

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.

County City Town Village
(Select one:)

of Briarcliff Manor

Local Law No. 5 of the year 20²⁴

A local law A LOCAL LAW AMENDING CHAPTER 124 ENTITLED "FILMING AND PHOTGRAPHY"
(Insert Title)
IN THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Briarcliff Manor as follows:

SEE ATTACHED

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

(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. 5 of 2024 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on APRIL 16 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (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.

* 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.

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

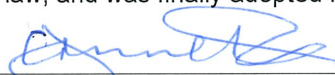
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 a 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: 4-30-24

(Seal)

A LOCAL LAW AMENDING CHAPTER
124 ENTITLED "FILMING AND
PHOTOGRAPHY" IN THE CODE OF
THE VILLAGE OF BRIARCLIFF
MANOR

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

Section 1. Chapter 124 Filming and Photography of the Code of the Village of Briarcliff Manor, is hereby repealed in its entirety and replaced with the following:

Chapter 124. Filming and Photography

§ 124-1. Findings; purpose.

A.

The Village Board finds that significant filming, videotaping, photography, live-streaming, and recording for commercial purposes is being done on private and public property within the Village of Briarcliff Manor.

B.

Due to the potential strain on municipal resources or inconvenience and disruption of traffic placed on the public streets and in private neighborhoods resulting from these productions, the Village Board believes the residents will be best served by the adoption of a local law providing a means of regulating, by permit, the undertaking of any filming, videotaping or recording, in a commercial manner, on private or public property.

C.

By reason of the foregoing, the Village Board does hereby ordain and enact this chapter to accomplish the aforesaid purposes.

§ 124-2. Permit required.

A.

A film permit ("Permit" or "permit") is required for any movie, television program, commercial, online media, still photoshoot, or any portion thereof, that shall be filmed, videotaped, photographed, recorded, live-streamed or otherwise made for commercial purposes where a fee is to be paid or anything of value changes hands for such use of any private or public property within the Village of Briarcliff Manor.

B.

The permit requirements in this chapter shall not apply to filming or photography by casual photographers, tourists, residents or photographers/videographers hired for private events held in the Village or by credentialed members of the news media, or by professionally licensed real estate brokers in conjunction with the sale or offer for sale of real property or in conjunction

with permanent businesses or home occupation as permitted under Chapter 220 of the Village Code.

§ 124-3. Permit types.

There are three types of permits recognized by the Village of Briarcliff Manor. Type is determined by the size and scope of the production as noted on the application and its potential impact on the Village and its residents, at the discretion of the Village Clerk.

A.

Type I permit (basic).

(1)

Type I permits may be issued by the Village Clerk if filming or photography meets all of the following conditions:

(a)

Filming or photography is limited to an indoor location or outdoor location and is fully contained to private property;

(b)

The size of the entire cast, crew, and support staff is limited to 20 or fewer individuals;

(c)

Filming or photography is limited to daytime hours;

(d)

Filming or photography is limited to five or fewer continuous days at the location; and

(e)

Filming or photography involves no potential noise, traffic or light impacts, including, but not limited to, those from the use of any generator, pyrotechnic device or high-powered artificial lighting other than camera-mounted or handheld equipment.

B.

Type II permit.

(1)

Type II permits may be issued by the Village Clerk if there are any special conditions that could potentially cause inconvenience or disruption to neighboring properties or traffic.

(2)

Special conditions include, but are not limited to:

(a)

Filming or photography will occur on public property.

(b)

Filming or photography may impede normal vehicular or pedestrian traffic or disturb neighboring property owners.

(c)

The size of the entire cast, crew, and support staff is greater than 20 individuals and fewer than 50 individuals.

(d)

Filming or photography is outside normal daytime hours.

€

Filming or photography exceeds three days at the location.

C.

Type III permit.

(1)

Type III permits may be issued by the Village Clerk if there are any significant conditions that could potentially cause inconvenience or disruption to neighboring properties or traffic beyond those that would warrant a Type II permit.

(2)

Significant conditions include, but are not limited to, one or more of the following:

(a)

Filming or photography will occur on multiple properties within the Village.

