



Village of Fishkill
Commercial Filming Permit Application

Information for entity or person owning rights to film

Name _____ Title _____

Address _____

Cell Number _____ Email _____

State purpose of film _____

Specify location of property to be used _____

Indicate dates and times filming will take place _____

On a separate sheet please describe all vehicles and large equipment to be used in connection with filming, together with vehicle registration identification of all such vehicles.

A signed consent form must be attached indicating property owners name, address, contact information, location of filming. This letter shall also include name, address, and contact number of location coordinator or other person in charge.

Please note any changes in the planned filming activities for which a permit has been requested or issued shall be submitted in advance of the proposed changes and shall be approved or denied in the same manner as the original application.

All applications for a filming permit must be submitted at least 10 business days prior to the first date of filming unless the Zoning Enforcement Officer waives this condition for good cause.

Signature

Print Name

Title

Date

Van Wyck Hall
1095 Main Street
Fishkill, New York 12524
Phone: 845-897-4430; Fax: 845-897-5301
Email: info@vofishkill.com
Website: www.vofishkill.us

Local Law Filing

(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.

Village of Fishkill

Local Law No. 4 of the year 2019

A Local Law to Enact a Commercial Filming Permit Procedure for the Village of Fishkill
Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

Village of FISHKILL as follows:

Section 1

§ 110-1 Findings.

The Board of Trustees hereby finds that it would serve the public interest, and protect the public health, safety and general welfare, to require a permit for use of property in the Village for commercial filming, and to establish the standards that will govern application for such permits.

Section 2- Text of Local Law

§ 110-2 Definitions.

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

FILMING

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 events by any person 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" also shall not include any recording or other activity conducted by the Village when authorized by the Board of Trustees.

§ 110-3 Permit required.

No person, firm, association or corporation shall commence, conduct, permit, or cause filming at any property, whether public or private, in the Village of Fishkill unless a permit therefor has been issued by the Village Zoning Enforcement Officer, and unless such filming is in compliance with the terms and conditions of such permit and this chapter. 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.

§ 110-4 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 all vehicles and bulky equipment to be used in connection with the filming, together with the vehicle registration identification of all such vehicles.
- (7) Such other information as may be required by the Zoning Enforcement Officer or Board of Trustees.

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

C. Application for a filming permit must be submitted at least 10 business days prior to the first date of filming, unless the Zoning Enforcement Officer waives this condition for good cause.

§ 110-5 Denial or issuance; permit contents; restrictions.

- A. The Zoning Enforcement Officer 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 Zoning Enforcement Officer may also deny any application for a permit in connection with filming which, in the Zoning Enforcement Officer judgment, would conflict with other scheduled events in the area of the filming location, would be detrimental to the neighborhood or 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, residents, property owners or merchants. The applicant may appeal such denial to the Board of Trustees, whose decision thereon will be final.
- B. Every permit shall contain a date of commencement and an expiration date and shall contain the 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 therefor be conducted between the hours of 11:00 p.m. and 8:00 a.m., except that the Zoning Enforcement Officer may permit filming during such hours, upon good cause shown and upon a finding that such filming will not have a substantial adverse effect upon any person or neighborhood.
- D. On Sundays, no filming in any area of the Village may commence before 10:00 a.m.
- E. No filming activity shall interfere with the privacy or intrude upon the property of any resident or property owner unless a written consent is obtained from said resident or property owner.
- F. There shall be no rerouting of traffic in connection with the filming activity except as specifically authorized by the Zoning Enforcement Officer, in consultation with the Village Police Commissioner.
- G. The 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 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.
- H. The Zoning Enforcement Officer may place further 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.

§ 110-6 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. The applicant shall, prior to the issuance of a 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.

§ 110-7 Suspension or revocation of permit.

A. Upon the Zoning Enforcement Officer's own initiative or upon notice from any person, the Zoning Enforcement Officer 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 Dutchess, the Village of Fishkill 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 Fishkill or that is detrimental to public or private property within the Village.

