

## **APPLICANT'S CHECKLIST FOR FILMING PERMIT**

NOTE: All payments must be cash or certified check.

- \_\_\_\_\_ Completed application
- \_\_\_\_\_ \$100 nonrefundable application fee
- \_\_\_\_\_ Certificate of insurance that evidences a public liability insurance policy covering the town as an additional insured in the amount of \$1,000,000 (one million dollars) per occurrence for the duration of the filming or still photography.
- \_\_\_\_\_ Indemnification agreement stating the applicant agrees to assume all liability for and will indemnify and hold the town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.

Permit Fees (Prior to issuance of permit):

- \_\_\_\_\_ Film Fee - \$100 per day of each day covered by the permit
- \_\_\_\_\_ Cleanup deposit: Separate check for \$250 for each day covered by the permit.
- \_\_\_\_\_ Traffic control fee - \$1000 for each day covered by the permit **if** required by the Chief of Police.
- \_\_\_\_\_ Beach Parking fee - \$10 per vehicle, per day between May 1 and September 30.

### **ALL CHECKS MUST BE CERTIFIED**

**NOTE: Additional fees for Cleanup and Traffic Control may be required at the direction of the Chief of Police and Superintendent of Highways**

## Chapter 44A, FILMING

[HISTORY: Adopted by the Town Board of the Town of Southold 2-27-2001 by L.L. No. 6-2001. Amendments noted where applicable.]

### **§ 44A-1. Purpose.**

The Town Board of the Town of Southold recognizes that the town's natural beauty and historical sites are attractive to individuals, organizations, corporations, groups and other entities involved in the businesses of still photography, motion pictures and television. Because such filming activities may create a threat to public safety, health or welfare due to the time, location or duration of the filming, or may unduly interfere with vehicular and/or pedestrian traffic, the town desires to regulate such activities through the issuance of permits. The purpose of this chapter is to set forth the procedure governing such permit process.

### **§ 44A-2. Permit required; exemption.**

A. General. A permit issued pursuant to this chapter is required prior to any person, organization, corporation, group or other entity engaging in the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation upon the streets, sidewalks or any other property owned by the Town of Southold, exclusive of the Village of Greenport. The application process for obtaining a permit is set forth in § 44A-3.

B. Exemption. A permit pursuant to this chapter shall not be required if five or fewer individuals constitute the entire cast and crew engaged in one of the activities described in Subsection A above.

### **§ 44A-3. Application for a permit.**

A. Application form. An applicant may obtain an application form from the Town Chief of Police or the Town Clerk. The information requested on the application form shall include, without limitation, the following:

- (1) The name and address of the applicant.
- (2) The proposed location(s) of the filming or still photography.
- (3) The date(s) and time(s) the permit is intended to cover.
- (4) The number in the cast and crew.
- (5) The number of vehicles.
- (6) The person in charge on site.

B. Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk at least seven days before the proposed date to start the filming or still photography:

- (1) A completed application form.
- (2) A one-hundred-dollar nonrefundable application fee.
- (3) A certificate of insurance and indemnification agreement pursuant to § 44A-11.

C. Review by Chief of Police. The Town Clerk shall forward the application to the Chief of Police for approval or disapproval. Said approval or disapproval shall be based on the Chief of Police, or his designee, making a determination on whether the proposed filming or still photography will constitute a threat to public safety, health or

welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic. Approval of the application by the Chief of Police, or his designee, may be conditioned on the payment of the traffic control fee set forth in § 44A-4. The Chief of Police shall send the approved or disapproved application back to the Town Clerk.

D. Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.

E. Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:

(1) Film fee. One hundred dollars per day shall be paid for each day covered by the permit.

(2) Cleanup deposit. A separate certified check in the amount of \$250 for each day covered by the permit shall be paid pursuant to § 44A-5.

(3) Traffic control fee. One thousand dollars shall be paid for each day covered by the permit if the Chief of Police, or his designee, requires payment of the traffic control fee pursuant to § 44A-4.

(4) Beach parking fee. If the permit includes one or more town beaches as location sites, a ten-dollar-per-vehicle fee for each day covered by the permit shall be paid if the permit covers any day falling between May 1 through September 30.

F. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to Subsection E from the applicant. Payment of the permit fee shall be in the form specified in § 44A-6. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s), and time(s) of the filming or still photography.

#### **§ 44A-4. Traffic control fee.**

A. In the event that the Chief of Police or his designee determines that the police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the filming or still photography, the applicant shall submit to the Town Clerk a fee of \$1,000 for each day covered by the permit pursuant to Subsection F of § 44A-3.

B. If the Chief of Police determines that the one-thousand-dollar-per-day traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of additional sum of money, said specific amount to be determined by the Chief of Police based on the salaries and the number of hours to be worked by the town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective

date of the suspension being the day immediately following the completion of the seven-day notice period.