(b)

Filming or photography may significantly impede normal vehicular or pedestrian traffic or disturb property owners beyond a single filming location.

(c)

The size of the entire cast, crew, and support staff is greater than 50 individuals.

(d)

Outdoor filming or photography is outside normal daytime hours.

(e)

Filming or photography exceeds five days at the location.

(f)

Filming or photography involves potential noise or light impacts, including, but not limited to, those from the use of any pyrotechnic device, high-powered artificial lighting, or generator, any of which may impact abutting neighbors.

(g)

Production requires oversized vehicles, such as motor homes, trailers, and/or box trucks or excessive numbers of vehicles that cannot be contained to private property.

(h)

Production requires the use of special effects on the property, such as artificial rain, snow, fire, sound effects or others.

(i)

Production requires the use of any off-site or public areas for staging areas, crowd control, parking, sanitary facilities, cleanup or any other use related to the production but not on the permitted property itself.

(j)

Production involves drone or aerial photography, which must be compliant with FAA regulations and requirements, and for which the Village Clerk may request required proof of valid FAA registration.

(k)

Production requires the support of Village personnel, including but not limited to members of the Police, Fire, or Ambulance Departments.

(l)

Any other significant conditions where the Village Clerk determines that such filming or photography may cause a significant impact on merchants, residents, visitors, or passers-by within the Village of Briarcliff Manor, or any condition that may require the imposition of mitigation measures at the discretion of the Village Clerk.

D.

In the event the applicant disagrees with the Village Clerk's designation of the type of permit, the applicant may appeal the Village Clerk's determination to the Village Board, and the Village Board, in its discretion, may either affirm the Village Clerk's designation or modify such designation.

E.

In the event that the Village Clerk denies an application for any type of permit, the applicant may appeal the Village Clerk's determination to the Village Board, and the Village Board, in its discretion, may affirm the Village Clerk's denial, grant the permit, or grant the permit with revised conditions and/or restrictions.

§ 124-4. Permit applications; conditions.

All film permit applications shall be submitted to the Village Clerk in person, by electronic mail, by recognized overnight delivery service or by United States Mail.

A.

All permit applications be submitted on the Village application for permit for filming and photography form and must contain at least the following:

(1)

The name of the applicant.

(2)

The location of the property where filming, videotaping, etc., is to take place.

(3)

The name and authorization of the owner of property, if the applicant is not the owner.

(4)

The name of the person or entity the applicant wishes to allow to film, videotape, photograph, etc., and the name, local address and telephone number of the on-site contact person who will be available 24 hours a day during the production and who shall have control of and responsibility for the direction of all participants in the permitted activity and for the property for which the activity is permitted.

(5)

A use plan giving a brief description of the purpose of the production as well as showing the days and hours of proposed production, size of the cast and crew, vehicle types and numbers, parking plans, etc. The permit application shall include all hours of production, including when vehicles and equipment arrive for setup and continuing until all locations are restored and the last member of the production crew leaves any location included thereon.

(6)

A listing of any special conditions applicable to the production and any mitigating measures proposed.

(7)

A signed hold-harmless and indemnification agreement together with a certificate of insurance naming the Village of Briarcliff Manor as an additional insured and relieving the Village from any potential liability by virtue of the applicant's activities.

(8)

The fee, as published in the Master Fee Schedule, commensurate with the permit type as determined by the Village Clerk upon review of the application in its entirety.

(9)

Any other permits and fees that may be required, such as those required under Chapter 126 for the use of fireworks or pyrotechnics, and those required under Chapter 153 for the use of Village Parks and Recreation facilities.

B.

The Village Clerk, in reviewing a permit application, may seek, or require, the advice of other Village departments including but not limited to the Police Department, Fire Department, Ambulance Department, Public Works, Building Department, and in reviewing any applications and for Type II and Type III permits may require the review and approval of other Village departments including but not limited to the Police Department, Fire Department, Public Works, Building Department.

C.

For Type II and Type III permits, the applicant shall be required, at its sole cost, to notify and provide all owners of property abutting the property being utilized for filming and/or photography, or any additional affected property owners as determined by the Village with a copy of its use plan and any supporting documents in the form and manner prescribed by the Village Clerk, and the applicant shall provide proof of such notice to the Village Clerk before beginning any preparation for filming.

