_\_\_\_\_  
Signature of Owner(s) Date

**RELEASE AND INDEMNITY OF LIABILITY**

In consideration of permission granted by the Town of Philipstown for the use of the above Filming Permit:

The undersigned applicant hereby releases from liability, absolves and agrees to defend, indemnify and hold harmless the Town of Philipstown, its officers, officials, employees, agents and volunteers, from and against any and all claims, actions at law, damages and/or liability, including expenses, attorney's fees, losses, claims, recoveries, judgments and causes of action whatsoever arising out of the grant of this filming permit. If, as a result of the grant of this filming permit, damage is sustained to any property owned by the Town of Philipstown, the undersigned permit holder agrees to reimburse to the Town of Philipstown the fair market value of any repair to, or replacement of, such property.

\_\_\_\_\_  
Applicant

By: \_\_\_\_\_

Title: \_\_\_\_\_

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FOR OFFICE USE

**FILMING PERMIT**

APPROVED       APPROVED WITH SPECIAL CONDITIONS       DENIED

Commencement Date: \_\_\_\_\_      Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Town Supervisor  
Subject to the restrictions in Town Code Section 89-5 and Chapter 89

**SPECIAL CONDITIONS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Resolution No. \_\_\_\_\_

TOWN BOARD  
TOWN OF PHILIPSTOWN

The following Resolution was presented by \_\_\_\_\_  
\_\_\_\_\_, seconded by \_\_\_\_\_  
and unanimously adopted:

WHEREAS, the Town Board of the Town of Philipstown has given due consideration to adoption of a Local Law to amend the Code of the Town of Philipstown, to add a Chapter 89 entitled Filming; and

WHEREAS, this action is a routine or continuing agency administration and management action that does not include new programs or major re-ordering of priorities;

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under 6NYCRR Part 617.5(c), which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the NYCRR.

Adopted at a meeting of the Town Board on \_\_\_\_\_.

\_\_\_\_\_  
TINA MERANDO, Town Clerk