

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 8 of the year 2010

A local law to amend the Code of the Village of Rockville Centre, in relation to

(Insert Title)

permits for commercial filming in the Village.

Be it enacted by the Board of Trustees **of the**

(Name of Legislative Body)

County

City

of Rockville Centre **as follows:**

Town

Village

Section one. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new chapter, to be chapter 176, to read as follows;

"Chapter 176. Filming, Commercial

- §176-1. Findings.
- §176-2. Definitions.
- §176-3. Permit required.
- §176-4. Permit application
- §176-5. Denial or issuance; permit contents; restrictions.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- §176-6. Fees.
- §176-7. Suspension or revocation of permit.
- §176-8. Insurance and bond.
- §176-9. Penalties for violations.

§176-1. Findings.

The Board of Trustees hereby finds that it would serve the public interest to require a permit for use of public or private property in the Village for Filming, as defined in this chapter, and to establish the standards and requirements which will govern application for such permits.

§176-2. Definitions.

As used in this chapter, the term Filming shall mean the recording, on film, tape, or other medium, of motion pictures, commercials, documentaries, shows, performances, athletic or sport events or other similar events or activities, including still photography, with the intention that the end product be distributed commercially or shown or exhibited at any place or locale where an admission fee is charged. The term "Filming" shall not include recording of news, political events and local sports or school district events for the purposes of providing news or information about such activities or events, nor activities contained wholly within any building in the Village and which involve no physical activity or presence outside such building. The term "Filming" shall not include (i) any recording by the Village or the Rockville Centre School District, nor (ii) any recording where not more than two persons are involved in the recording activity and there is no use of public property for storage or placement of equipment or vehicles used in connection with or furtherance of such recording. As used herein, Filming shall include the use of public property for persons, equipment, vehicles, props, cameras and any other items or materials used in connection with such Filming.

§176-3. Permit required.

No person, firm, association or corporation shall commence, conduct, permit, or cause Filming in the Village of Rockville Centre unless a permit therefor has been issued by the Mayor, and unless such Filming is in compliance with the terms and conditions of such permit. Where a permit for Filming has been issued in accordance with this chapter, such activity shall be authorized in accordance with the conditions of such permit. The Mayor may delegate to one or more other persons the authority to issue permits or make other determinations pursuant to this chapter.

§176-4. Permit application.

A. An application for a Filming permit shall be made on forms provided by the Village Clerk and shall contain at least the following information:

(1) Name, address and telephone number of the person or entity owning the rights to the film.

(2) Name, address, telephone number, and written consent of the owner of the property where the proposed Filming is to be conducted, and the name, address, and telephone number of the location coordinator or other contact person.

(3) Purpose of the Filming.

(4) Specific location of the property to be used.

(5) Dates and times of day that the property will be used.

(6) A description of the number and type of all vehicles and bulky equipment to be used in connection with the Filming, and all locations where such vehicles will be located during the period when the Filming permit will be in effect.

(7) Details whether any streets are proposed to be closed during such Filming, and the periods of time of such anticipated closing.

(8) Such other information as may be required by the Mayor.

B. Any application for a Filming permit shall include the written consent of the owners of all property located within a radius of four hundred (400) feet from any location where such Filming, or any part of such Filming activity, is proposed to take place, provided, however, where such consent is not provided as part of the application the application shall include the names and addresses of the owners of all such properties. Where the application does not include such consent of all owners, the applicant shall give at least five days' written notice, by first class mail, return receipt requested, to all such owners, stating a time and place designated by the Mayor when such owners may be heard to object or comment on such application. No application for a Filming permit shall be granted unless the application includes such consents or the Mayor grants such application after all owners have had an opportunity to be heard as provided herein.

C. Any material change in the date, time, place or scope of the Filming activities for which a permit has been requested or obtained shall be submitted in advance of the Filming, and shall be approved or denied in the same manner as the original application.

D. Application for a Filming permit must be submitted at least twenty (20) business days prior to the first date of Filming, unless the Mayor waives this condition for good cause.

§176-5. Denial or issuance; permit contents; restrictions.

A. The Mayor may deny an application for a Filming permit if it does not comply with the purpose and intent of this chapter or if the public interest will be served by such denial. The Mayor may also deny any application for a permit in connection with Filming which, in the Mayor's judgment, 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 citizens, property owners or merchants.

B. Every permit shall contain a date of commencement and an expiration date and shall contain the location where and specific hours during which Filming shall occur. No Filming shall take place except in accordance with the terms and conditions of the permit.

