

Chapter 117

AUDIOVISUAL PRODUCTIONS

[HISTORY: Adopted by the Board of Trustees of the Village of Cornwall-on-Hudson 5-21-2012 by L.L. No. 3-2012. Amendments noted where applicable.]

§ 117-1. Legislative intent.

- A. With its natural attributes, especially the Hudson River and Storm King Mountain, and its many splendid and historic homes and buildings, the Village of Cornwall-on-Hudson is an attractive venue for audiovisual productions, and therefore the Board of Trustees does hereby establish guidelines for filming in the Village and the application process.
- B. These regulations are intended to regulate only those audiovisual productions made with the intent of having the same result in a profit being made by the individual or otherwise being viewed by the public for commercial purposes. It is not intended that this law prohibit any property owner or other individual from filming private matters on private property. This law is not intended to prohibit the filming of public meetings or public events, so long as the same is not done for the purpose of obtaining a profit therefrom and as long as the filming does not result in a profit for the individual or entity which conducted the filming.

§ 117-2. Permits required.

- A. No person, corporation or other entity shall engage in the making of audiovisual productions, including, but not limited to, commercials, movies, television programs, documentaries or similar productions, that may be filmed, videotaped or recorded in any media format on any public property in the Village of Cornwall-on-Hudson, including but not limited to streets, sidewalks, parks and buildings or the waters of Cornwall-on-Hudson, without first obtaining a permit therefor.
- B. No property owner shall permit another party to make audiovisual productions, including, but not limited to, commercials, movies, television programs, documentaries or similar productions, that may be filmed, videotaped or recorded in any media format on their private property in the Village of Cornwall-on-Hudson, without first obtaining a permit therefor.

§ 117-3. Permit applications and conditions.

- A. Applicants must apply to the Village Clerk at least 30 days before the date that the production will take place. Applications for permits are available in office of the Village Clerk during normal business hours.
- B. Productions scheduled to last more than two consecutive days or requiring the closing of a public street shall require the approval of the Board of Trustees.
- C. A permit is required for each location and for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles or any other film-related activity on any public or private property, or any other use of public or private property, as may be required herein, for the purpose of making audiovisual

productions.

- D. The applicant shall submit a certificate of insurance with the application, naming the Village of Cornwall-on-Hudson as an additional insured and in compliance with other conditions established by the Village Board of Trustees, in the following minimum amounts:
 - (1) Property damage: \$2,000,000 per individual; \$2,000,000 per occurrence.
 - (2) Personal injury: \$2,000,000 per individual; \$2,000,000 per occurrence.
- E. The applicant shall agree in writing to defend, indemnify and hold harmless the Village of Cornwall-on-Hudson from any and all claims, actions at law, liability or damage resulting from productions.
- F. At least 48 hours before the issuance of the permit, the applicant shall notify adjacent and abutting property owners in writing of their need for a permit by providing them with a copy of the permit application to be submitted to the Village Clerk.
- G. If a permit is issued and due to inclement weather or other good cause, the audiovisual production doesn't 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.

§ 117-4. Time, place and manner regulations.

- A. Permit holders shall conduct audiovisual productions for which a permit has been issued from 6:00 a.m. to 8:00 p.m., Monday through Friday, unless otherwise approved by the Board of Trustees. Applicants may set up equipment used in connection with such audiovisual productions, including but not limited to lights, generators and related equipment, to be operated at the location described in the permit application, from 6:00 a.m. to 8:00 p.m., Monday through Friday, unless otherwise approved by the Board of Trustees.
- B. Productions shall not take place at the same location (i.e., in the same building or at the same street address) for more than 10 calendar days within any twelve-month period or within 14 days of another production, unless otherwise approved by the Board of Trustees.
- C. The Board of Trustees may extend the hours of audiovisual productions subject to any conditions and additional fees deemed necessary.
- D. The Board of Trustees shall establish conditions for issuing a permit for productions necessary to protect the health, safety and welfare of the residents of the Village of Cornwall-on-Hudson.
- E. 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.
- F. The permit holder shall take all reasonable steps to minimize interference with free

passage of pedestrians and traffic over public land and shall comply with all lawful directives issued by the Village of Cornwall-on-Hudson Police Department and Code Enforcement Officers.

- G. The permit holder shall conduct productions in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such productions, and shall, to the extent practical, abate noise, and park vehicles associated with such productions off public streets. The holder shall avoid any interference with previous scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands.
- H. 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 production location upon the completion of the production or upon the expiration of the permit.
- I. The Board of Trustees may, at its discretion, waive any of requirements or restrictions of these provisions and shall be permitted to impose reasonable conditions in doing so.

§ 117-5. Use of Village employees; escrow deposit.

The Board of Trustees and department heads shall be responsible for the decision to assign Village employees. Permit holders are responsible for all costs incurred by the Village in assigning police, fire, public works or other Village employees to facilitate or monitor the filming process. The Board of Trustees shall, where necessary, establish the amount of any deposit or escrow required to cover the Village's costs and expenses costs associated with the review of the permit application, and shall determine the provisions for billing and collection of costs at the time of the production.

§ 117-6. Fees.

The Board of Trustees shall establish fees and escrow deposits that it deems reasonable and appropriate for audiovisual productions by resolution. The schedule of fees and deposits shall be available in the office of the Village Clerk.

§ 117-7. Exemptions.

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.

§ 117-8. Penalties for offenses.

Any person who violates the provisions shall be subject to a fine of not less than \$750 for the first offense, not less than \$1,500 for the second offense, and not less than \$3,500 and the loss of rights for a period of six months for the third and subsequent offenses.

§ 117-9. Enforcement.

The Village of Cornwall-on-Hudson Police Department and Village Code Enforcement

Officers are authorized to enforce the provisions of this chapter.