

VILLAGE OF WARWICK
LOCAL LAW NO. __ OF THE YEAR 2024

A local law amending the Village Code of the Village of Warwick by repealing Chapter 66 “Film and Video Productions”, and re-enacting the same with revised provisions.

SECTION 1. PURPOSE

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Village Code to revise the provisions to the Village Code regarding regulation of Film and Video Productions.

SECTION 2. MUNICIPAL HOME RULE LAW:

This law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1) which grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Village Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule.

SECTION 3. AMENDMENT OF VILLAGE CODE:

The Village Code of the Village of Warwick is hereby amended to repeal Chapter 66, “Film and Video Productions”, and to re-enact in its place a new Chapter 66 entitled “Film and Video Productions” which shall read as follows:

“Chapter 66 Film and Video Productions

§ 66-1 Purpose.

It is the purpose and intent of the Village of Warwick to encourage the motion picture and television industries to use the scenic beauty and variety of backdrops afforded in the Village of Warwick as locations for filming and/or videotaping for commercial production. It is the purpose and intent of this chapter to provide the means by which such activities may be reasonably regulated to preserve the public health and safety, to limit any unwelcome community disruption, and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

§ 66-2 Definitions.

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

APPLICANT

The term “applicant” as used in this chapter shall mean both the applicant for a film permit and the individual/entity to whom the film permit is issued.

CHARITABLE FILMS

Commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

VILLAGE-PRODUCED GOVERNMENT ACCESS FILMS

Motion pictures or programs produced by or in association with the Village of Warwick. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

CONCERT FILMING

The filming a concert event for a not-for-profit or religious entity but shall not include activities occurring for businesses, corporations and for-profit entities that will be distributed, sold and/or broadcast for commercial purposes.

COMMERCIAL PURPOSES

For or contributing to a person or entity receiving a profit.

FILM COMMITTEE

The Mayor of the Village of Warwick, the trustee liaison to economic development and tourism, and a film office representative.

FILM OFFICE

The Mayor's designee responsible for routing and processing film permits.

FILM or FILMING or FILMING ACTIVITY

All activity in preparation of, and attendant to, staging, making, striking, filming or video recording commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.

NEWS MEDIA

The photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camera operators.

PERSON

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

PRIVATE PROPERTY

All areas within the Village of Warwick, including areas zoned for residential as well as business use not otherwise designated as public property.

PUBLIC PROPERTY

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.

STUDENT FILMS

Motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.

STUDIO

A fixed place of business where filming activities are regularly conducted upon the premises.

§ 66-3 Permit required; exemptions.

(A.) Film permit required. No person shall, for commercial purposes, use any kind of property, facility, or residence herein or portion thereof owned and/or controlled by the Village of Warwick or affecting the general public to cause, direct or conduct filming activities as defined without first applying for and obtaining a film permit from the Mayor or his/her designee.

(B.) Exemptions. The following activities shall not require an application or film permit under the provisions of this chapter:

- (1.) News media: reporters, photographers or camera operators in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events concerning those persons, scenes or occurrences which are

in the news and of general public interest. Reasonable effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification.

- (2.) Family or personal use video: the filming or videotaping of motion pictures solely for private-family use.
- (3.) Photographers engaged in still photography that requires the use of handheld cameras or cameras with a tripod only.
- (4.) Village-produced government access films.
- (5.) Filming on private property completed inside a privately owned and operated property limit, and is in alignment with other Village of Warwick General Code provisions. All effort should be made to notify the Village of Warwick 2 hours in advance of arrival, whenever possible. Notification should include phone and written notification. The Village of Warwick assumes no liabilities.
- (6.) Productions using hand-held camera, camera on tripod, hand-held props and/or hand-held equipment, not asserting exclusive use of Village property, not using prop weapons, prop vehicles, stunts, actors in police uniform and not requesting parking privileges for production vehicles. Standing on a Village sidewalk, walkway of a Village bridge or within a Village park while using a hand-held camera and not otherwise asserting exclusive use of public property. Such productions must notify the Mayor or designee of film activity. All effort should be made to notify the Village of Warwick two (2) hours in advance of arrival, whenever possible. Notification should include phone and written notification.

(C.) Free permits. A film permit application as required by this chapter shall be completed and submitted without a fee for the following activities:

- (1.) Charitable films: projects that qualify under Section 501(c)(3) of the Internal Revenue Code.
- (2.) Student films.
- (3.) Concert film by a not-for-profit or religious entity.