C. The procedure set forth in Subsection B may be repeated as necessary to ensure that the applicant pays for all costs included by the town in providing traffic control services.

D. After termination of the filming, the Chief of Police shall provide the applicant with a statement regarding the actual cost to the town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the town has collected pursuant to Subsection A, B or C, the town shall remit the balance to the applicant. If the actual cost is more than the moneys that the town has collected pursuant to Subsections A, B or C, the applicant shall be responsible for providing the balance to the town within 30 days of the termination of the filming or still photography.

E. The Chief of Police shall forward a copy of the statement of actual cost to the Town Clerk who will file said statement with the original application form.

#### **§ 44A-5. Cleanup deposit.**

A. Each applicant whose application has been approved shall give the Town Clerk a certified check in the amount of \$250 for each day covered by the permit, which check shall be held and not deposited by the town during the duration of the permit period.

B. At the termination of the permit period, the Town Superintendent of Highways, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by town personnel.

C. If cleanup is required, the Town Superintendent of Highways will coordinate that effort. Said Superintendent will provide the Town Clerk with a statement setting forth the actual cost to the town of providing said cleanup services. If the actual cost is less than the deposit collected pursuant to Subsection A, the town shall remit the balance to the applicant. If the actual cost is more than the deposit collected pursuant to Subsection A, the applicant shall be responsible for providing the balance to the town within 30 days of the termination of the filming or still photography.

D. If no cleanup is required, the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the certified check to the applicant.

#### **§ 44A-6. Payment of fees.**

Any fee collected under this chapter shall be paid either in cash or by certified check made payable to the Town of Southold and shall be delivered to the Town Clerk.

#### **§ 44A-7. No donations accepted.**

Other than the required fees, the town shall not accept any donations from the applicant in connection with the granting of the permit. In addition, no town official or employee shall make a recommendation to the applicant regarding a donation to a third party.

**§ 44A-8. Notice to other officials.**

The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the Code Enforcement Officer, the Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.

**§ 44A-9. No alterations to town property.**

A permit holder shall be responsible for any damage to town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming or photography sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.

**44A-10. Compliance with other laws.**

Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other town local laws, ordinances and regulations during the duration of the filming or photography.

**§ 44A-11. Insurance requirements.**

Every application for a permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the town as an additional insured in the minimum amount of \$1,000,000 per occurrence for the duration of the filming or still photography. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.

**§ 44A-12. Permit available at film site.**

The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the filming or still photography for the duration of the permit period.

**§ 44A-13. Extension of permit period.**

An applicant which has been granted a permit may submit to the Town Clerk a request to extend the duration of the permit. The Chief of Police, or his designee, will make the decision whether or not to grant such request. If permission is granted, the Town Clerk shall collect from the applicant an additional \$100 for each additional day added to the permit period. The Town Clerk shall then modify the applicant's permit to indicate the granted extension period.

**§ 44A-14. Penalties for offenses.**

A. Any action by any person, organization, corporation, group or other entity which violates or does not comply with any provision of this chapter shall be punishable by a fine of not less than \$100 and not more than \$1,000, and, in addition, anyone convicted hereunder of not complying with the requirements of § 44A-4 and/or § 44A-5 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the town, and not more than an amount to twice said actual costs.

B. Each continuing day of violation of this chapter shall constitute a separate offense.

C. In addition to the above provided penalties, the town may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of this chapter.

**§ 44A-15. Severability.**

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application of the chapter.

**§ 44A-16. When effective.**

This chapter shall take effect immediately upon filing with the Secretary of State as provided by law.

**APPLICATION FOR FILMING/STILL PHOTOGRAPHY**

PERMIT NO: \_\_\_\_\_

*Please Print or Type*

APPLICATION DATE: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: BUSINESS: \_\_\_\_\_ HOME: \_\_\_\_\_

NAME OF ORGANIZATION / COMPANY: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

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DESCRIBE TYPE OF ACTIVITY (e.g. Motion Picture, Commercial, Television, Catalog, Magazine, etc.):

DATE(S) AND TIME(S) OF PROPOSED FILMING / PHOTOGRAPHY:

PROPOSED LOCATION(S) OF FILMING/ PHOTOGRAPHY: (attach additional sheet, if necessary)

NAME OF PERSON IN CHARGE AT SITE: \_\_\_\_\_

NUMBER OF PERSONS AT LOCATION (cast & crew included): \_\_\_\_\_

NUMBER AND TYPE OF VEHICLES AT LOCATION: \_\_\_\_\_

TYPE OF SPECIAL EQUIPMENT: \_\_\_\_\_

ANY SPECIAL REQUIREMENTS: \_\_\_\_\_

Signature

Return to: Southold Town Clerk  
Southold Town Hall  
53095 Main Road  
P.O. Box 1179  
Southold, NY 11971