C. At no time shall Filming, or the use of equipment in connection with or furtherance thereof, be conducted in a residential area between the hours of 11:00 p.m. and 8:00 a.m., or on Sundays prior to 10:00 am, except that the Mayor may authorize Filming during such hours, upon good cause shown and upon a finding that such Filming will not have any adverse effect on the neighborhood in which such Filming is proposed to be conducted.

D. There shall be no rerouting of traffic in connection with the Filming activity except as specifically authorized by the Mayor as a condition of the permit approval.

E. Filming 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 fifteen (15) feet of fire hydrants. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of equipment, materials or obstructions. Parking spaces for the handicapped shall be kept free of equipment, materials or obstructions.

F. In granting a permit for Filming, the Mayor may impose reasonable conditions and/or limitations on the activity, including hours of operation, based on the needs of the particular neighborhood or the existence of conflicting scheduled events, or to protect the public health, safety and general welfare.

G. A decision by the Mayor to grant or deny a Filming permit, or to impose or not impose conditions on a Filming permit, shall be appealable by any person aggrieved thereby to the Board of Trustees, whose decision thereon shall be final.

§176-6. Fees.

A. The fee for a Filming permit shall be established, and may be amended, by the Board of Trustees by resolution. The fee shall be paid in cash or certified check prior to the issuance of the permit.

B. In addition, the applicant shall pay the actual cost for the use of any village personnel, services or equipment in connection with the Filming, as determined by the Mayor. The applicant shall, prior to the issuance of a Filming permit, pay such costs on an estimated basis and shall also post adequate security to ensure the payment of any such costs which cannot be reliably estimated.

§176-7. Suspension or revocation of permit.

A. The Mayor, on the Mayor's own initiative or upon the request of any person, may suspend or revoke a Filming permit for any of the following reasons:

(1) Violation of any law, rule or regulation of the United States, the State of New York, the County of Nassau, the Village of Rockville Centre or any department or agency thereof.

(2) Violation of any condition of the permit.

(3) Conduct that is detrimental to the health, safety or welfare of the residents of the Village of Rockville Centre or that is detrimental to public or private property within the village.

B. A decision by the Mayor to suspend or revoke a permit shall be appealable to the Board of Trustees, whose decision thereon shall be final. The Mayor's decision shall remain in effect until the determination of any such appeal.

C. In the event that a permit is suspended or revoked, the fee paid therefor, and any actual costs paid, shall be forfeited and shall not be refunded to the applicant except as may be authorized by the Board of Trustees.

D. Revocation of a Filming permit shall bar the offender from applying for a new permit within one (1) year from the date of the revocation, and shall bar any further application for a Filming permit at the same premises for a period of one (1) year from the date of revocation.

§176-8. Insurance and bond.

A. A. No Filming permit shall be issued until the applicant has deposited with the Village Clerk a policy of liability, personal, bodily injury, automobile, and property damage insurance coverage in an amount not less than five million dollars (\$5,000,000), or an endorsement to any such policy, naming the Village of Rockville Centre, its officers, agents and employees as additional named insured, thereby providing defense and indemnity from and against any claim, loss or damage resulting from the Filming for which the permit is issued. The applicant also shall file proof of any other insurance required by law, including Workers' Compensation and New York State Disability insurance, and any other insurance as may reasonably be required by the Mayor.

B. In addition, the applicant shall deposit with the Village Clerk a cash bond or letter of credit in an amount to be determined by the Mayor to guarantee the reconstruction or restoration of any public or private property damaged as a result of the Filming. Such bond or letter of credit shall be in a form acceptable to and approved by the Village Attorney.

§176-9. Penalties for violations.

A. Any person, firm or corporation who shall violate or fail, neglect or refuse to comply with any provision of this chapter or any rule or determination made thereunder, or who shall undertake Filming without a permit therefor, shall, upon conviction thereof, be guilty of a violation, and shall be punished as provided for violations of this Code.

B. In addition to the penalties set forth hereinabove, the village may enforce any provision of this chapter by injunction or by civil action to recover a civil penalty in an amount not greater than two thousand five hundred dollars (\$2,500) for each day on which a violation occurs."

Section two. Severability. In the event that any provision of this chapter shall be determined by a court of appropriate jurisdiction to be illegal or otherwise unenforceable, then only that particular provision shall not be enforced, and all other provisions of this chapter shall remain in full force and effect."

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

~~I hereby certify~~ that the local law annexed hereto, designated as local law No. 8 of 2010 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on May 25, 2010 , in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

Date: May 25, 2010

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

County

City

of Rockville Centre

Town

Village

Date: May 25, 2010