

**INCORPORATED VILLAGE OF OYSTER BAY COVE
LOCAL LAW 3-2023
AMENDMENT TO CHAPTER 165, "FILMING"**

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Oyster Bay Cove as follows:

SECTION I. Amend Section 165, "*Filming*," in part, to read as follows:

§165-1 Purpose.

The unique nature and beauty of the Incorporated Village of Oyster Bay Cove and its many residential properties have made it the location for the on-site production of many motion-picture, television, and video programs. Due to the nature of these location shoots there is a concomitant increase in electronic equipment, vehicles, traffic, and people within the Village which impacts the infrastructure of the Village, the utilization of police personnel and other government resources. It is in the public interest to require those individuals and enterprises who seek to undertake such activities within the Village to assume the financial burden associated with those activities in order to ensure that the taxpayers of the Incorporated Village of Oyster Bay Cove are not adversely impacted with that financial burden. The requirements herein are not meant to infringe upon the First Amendment rights of any bona fide news organization as coverage of contemporaneous news events serves the public interest and the provisions herein shall not apply thereto.

§ 165-2 Definitions.

As used herein, the following terms shall have the meanings indicated:

COMMERCIAL FILMING

The recording on film or any other electronic or photographic material or substance of any image or sound where such recording shall be used for a commercial purpose and on-site preparation for such activity and all on-site activity associated with the filming, including but not limited to on-site restoration and cleanup. Such commercial purposes shall include but not be limited to the making of motion pictures, music videos, television programs, advertisements, commercials, and still photography. Specifically excluded from the provisions of this definition are any activity undertaken by a bona fide news organization which enters into the Village to cover contemporaneous news stories; wedding and other similar types of photography undertaken by a commercial photographer; and films and/or videos recorded by a student in the fulfillment of educational requirements, provided that such works will not be used for a commercial purpose.

§ 165-3 Permit required.

No person, firm, association, corporation, or enterprise shall commence commercial filming anywhere in the Incorporated Village of Oyster Bay Cove unless a permit therefor has been prior issued by the Incorporated Village of Oyster Bay Cove.

§ 165-4 Application for permit.

A. An application for a permit to conduct commercial filming in the Incorporated Village of Oyster Bay Cove shall be made to the Village Clerk at the Village Hall during normal business hours prior to any activity commencing anywhere in the Incorporated Village of Oyster Bay Cove. Such application form, which shall be provided by the Village Clerk, shall contain the following information:

- (1) Name, address and telephone number of the person or entity owning the rights to the commercial film.
- (2) Name, address and telephone number of the location coordinator or other contact person.
- (3) Purpose of the filming.
- (4) Specific locations of the properties to be used.
- (5) Written consent of the owners of all properties where all commercial filming activities are to take place.
- (6) Dates and times of day that the properties will be used.
- (7) A description of all motor vehicles and bulk equipment to be used in connection with the commercial filming, together with the vehicle registrations and license plate numbers for all such vehicles.
- (8) Such other information as may be required by the Board of Trustees of the Incorporated Village of Oyster Bay Cove or the Village Clerk.

§ 165-5 Modifications to permit.

Any change in the planned activities for which the permit has been requested or obtained shall be submitted by the applicant in advance of the proposed changes, and shall be approved or denied in the same manner as the original application.

§ 165-6 Issuance, expiration and conditions of permit.

A. The Village may deny any application for a commercial filming permit that does not comply with the purpose and intent of this chapter or if the public interest would be served by such denial. The Village may also deny any application for such permit when, in the judgment of the Village, such permit would conflict with other scheduled events in the area of the filming location; would be detrimental to the community because of anticipated excessive noise, illumination or other effect caused by the proposed filming, including but not limited to the use of explosives; or would unduly interfere for an extended period of time with the day-to-day activities of the surrounding residents. Where an application has been denied, the applicant may appeal such denial to the Village Board of Trustees, whose decision thereon shall be final.

B. Every permit shall contain a date of commencement and an expiration date and shall specify the specific hours during which any permit activity shall occur.

C. At no time shall any filming or use of any equipment therefor be allowed between the hours of 10:00 p.m. and 8:00 a.m.

D. At no time shall any filming or use of any equipment therefor be allowed on Sundays.

E. No filming activity shall intrude upon or interfere with the privacy or property of any property owner unless a written consent shall have been prior obtained from said property owner.

F. There shall be no rerouting of traffic in connection with any filming activity except as specifically authorized and approved in advance by the Village Attorney and the Chief of Police.

G. The filming activity shall be conducted so as not to interfere with access to fire stations and fire hydrants. Equipment, materials or obstructions shall not be placed within 50 feet of fire hydrants.

H. The Mayor and/or the Village Attorney may place such other further reasonable limitations on the permit as in their opinion are warranted under the circumstances.

§ 165-7 Fees.

A. The fee for a commercial filming permit shall be \$2,500 per day. The fee shall be paid in cash or check 3 days prior to the issuance of the permit.

B. In addition, the applicant shall pay the actual costs for the use of any Village personnel, Village Police services or equipment in connection with the filming activity. The applicant shall, prior to the issuance of the permit, pay such costs on an estimated basis and shall also post security in an amount and form acceptable to the Village Clerk to ensure payment of any such costs that cannot be reliably estimated or exceed the original estimate.

C. The fee for a filming permit shall be established, and may be amended from time to time, by resolution by the Board of Trustees. The fee shall be paid in cash or by check prior to the issuance of the permit.

§ 165-8 Suspension or revocation of permit.

A. A commercial filming permit may be suspended or revoked by the Village for any of the following reasons:

(1) Violation of any law, rule or regulation of the United States of America, the State of New York, the County of Nassau, the Incorporated Village of Oyster Bay Cove.

(2) Violation of any condition of the permit.

(3) Conduct that is detrimental to the health, safety or welfare of the residents of the Incorporated Village of Oyster Bay Cove or that is detrimental to public or private property within the Incorporated Village of Oyster Bay Cove.

B. A decision by the Village to suspend or revoke a permit shall be appealable by the permit holder to the Village Board of Trustees, whose decision thereon shall be final.

C. Where a permit is suspended or revoked, the fees paid therefor shall be forfeited and shall not be refunded.

D. Any revocation of a commercial filming permit shall bar the applicant and/or permit holder from applying for a new permit for the period of one year from the date of the revocation.

§ 165-9 Insurance, indemnification and bond requirements.

A. No permit shall be issued unless the applicant shall have first filed with the Village Clerk a certificate of insurance in a form and in an amount acceptable to the Village Attorney evidencing comprehensive liability and property damage insurance coverage but in no event shall such insurance be less than \$2,000,000 per occurrence. The Incorporated Village of Oyster Bay Cove, its officers, agents, and employees shall be a named insured and certificate holder on all such policies, thereby providing defense and indemnity from and against any claim, loss or damage resulting from any activity for which the permit was issued. Such indemnity shall not be limited by enumeration of any insurance coverage herein provided.

Permittee and homeowner shall indemnify and hold harmless the Village, its agents, officers and employees against any and all claims, demands, causes of action, costs and liabilities of every kind and nature. Permittee and homeowner shall submit a Hold Harmless Agreement in a form that satisfies the above requirements for review and approval by the Village.

B. The applicant and/or permit holder shall deposit with the Village Clerk a cash bond or letter of credit, in a form acceptable to the Village Attorney, in an amount to be determined by the Village to guarantee the reconstruction or restoration of any public or private property damaged as a result of any activity undertaken pursuant to the permit.

C. The insurance requirements may be amended from time to time, by resolution by the Board of Trustees.

SECTION II. The local law shall take effect upon the filing with the Department of State.