§ 66-4 Application requirements.

The application for such film permit shall be made upon forms prescribed therefor by the Village and require, at minimum, the following information:

- (1.) The name, address, telephone number and e-mail address of the applicant.
- (2.) The name, address and telephone number of the production company and the name, address and telephone number of the production company owner.
- (3.) The name, address, telephone number and e-mail address of the person(s) in charge of the film production as the contact person.
- (4.) The dates and hours during which filming activity will occur.
- (5.) The street address(es) of the location(s) at which filming will take place.
- (6.) An estimated number of persons, including cast and crew, to be involved.
- (7.) A list of equipment and generators, if any, involved in the production.
- (8.) The number and type of vehicles involved in the production.
- (9.) A list of any historic or period vehicles or equipment that will be used in the production.
- (10.) A list of any animals, pyrotechnics, hazardous chemicals, and demolition of buildings or structures proposed for the production and a safety plan to be used by the applicant in the event such items are used during the production.
- (11.) A plan to minimize disruption of community, traffic, and parking.
- (12.) A list of any requests for Village services and/or equipment for the production, including, but not limited to, signs, barricades, and traffic control.
- (13.) Proof that written notice of the proposed filming/production has been provided to the Police Department, and a statement of any assistance which is being requested from the Police Department.
- (14.) Applicants shall execute a hold-harmless agreement as provided by the Village prior to the issuance of a film permit under this chapter under which the applicant shall defend, hold harmless and indemnify the Village of Warwick against any and all claims,

proceedings or action brought in connection with or as a result of the filming and/or recording activities.

§ 66-5 Insurance.

(A.) Applicants for a film permit shall procure, at their sole cost and expense, insurance providing liability coverage to the Village of Warwick for claims for damage to property and personal injury, including death, which may arise from the conduct of the Applicant, its agents, employees, contractors and guests and for the performance of any services performed by the Village in regard to the production.

(B.) Upon submission of a Film Permit Application and, prior to commencement of any activities under the Permit, the Applicant shall provide the Village with a current insurance certificate evidencing an insurance policy naming the Village of Warwick as an additional insured issued by an A.M. Best rated "secure" or better insurer, licensed in New York State, stating that the organization's coverage shall be primary and noncontributory coverage for the Village, its Board, employees and volunteers.

(C.) The insurance coverage provided by an applicant shall be in no less than the following:

- (1.) General Liability Insurance: \$1,000,000 per occurrence/
\$2,000,000 aggregate;
- (2.) Excess Insurance: \$3,000,000 each Occurrence;
- (3.) Property Damage: \$1,000,000 aggregate;
- (4.) Bodily Injury: \$1,000,000 per occurrence;
- (5.) Fire Insurance: \$1,000,000.

(D.) Any activities involving stunts, vehicular damage, pyrotechnics, explosions, etc. may require additional insurance coverage as determined by the Village. Such additional coverage shall be specified by the Village in writing prior to the issuance of the film permit.

(E.) An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a film permit.

(F.) Failure of the applicant to obtain and maintain insurance as required herein constitutes a violation of this Chapter and shall subject the applicant to liability for all claims and damages arising from actions taken under the film

permit, including but not limited to all claims, debts, dues, damages, fines, judgments and awards to which the Village may be subjected for issuance of the permit.

§ 66-6 Filing of application; issuance of permit.

(A.) The application for a film permit shall be filed with Village Hall in completed form together with all applicable fees no less than fourteen (14) days prior to the commencement of such filming activities, unless waived by the film committee.

(B.) The issuing authority shall be the Film committee. The Film committee may grant, grant subject to conditions, or deny a permit in its sole and absolute discretion; provided that in the event that a permit is denied a written determination shall be provided to the applicant setting forth the reasons and grounds upon which the decision to deny the application was based.

(C.) Any change in the applicant's planned activities as set forth in the film permit applications shall be submitted to the Mayor or his/her designee at least twenty-four (24) hours in advance of the change and approved or denied in the same manner as the original film permit application.

§ 66-7 Fees.

(A.) Fees applicable to applications for film permits shall be adopted by resolution of the Village Board. The said fees shall compensate the Village for its examination and processing of such application, and oversight of compliance with the terms thereof.

(B.) Each film permit application shall be accompanied by the required fee at the time of its submission. Fees shall not be refundable in whole or in part.

(C.) No film permit shall be issued to an applicant who has failed to pay any outstanding amounts due to the Village in regard to an application for or issuance of prior film permit until such outstanding amounts have been paid.

