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CHAPTER 65

FILMING

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 6-8-2001 by L.L. No. 8-2001. Amendments noted where applicable.]

§ 65-1. Purpose.

A. These regulations are established to require that all persons or entities seeking to film within the Town of Shelter Island shall do so in a manner which limits to the maximum extent possible any interference with normal public activity on public lands and minimizes the inconvenience or discomfort to adjoining property owners.

B. These regulations also set forth a fee schedule for filming and for the use of Town services such as the Shelter Island Police Department and Highway Department.

§ 65-2. Applicability.

This chapter shall apply to all public and private lands within the Town of Shelter Island other than the Incorporated Village of Dering Harbor.

§ 65-3. Enforcement.

This chapter shall be enforced by the Shelter Island Police Department and the Shelter Island Building Department.

§ 64-4. Definitions.

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

FILMING - The taking of still or motion pictures, either on film, videotape or similar recording medium for commercial purposes intended for viewing on television or in theaters or for use in print media. [Amended 4-5-2002 by L.L. No. 3-2002.]

MAJOR FILMING - Any filming involving the presence of between twenty-five to ninety persons involved in the project during the term of the filming permit. [Added 6-23-2006 by L.L. No. 7-2006; Amended 12-8-2006 by L.L. No. 18-2006.]

MEGA FILMING - Any filming involving the presence of one hundred or more persons involved in the project during the term of the filming permit. [Added 12-8-2006 by L.L. No. 18-2006]

MINOR FILMING - Any filming involving the presence of less than twenty-five persons involved in the project during the term of the permit. [Added 6-23-2006 by L.L. No. 7-2006.]

PRIVATE LANDS - Any land not owned by the Town of Shelter Island.

PUBLIC LANDS - Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction and control of the Town.

§ 65-5. Permits. [Amended 4-5-2002 by L.L. No. 3-2002; 6-23-2006 by L.L. No. 7-2006]

A. No person shall film or permit filming within the Town of Shelter Island without first obtaining a major or minor filming permit from the Town Board, which permit shall set forth the location of such filming and the date or dates when filming shall take place.

B. Applications for permits shall be obtained in the office of the Town Clerk during regular business hours. Applications for such permits shall be in a form approved by the Town Clerk and shall be accompanied by a nonrefundable application fee in the amount set by Town Board resolution.

C. The application must be filed at least 14 days in advance of the earliest date for which the permit is applied for. If the application is not timely filed, applicant shall pay a Rush Fee, in an amount specified by Town Board resolution.

D. One (1) permit shall be sufficient to authorize filming at one or more locations, provided that such dates on which filming is to take place at each location shall be specified in the permit. The permit may specify rain dates for filming.

E. (Reserved)

F. No permit shall be issued for filming on or in any private property unless written consent of the property owner accompanies the application. Such written consent should state the days on which filming is authorized to take place, what activities other than filming have been authorized and that all vehicles shall remain off public land.

§ 65-6. Rules and regulations.

A. No permit shall be issued for filming upon public lands within the Town of Shelter Island unless the applicant for such permit:

1. Provides proof of insurance coverage as follows: a policy of general liability insurance including bodily injury for any person in the amount of one million (\$1,000,000.00) dollars for each occurrence, naming the Town of Shelter Island as an additional insured.

2. Agrees, in writing, to indemnify and hold harmless the Town of Shelter Island and its authorized representatives from any and all liability for personal injury or property damage resulting from the issuance of the permit.

B. Acceptance of a permit shall constitute an agreement with the Town of Shelter Island that the permit holder and/or his or her authorized representative:

1. 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 issued by the Shelter Island Police Department with respect thereto.

2. Shall conduct all activities in compliance with the ordinances of the Shelter Island Town Code and any other applicable regulations.

3. Shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming; shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit whichever comes first; and shall repair any damage to property to its original condition to the satisfaction of the Superintendent of Highways. [Amended 4-5-2002 by L.L. No. 3-2002.]

4. Shall take all steps necessary to protect and preserve the environment and the natural resources within the Town and on and under the waters over which the Town has jurisdiction.

C. Filming shall be permitted only Monday through Friday between the hours of 8:00 a. m. and 7:00 p. m. or sundown, whichever is earlier.

D. The Town Board may refuse to issue a permit whenever it determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and/or by other Town agencies involved with the proposed filming site, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of public lands, unreasonably interfere with the use and enjoyment of adjoining properties, would constitute a threat to the environment or to the natural resources of the Town, unreasonably impede the free flow of vehicular pedestrian traffic or otherwise endanger the public's health, safety or welfare.

E. 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 herein

described or may extend the duration of a permit beyond five (5) consecutive days during any one (1) calendar year or may waive any other limitation or requirement of this chapter whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the neighborhood and that such a permit may be issued without endangering the public's health, safety and welfare.

F. The permit holder shall be responsible for any damage to Town property or facilities that may result from its activities. The permit holder may not alter in any way any public or private lands including, without limitation, cutting or trimming trees or bushes, excavating or otherwise regrading land, without written permission of the Town Board or the property owner. [Amended 4-5-2002 by L.L. No. 3-2002.]

§ 65-7. Filming prohibited.

Filming shall be prohibited on all Town Beaches and Town Landings from 9:00 a. m. to 5 p. m. from June 15 through Labor Day.

§ 65-8. Fees. [Amended 6-23-2006 by L.L. No. 7-2006; 12-8-2006 by L.L. No. 18-2006]

Fees shall be established from time to time by Town Board resolution and may include the following or additional categories:

A. Film fee: A fee for each day of filming, differentiating between Major Filming and Minor Filming, and Mega Filming.

B. Cleanup and other cost deposit for public property: a separate check for each day of filming. This fee shall be reimbursed if the property is cleaned up and restored to its original condition after filming to the satisfaction of the Superintendent of Highways, and after any police costs above and beyond those specified herein have been paid for.

C. Traffic control: A fee for each Police Officer for each day of filming, in an amount as recommended by the Chief of Police.

D. Parking fees: A fee per day per vehicle for each day of filming.

E. Fees are payable in advance at the time of the issuance of the permit and shall be made by cash or check payable to the Town of Shelter Island, subject to penalties if the checks are returned for insufficient funds.

F. The Town Board reserves the right to set a different fee for nonprofit applicants filming for educational purposes.

§ 65-9. Exemptions.

A. The provisions of this chapter shall not apply to:

1. The filming of news stories within the Town of Shelter Island.

2. The filming of weddings or similar family events held by the private property owner on his or her property, providing that no vehicles or other equipment associated with the filming are located on public land.

3. The incidental use of a public sidewalk or street which does not result in a closing of the street or sidewalk to public use shall not be considered filming on public land.

§ 65-10. Additional regulations.

A. Filming activities which involve the use of less than ten (10) persons and two (2) vehicles and which will not exceed two (2) days of filming may obtain a permit from the Town Clerk without Town Board review, but subject to the same fees. The Town Clerk reserves the right to seek the recommendation of the Police Chief, the Town Attorney or the Town Board prior to the issuance of such permit.

B. Permits on private property shall be limited to two (2) per calendar year per location.

§ 65-11. Penalties for offenses.

A. Any person or other entity who shall violate or fail, neglect or refuse to comply with any provision of this chapter shall, upon conviction thereof, be punished by a fine of not more than two thousand five hundred (\$2,500.00) dollars or by imprisonment for a term not exceeding fifteen (15) days, or both such fine and imprisonment. Each violation of any provision of this chapter shall be a separate and distinct offense; and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct offense.

B. In addition to the penalties set forth here, the Town may pursue any and all remedies available to it in law and in equity.