D.

The Village Clerk may attach additional conditions and safeguards to any permit to ensure the orderly conduct of the activity and the minimization of impacts of such use and shall specify the duration and hours of operation of such activity.

E.

The Village Clerk, for Type II and Type III permits, may further require as a condition of any permit that the applicant first meets with, or utilizes the services of, the Village of Briarcliff Manor Police Department, Fire Department and/or Ambulance Department at rates published in the Master Fee Schedule. The applicant shall provide to such Village personnel proper restroom facilities and water. Proper meals and other such support for services shall be provided to any such Village personnel so present in excess of four consecutive hours.

F.

The applicant shall pay the actual cost, if any, for any Village of Briarcliff Manor personnel, services or equipment required in connection with permitted filming activities.

G.

The Village Clerk, for Type II and Type III permits, may require the applicant to post reasonable bond or cash security to assure adherence to any permit conditions.

§ 124-5. Fees.

Each applicant shall pay a permit fee to the Village for filming, videotaping, photography or recording on private or public property, as set forth in the Master Fee Schedule adopted by the Village Board as same may be amended from time to time.

§ 124-6. Suspension or revocation of permit.

A.

In the event the Village Manager, the Building Inspector or any other Village personnel has cause to believe that the applicant has not complied with the requirements or conditions of a permit as set forth herein, the Building Inspector or other Village personnel shall notify the Village Clerk to determine whether a permit should be revoked or suspended pursuant to Subsection **B** below.

B.

The Village Manager, the Building Inspector, or their respective appointed authority, may revoke or suspend a permit, whether or not any requirement or conditions of the permit have been violated, if the Village Manager, the Building Inspector, or their respective appointed authority, in conjunction with the Village Clerk, determines that:

(1)

The filming violates any law or ordinance;

(2)

The filming has or will interfere with the use and enjoyment of adjoining properties;

(3)

The filming has or will impede the free flow of vehicular or pedestrian traffic; or otherwise not be in the best interests of the public health, safety or welfare; or

(4)

The applicant has not established that it has provided adequate measures for parking, sanitary facilities or services, crowd control or cleanup; or

(5)

Any information provided on the application for a permit is false.

C.

Any filming or other activity permitted by a permit shall cease immediately upon receipt of notification from the Village Manager, the Building Inspector, Village Clerk or Village Police Department. Notice of the grounds for revocation or suspension of the permit shall thereafter be provided in writing to the applicant as soon as possible.

D.

In the event that the Village Manager, the Building Inspector, or their respective appointed authority, revokes or suspends a permit, the applicant may appeal this determination to the Village Board. After review of said appeal, the Village Board may affirm the action of the Building Inspector, or his or her appointed authority, or reverse or modify the action of the Building Inspector, or his or her appointed authority, based upon a finding that such determination was arbitrary, capricious or not supported by substantial evidence.

E.

The Village Manager, the Building Inspector, or a Fire Chief may suspend the use of aerial or drone photography, or any outdoor filming or photography, due to a dangerous weather

condition, or the declaration of a Red Flag Warning by any office of the National Weather Service.

§ 124-7. Enforcement.

This chapter shall be enforced by the Village Manager, the Building Inspector, or their respective appointed authority, and the Village of Briarcliff Manor Police Department.

§ 124-8. Penalties for offenses.

A.

Any person, persons, corporation, company, group or other entity of any kind who or which fails to obtain the permit required herein or otherwise violates any provision of this chapter shall be guilty of an offense that shall be punishable in the sole discretion of the court by a fine of not more than \$1,000 per offense for a Type I permit, or a fine of not more than \$2,500 per offense for a Type II or III permit, and shall pay to the Village any permit fees that would have been required had an application for a permit been duly filed.

B.

The imposition of such fine 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 to it in connection with any violation of this chapter.

§ 124-9. Previous violations.

Notwithstanding any of the foregoing, an applicant who has been previously convicted of or plead guilty to a violation of this chapter shall not be granted a permit hereunder for a period of 18 months from the date of such conviction.

Section 2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.