

**LOCAL LAW NO. 1 OF 2018 OF THE
INCORPORATED VILLAGE OF COLD SPRING, NEW YORK
ADDING CHAPTER 49 OF THE CODE OF THE VILLAGE OF COLD SPRING
REGARDING FILMING AND AUDIOVISUAL PRODUCTIONS**

A LOCAL LAW to add Chapter 49 of the Code of the Village of Cold Spring pursuant to New York Municipal Home Rule Law Section 10 et seq.

BE ENACTED AS FOLLOWS:

Section 1. Authority.

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section 2. Title and Purpose.

This law shall be known as and may be cited as “Local Law No. 1 of 2018” to add Chapter 49 of the Village Code of the Village of Cold Spring. The purpose of this Local Law is to add Chapter 49 of the Village Code of the Village of Cold Spring.

Section 3. Legislative Findings and Amendments.

Chapter 49 of the Village of Cold Spring hereby added to include the following:

CHAPTER 49. FILM AND AUDIOVISUAL PRODUCTIONS

§49-1. Legislative Intent.

- A. With its scenic beauty and historic attributes, the Village of Cold Spring is an attractive venue for audiovisual productions. The Village of Cold Spring wishes to encourage and facilitate film and video production activities at locations within the Village because of the economic value such activities can bring to the Village. The Board of Trustees, however, recognizes that provisions must be made for the safety of the public and the welfare of Village residents and businesses and therefore, does hereby establish guidelines for filming in the Village and the application process.
- B. These regulations are not intended to prohibit any property owner or other individual from filming private matters on private property.

§49-2. Permits Required for Filming Within the Village of Cold Spring.

- A. No commercial, movie, television program, documentary, or similar audiovisual production or a portion thereof shall be filmed, videotaped or recorded in any media format or otherwise made on any Village of Cold Spring property,

including but not limited to streets, sidewalks, parks, buildings, or waterfront without first obtaining a permit.

- B. No property owner shall permit another party to make audiovisual productions, including but not limited to commercials, movies, television programs, documentaries, video blogs or similar productions, that may be filmed videotaped or recorded in any media format on their private property in the Village of Cold Spring without first obtaining a permit.
- C. If a permit is issued and due to inclement weather or other good cause, the audiovisual production does not take place on the dates specified, the Village Clerk, upon receiving certification that the production did not take place, may issue a new permit for other dates subject to full compliance with all other provisions. The Village shall not require an additional fee for this permit.

§49-3. Permit Applications and Conditions.

- A. Permit applications shall be submitted to the Village Office at least 21 days prior to the date any on-site activity in connection with the film production are conducted.
- B. The Village Board of Trustees 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 and businesses of the Village of Cold Spring. The Village Board may, under appropriate circumstances, waive strict compliance with the specific requirements of this Chapter, and/or may impose any conditions or fees as may be required in approving an application for a permit.
- C. A certificate of insurance must be submitted with the application, naming the Village of Cold Spring as an additional insured and in compliance with other conditions established by the Village Board in the following minimum amounts:
 - (1) Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence.
 - (2) Bodily injury: \$2,000,000 per individual; \$2,000,000 per occurrence.
- D. The applicant shall agree in writing to defend, indemnify and hold harmless the Village of Cold Spring from any and all claims, actions at law, liability, or damage resulting from the production.
- E. Operational Limitations:
 - (1) Filming shall not be conducted at the same location for more than 14 days.

- (2) Each and every location where film production and support will be conducted must be listed and described on the application prior to obtaining a permit.
 - (3) No applicant shall allow any equipment used in connection with such filming, including but not limited to lights, generators and related equipment to be set up or operated at the location described in the permit application prior to 8:00 a.m. or after 9:00 p.m., Monday through Friday, unless otherwise approved by the Board of Trustees.
 - (4) Provisions must be made by the production company for parking of all production, craft service, and crew vehicles. Such arrangements shall be included on the permit application and subject to the approval of the Village Board.
 - (5) The permit holder shall conduct productions in such a manner as to ensure the public health, safety and welfare and without unreasonably disturbing the peace and tranquility of the public.
 - (6) The permit holder shall take all reasonable steps to minimize interference with free passage of pedestrians and traffic over public land and thoroughfares and shall comply with all lawful directives issued by the Village of Cold Spring Police Department and Code Enforcement Officers.
 - (7) The permit holder shall conduct production in such a manner as to minimize the inconvenience, discomfort, and disruption to adjoining properties, citizens, and businesses to such productions.
 - (8) The permit holder shall take all reasonable steps to minimize the creation and spread of debris and rubbish during the production and shall be responsible for the removal of all equipment, debris, and rubbish from the location upon completion of production or expiration of the permit.
- F. At least 72 hours before the issuance of a permit, the applicant shall notify property owners and occupants adjacent and abutting the proposed location of the intent to obtain a permit for film production. Such notice shall include the time, location, and number of crew members to be involved.
- G. The Board of Trustees may, at its discretion, waive any of the requirements or restrictions of these provisions and shall be permitted to impose reasonable conditions for doing so.

§49-4. Use of Village Employees.

- A. Applicants shall be responsible for all costs incurred by the Village of Cold Spring in assigning police, fire, public works, or other employees to facilitate or monitor the filming process.
- B. The decision to assign Village employees shall be at the discretion of the Mayor and Board of Trustees, in consultation with the Village's department heads.
- C. Provisions for billing and collection of costs shall be determined upon the approval of the permit application.

§49-5. Fees and Escrow Deposits.

- A. Fees shall be adopted by resolution of the Village Board of Trustees for any filming by commercial production companies or not-for-profit organizations for each day of production.
- B. Where the use of Village employees is required as a consequence of issuing the permit, the applicant may be required to make an escrow payment to the Village to assure the Village is reimbursed for all costs associated with the use of Village employees and equipment.
- C. The schedule of fees, once adopted by the Village Board of Trustees, will be available for inspection in the office of the Village Clerk. The Village Board shall be permitted to increase any fee due under this Chapter when circumstances warrant.

§49-6. Previous Offenses.

- A. Notwithstanding any section of this Chapter, no applicant who has previously violated the terms of this Chapter shall be granted a permit hereunder for a period of 18 months from the date of such violation.

§49-7. 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 \$1000 per day for each day that the violation continues.
- B. The imposition of such penalty shall not be the Village's exclusive remedy in the event of a violation of this Chapter. The Village may pursue any and all other legal remedies available in connection with any violation of this Chapter.

§49-8. Exemptions.

- A. These provisions do not apply to the production of news stories by media personnel; productions regarding any and all law enforcement investigations; filming of public meetings or public events; and the filming of private matters on private property as described herein.

§49-9. Enforcement.

- A. The Village of Cold Spring Police Department and the Village Code Enforcement Officers are authorized to enforce the provisions of this Chapter.