

TOWN OF NORTH CASTLE

Local Law No. 7 for the Year 2009 (Adopted June 24, 2009)

A Local Law to Amend Chapter 106 entitled Filming of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Chapter 106 entitled Filming is hereby amended as follows:

§106-1. Findings; purpose.

- A. The Town Board finds that significant filming, videotaping and recording on private and public property has been occurring in the Town of North Castle, that is creating hardship, inconvenience, danger and discomfort to large numbers of citizens and residents of the Town of North Castle because of the inconvenience and disruption of traffic placed on the public streets and private neighborhoods.
- B. By reason of the foregoing, the Town Board finds that the health, welfare and safety will be served by adoption of a local law providing a means of regulating, by license, the undertaking of any filming, videotaping or recording, in a commercial manner, on private or public property.
- C. The Town Board does hereby ordain and enact this chapter to accomplish the aforesaid purposes.

§106-2. License required.

No movie, documentary or regular television program, commercial or similar presentation or any portion thereof shall be filmed, videotaped, recorded or otherwise made on any private or public property within the Town of North Castle whether or not a fee is to be paid or anything of value changes hands for such use of the property unless the owner or tenant in control of the property or the Supervisor of the Town of North Castle for public property, hereinafter sometimes referred to as the "applicant(s)," first makes an application to and obtains a license from the North Castle Town Board for the filming, videotaping or recording.

§106-3. License applications .

- A. Applications may be submitted to the Town Board in person or by mail and must contain at least the following information:

- (1) The name of the applicant.
 - (2) The location of the property where filming, videotaping, etc. is to take place.
 - (3) The dates and times when said filming, videotaping, etc. is to take place.
 - (4) Whether the applicant is the owner or tenant in possession of the property; and if the applicant is not the owner, the name of the owner of the property.
 - (5) The name of the person or entity the applicant wishes to allow to film, videotape, etc.
- B. The applicant shall notify and provide all contiguous or adjacent property owners to the property being utilized with a copy of its application, use plan and all supporting documents by certified mail, return receipt requested, simultaneously with its filing with the Town Board.
- C. The applicant shall submit a use plan showing the days and hours of proposed operation, parking plans and any mitigating measures proposed and the name, local address and local telephone number of a person who will be available 24 hours a day during the activity and who shall have control of and responsibility for the direction of all participants in the permitted activity and for the property for which the activity is permitted.
- D. The Board shall seek the advice of the Chief of Police, Building Inspector, the Transportation Supervisor for the applicable School District and the Superintendent of Highways in reviewing such plans.
- E. The Board shall attach conditions and safeguards ensuring the orderly conduct of the activity and the minimization of impact of such use and shall specify the duration and hours of operation of such activity.
- F. The Town Board may require the applicant to post reasonable bond to assure adherence to the permit conditions set forth. The Board may further require an applicant to furnish the town with a hold harmless and indemnification agreement, together with a certificate of insurance relieving the town from any potential liability by virtue of the applicant's activities. The Town Board may further require as a condition of any license that the applicant utilize the services of a Town of North Castle police officer or officers at the customary rate set by the Police Department from time to time for such services.
- G. The Chief of Police shall have the power to cause the conditions set by any special license granted under this section to be enforced.

- H. Site plan approval by the Planning Board is not required for licenses issued under this section.

§106-4. License fee.

Each applicant shall pay a fee to the Town of North Castle set in a fee schedule determined by the Town Board as attached hereto for filming, videotaping or recording on private property per day and a fee set in a fee schedule determined by the Town Board per day for any filming, videotaping or recording on public property.

§106-5. Limitations of activities.

- A. Unless the Town Board provides otherwise by resolution, filming, recording, videotaping, and similar activities for which a license is required under §106-2 above shall in no event be conducted at the same location (i.e., in the same building or at the same street address) more than any portion of seven calendar days within any twelve-month period.
- B. Unless the Town Board provides otherwise by resolution, no applicant shall permit any filming, recording, videotaping, and similar activities for which a license has been issued to be conducted prior to 8:00 a.m. or after 7:00 p.m. Monday - Friday only.
- C. Unless the Town Board provides otherwise by resolution, no applicant shall permit equipment used in connection with such filming, including but not limited to, lights and generators, etc., to be operated at the location described in §106-3A(2) prior to 8:00 a.m. or after 7:00 p.m. Monday - Friday only. No applicant shall permit equipment to be used in connection with the filming, videotaping, and similar activities nor accessory trailers, kitchens and facilities to be set up outdoors at the location prior to 8:00 a.m., and all such equipment shall be removed from outdoors by 7:00 p.m. that evening.

§106-6. Penalties for offenses.

- A. Any person, persons, corporation, company, group or other entity of any kind who or which fails to obtain the license required herein or otherwise violates any provision of this chapter shall be guilty of an offense which shall be punishable by a fine of not more than \$1,000 per day per offense or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.
- B. The imposition of such fine shall not be the Town's exclusive remedy in the event of a violation of this chapter. The Town may pursue any and all other legal remedies available to it in connection with any violation of this chapter.

§106-7. Previous violations.

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.

§106-8. Waiver

The Town Board may authorize a waiver of any of the requirements and/or limitations of this chapter whenever it determines that strict compliance with such limitations or requirements will pose an unreasonable burden upon the applicant and that such license may be issued without endangering the public's health, safety or welfare.

2. Effective Date: This local law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.

DAILY FEE SCHEDULE

	Student	Public Service / Teaching / Not-for-Profit	Agency Advertising	Full Length Feature Film
On Public Property	0	\$100	\$2,500	\$5,000
On Private Property	0	\$50	\$1,250	\$2,500

Note: All fees are per day and payable in advance.