

LOCAL LAW #13 OF 2017

A LOCAL LAW AMENDING THE FILMING LAW IN THE CITY OF PORT JERVIS

Purpose. The purpose of this local law is to amend the existing Filming Law in the City of Port Jervis.

Legislation:

§ 282-1 Legislative intent.

The City has experienced an increase in requests from production companies to utilize City properties and facilities for filming purposes. This chapter is intended to establish guidelines for filming within the City and to create a consistent approach to applications for filming.

§ 282-2. Use of City Facilities and/or Property.

- A. No commercial, movie, television program, documentary or similar audiovisual production or any portion thereof shall be filmed, videotaped or recorded in any media format or otherwise made on any public property in the City of Port Jervis, including but not limited to streets, sidewalks, parks and buildings, or the waters of City of Port Jervis without first obtaining a permit from the City Council. A permit shall be required for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles or any other film-related activity on any public property or any other use of public property for the purpose of making audiovisual productions.
- B. Filming shall be permitted subject to the following conditions:
 - 1. Filming shall not be conducted at the same location for more than 30 calendar days within any twelve-month period.
 - 2. Filming shall not be conducted at the same location within 14 days of another filming.
 - 3. No applicant shall allow any filming for which a permit has been issued to be conducted prior to 7:00 a.m. or after 10:00 p.m. unless expressly approved by the City Council.
 - 4. No applicant shall allow equipment used in connection with permitted filming, including but not limited to lights, generators and related equipment, to be set up or operated at the location contained in the permit application prior to 7:00 a.m. or after 10:00 p.m. unless otherwise expressly approved by the City Council.
 - 5. The City Council may, in its discretion, waive any of the restrictions in this subsection and shall be permitted to impose reasonable conditions in doing so.
- C. Application for a permit shall be submitted to the City Council on a form to be provided by the City Clerk.

- D. Permit applications must be submitted at least 30 days prior to the date of any on-site activity in connection with filming is commenced.
- E. The City Council shall have the authority to approve or disapprove an application for a permit and to establish such conditions for filming as deemed necessary to protect the health, safety and welfare of the residents of the City of Port Jervis. The City Council may also extend the hours of filming on public property, subject to any conditions and additional fees deemed necessary and appropriate.
- F. A certificate of insurance must be submitted with the application, naming the City of Port Jervis as an additional insured and in compliance with other conditions established by the City Council in the following minimum amounts:
 - 1. Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence.
 - 2. Personal injury: \$2,000,000 per individual; \$2,000,000 per occurrence.
- G. Security of the site shall be the responsibility of the person or entity that will be conducting the filming.

§ 282-3. Filming on Private Property.

- A. Filming shall not be conducted at the same location for more than 30 calendar days within any twelve-month period.
- B. Filming shall not be conducted at the same location within 14 days of another filming.
- C. No applicant shall allow any filming to be conducted prior to 7:00 a.m. or after 10:00 p.m.
- D. No applicant shall allow equipment used in connection with permitted filming, including but not limited to lights, generators and related equipment, to be set up or operated at the location contained in the permit application prior to 7:00 a.m. or after 10:00 p.m. unless otherwise expressly approved by the City Council.
- E. Travel on local streets to the site is restricted to 7:00 a.m. to 10:00 p.m.
- F. The property must be of adequate size.
- G. All vehicles associated with the filming must be contained on the site or arrangements made to lawfully park vehicles off site.
- H. Security of the filming location shall be the responsibility of the person or entity conducting the filming and the owner of the property on which the filming will occur.

§ 282-4. Fees.

- A. Fees shall be adopted by resolution of the City Council for:
 - 1. Filming by or for a nonprofit organization or the filming of a documentary, for each day, on public property.
 - 2. Filming by a production company for a commercial for a profit-making entity, for each day, on either private or public property.

- B. The schedule of fees, once adopted by the City Council, will be available for inspection in the office of the City Clerk. The City Council shall be permitted to raise the level of any fee due under this chapter when the circumstances warrant.

§ 282-5. Penalties for offenses.

- A. Any person who violates the provisions set forth in this chapter shall be subject to a fine of not more than \$1,000 per day for each day that the violation continues and/or imprisonment not to exceed 15 days.
- B. The imposition of such penalty shall not be the City's exclusive remedy in the event of a violation of this chapter. The City may pursue any and all other legal remedies available in connection with any violation of this chapter.
- C. Notwithstanding any section of this chapter, 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.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.