§ 66-8 Additional restrictions.

(A.) The applicant shall, in the credits of the motion picture or television program, acknowledge the production was filmed in the Village of Warwick, New York.

(B.) All filming activities, including setup and takedown activities, shall take place in the hours specified in the film permit.

(C.) Filming and/or recording activities shall comply with all the requirements

and standards of Chapter 94, Noise and other chapters, as applicable, of the Village Code.

(D.) The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of shooting at the scene and restored to the original condition before leaving the site.

(E.) Filming on private property must be conducted with the property owner's written permission, consent and/or lease for use of property not owned or controlled by the Village. No filming may take place on a property with open Zoning Code, Building Code, Property Maintenance and/or Fire Code violations.

(F.) Filming and/or recording activities shall comply with all requirements of the New York State Vehicle and Traffic Law and Chapter 135, Vehicles and Traffic, and any other applicable chapters of the Village Code, except as follows:

- (1) The applicant shall obtain permission of the Mayor to park equipment, trucks, and/or cars in "no parking," "no standing" and "no stopping" zones and will provide the signage detailing the date(s) and time(s) of the filming and parking restriction and these signs shall be posted by the applicant at least twenty-four (24) hours prior to parking vehicles or equipment.
- (2) The applicant shall obtain the permission of the Mayor and Department of Public Works Supervisor to string cable across sidewalks, or from generator to service point. Such cable or electrical lines shall be marked, taped and/or secured to avoid creating a hazardous condition.
- (3) The applicant shall furnish and install advance warning signs and any other traffic control devices required in order to take all appropriate safety precautions.
- (4) Traffic may be restricted to one twelve-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the Village, based on location.
- (5) Traffic shall not be detoured across a double line without prior approval of the Village.
- (6) Unless authorized by the Village, camera cars must be driven in the direction of traffic and must observe all traffic laws.

(G.) Any emergency roadwork or construction by Village crews and/or private

contractors, under permit or contract to the appropriate department, shall have priority over filming activities.

(H.) An applicant shall be required to personally deliver or to mail a copy of the film permit or a letter of intent to film to all owners of real property located within one hundred (100) feet of the property line of the filming and/or recording site as shown on the latest assessment roll of the Town of Warwick assessor and to all owners of real property located on the same street as the filming and/or recording site who are located within three hundred (300) feet of a property line of such site at least two (2) days for personal delivery or four (4) days of postmarked delivery days for mailing prior to the first day of filming and/or recording. The Mayor may require notice to additional owners of real property in the vicinity if conditions of the filming and/or recording so require.

§ 66-9 Authority to promulgate regulations; waiver of provisions.

(A.) The Film Committee may require additional information and impose conditions in furtherance of the findings and purpose of this chapter.

(B.) The Film committee may grant a waiver of a part or parts of this chapter for a particular filming and/or recording event on the committee's written finding that such waiver would be in the public interest of the surrounding neighborhood and/or Village as a whole.

§ 66-10 Permit revocation or suspension; appeals.

(A.) Permit revocation. A film permit may be revoked by the Village film office if the applicant, or any agent, employee, or contractor of the applicant fails to comply with the requirements set forth in this chapter, or in the film permit, or if it is determined that the film permit application was false in any material detail.

- (1) Notice of the grounds for revocation of the film permit shall be provided, in writing, to the permit applicant or person in charge at the location of the filming activity.
- (2) Appeals of the film permit revocation shall be conducted in the manner specified in this chapter.

(B.) Permit suspension. The Town Police Department and/or Fire Department officers assigned to supervise the filming activity site may suspend the film permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the film permit suspension shall be provided, in writing, by the Village film office to the applicant within two working days of the suspension.

(C.) Appeals. The applicant may appeal a denial of a film permit, or a revocation, suspension, or permit condition. Such appeal shall be filed with the Village film office not later than five (5) working days after the date written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the Village Board of Trustees. The decision of the Village Board of Trustees shall be subject to judicial review pursuant to Article 78 of the New York Civil Practice Law and Rules.

§ 66-11 Penalties for offenses.

(A.) Each and every violation of this chapter shall be punishable by a fine of not less than \$250 and/or imprisonment not exceeding 15 days for each and every day a violation of this chapter is found to exist.

(B.) The imposition of such fine and/or imprisonment shall not be the Village's exclusive remedy in the event of a violation and the Village shall have the right to pursue any and all other legal and equitable remedies available to it in connection with any violation of this chapter.”

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.