B. A decision of the Zoning Enforcement Officer to suspend or revoke a permit shall be appealable to the Board of Trustees, whose decision thereon shall be final.

C. In the event that a permit is suspended or revoked, the fee paid therefor shall be forfeited and shall not be refunded to the applicant.

D. Revocation of a filming permit shall bar the offender from applying for a new permit within one 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 year from the date of revocation.

§ 110-8 Insurance and bond.

No permit shall be issued until the applicant has deposited with the Village Clerk a policy of Commercial General Liability (CGL) with limits of insurance of not less than \$1,000,000 each Occurrence and \$2,000,000 Annual Aggregate. CGL coverage shall be written on ISO Occurrence form CG 00 01 10 93 or a substitute form providing equivalent coverage and shall cover liability arising from premises, operations, independent contractors, products-completed operations, and personal and advertising injury. If the CGL coverage contains a General Aggregate Limit, such General Aggregate shall apply separately to each project.

The Village of Fishkill, its officers, agents and employees, shall be included as Additional Insured on the CGL policy using ISO Additional Insured endorsement CG 20 10 11 85, or CG 20 10 10 93 and CG 20 37 10 01, or CG 20 33 10 01 and CG 20 37 10 01, or an endorsement providing equivalent coverage to the Additional Insured. This insurance for the Additional Insured shall be as broad as the coverage provided for the named insured. This insurance for the Additional Insured shall apply as primary and non-contributing insurance before any insurance or self-insurance, including any deductible, maintained by, or provided to, the Additional Insured.

Permit applicant shall maintain CGL coverage for itself and all Additional Insured for the duration of the project and maintain Completed Operations coverage for itself and each Additional Insured for at least 3 years after completion of the work.

A. Business Automobile Liability (AL) with limits of insurance of not less than \$1,000,000 each accident. AL coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles. The Village of Fishkill, its officers, agents and employees shall be included as Additional Insured on this AL policy. The AL coverage for the Additional Insured shall apply as primary and non-contributing insurance before any insurance maintained by the Additional Insured.

B. Workers Compensation (WC) & Employers Liability (EL) with limits of insurance of not less than \$100,000 each accident for bodily injury by accident and \$100,000 each employee for injury by disease.

C. Commercial Umbrella Liability (UL) with limits of insurance of not less than \$2,000,000. UL coverage must include as Additional Insureds all entities that are Additional Insured on the CGL and AL.

D. Waiver of Subrogation: Permit applicant / holder waives all rights against the Village of Fishkill, its officers, agents and employees for recovery of damages to the extent these damages are covered by CGL, AL, WC & EL or UL insurance maintained per the requirements stated above.

E. Certificate of Insurance: A Certificate of Insurance shall be filed with the Village Clerk at the time of applying for the permit. A copy of the General Liability Additional Insured endorsement shall be attached to the Certificate of Insurance.

F. Notice of Cancellation or Coverage Modification: No insurance policy required above will be cancelled, allowed to expire or reduced in coverage without at least 30 days prior written notice to the Contractor.

G. 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 Zoning Enforcement Officer 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.

§ 110-9 Penalties for offenses.

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, shall, upon conviction, be guilty of a violation, and shall be punished as provided for violations of the Zoning Code.

B. In addition to the penalties set forth above, 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 \$2,500 for each day on which a violation occurs.

SECTION 3.-Filing with Secretary of State


This local law shall take effect immediately upon filing with the Secretary of State.

LOCAL LAW CERTIFICATION

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2019 of the Village of Fishkill was duly adopted by the Board of Trustees on June 3, 2019 in accordance with the applicable provisions of law.

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.



Village Clerk

Date: 6/7/19

(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 DUTCHESS

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

GREGORY D. SUPPLE, Village Attorney

Village of Fishkill

Date: June 4, 2019