

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 34-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 108 (FILM PERMITS)

Resolution for Town Board Meeting Dated: September 10, 2024

The following resolution was offered by: **COUNCILWOMAN MARI**

and seconded by: **SUPERVISOR SMYTH**

THE TOWN BOARD, having held a public hearing on August 6, 2024 at 2:00 p.m. to consider adopting Local Law Introductory No. 34-2024 amending Town Code Chapter 108 (Film Permits), and due deliberation having been had; and

WHEREAS, pursuant to SEQRA regulations, amending the Code of the Town of Huntington to update administrative processes is a Type II action in accordance with 6 NYCRR Section 617.5 (c)(26) and, therefore, does not require further SEQRA review.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY ADOPTS Local Law Introductory No. 34-2024 amending Chapter 108 (Film Permits) as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 39-2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON,
CHAPTER 108 (FILM PERMITS)

Section 1. Chapter 108 (Film Permits) of the Code of the Town of Huntington is hereby amended as follows:

CHAPTER 108
FILM PERMITS

§ 108-1. Legislative Intent.

It is the intent of the Town Board to [regulate the activities of individuals,] invite and welcome production companies, organizations, corporations, groups and [other entities] individuals involved in the [business] production of motion pictures, television distributed by broadcast, cable, satellite, digitally or via streaming, digital video and/or still photography [production] to create new content within the Town of Huntington, so as to encourage the use of the Town of Huntington's parks, beaches, streets, sidewalks, services and staff for the purpose of filming and/or photography. It is the Town's intention to assure the health, safety and welfare of its [the] residents [of the Town of Huntington] by creating

[and to generate] additional jobs for local residents and generating income for local businesses by promoting the use of the Town's parks, beaches, streets, sidewalks services and staff.

§ 108-2. Definitions.

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

APPLICANT [PRODUCTION COMPANY]

The applicant, which may be a production company, [individual,] organization, corporation, group and/or individual [other entity] that is to engage in the production of motion pictures, television distributed by broadcast, cable, satellite, digitally or via streaming, digital video and/or still photography production (hereinafter referred to as "content") on property or facilities owned by the Town of Huntington and/or the Town of Huntington Board of Trustees [property or facilities].

CONTENT [MOTION PICTURE, TELEVISION AND STILL PHOTOGRAPH]

Content may consist of motion picture, television distributed by broadcast, cable, satellite, digitally or via streaming, digital video, streamed video and/or still photography, as well as a[A]ll activity pertaining [attendant] to the production, staging or shooting of motion pictures, television shows, series or programs distributed by broadcast, cable, satellite, digitally or via streaming, music videos and concerts, live sporting events, corporate industrial videos and brand advertisements and/or commercials in any medium, or on any distribution platform, including film, [tape or] digital video format, streaming, broadband and broadcast. The exceptions include [except for] photographs or videos of family events taken for private or personal use, or any other photographs or videos taken by a non-commercial production company exclusively for personal use.

CHARITABLE FILMS AND PUBLIC SERVICE ANNOUNCEMENTS

Content [Motion pictures, television and still photography] produced by or for a nonprofit organization, which qualifies under Section 501(c)3 of the Internal Revenue Code as a charitable organization. [No p]Persons who are directly or indirectly involved with the production, [shall] do not receive a profit from the marketing, distribution and/or production of the film/content [or from showing the films, tapes, or photos].

NEWS MEDIA

Content produced [The photographing, filming or videotaping] for the purpose of [television] delivering news to audiences via broadcast television, subscription based broadband television, vlogs, shorts, reels or podcasts, or the reporting for the print or electronic media by reporters, photographers or cameramen.

STUDENT FILMS

Content [Motion picture, television and still photography] that is produced pursuant to the curriculum of an educational institution chartered by the State of New York.

[No p] Persons[,] directly or indirectly involved with the production of a student film, shall not receive a profit from the marketing, [and] production and/or distribution of the film/content nor from the public exhibition of the film/content [showing the films, tapes, or photos].

[TOWN OF HUNTINGTON] FILM PERMIT APPLICATION

A digital, online, or [P]paper form to be used for the purpose of requesting [to apply for] permission from the Town of Huntington to engage in the production of content [motion picture, television and still photography production] on property and/or facilities owned by the Town of Huntington and/or the Town of Huntington Board of Trustees.

[TOWN OF HUNTINGTON] FILM PERMIT

Written authorization to engage in the production of content [motion picture, television and still photography production] on property and/or facilities owned by the Town of Huntington and/or the Town of Huntington Board of Trustees [property or facilities].

§ 108-3. Prohibitions.

- (A) [No] Applicant [production company] may not [shall] engage in the production of content [motion picture, television and/or still photography production] on any Town of Huntington and/or Town of Huntington Board of Trustees property or facility without a Town issued [of Huntington] Film Permit, with the exception of [for] those exemptions set forth in § 108-4.
- (B) [No] Applicant [production company] may not [shall] violate federal, state or local laws or health and safety codes while engaging in the production of content [motion picture, television and still photography production] on any property or facility owned by the Town of Huntington and/or the Town of Huntington Board of Trustees [property or facility]. Any waiver of local law or regulations must be specifically provided for in the Town issued [of Huntington] Film Permit.

§ 108-4. Exemptions.

The provisions of this Chapter shall not apply to [N]news [M]media, police related activities, and shall not apply to filming or videotaping of content [motion pictures and still photography] for private family use.

§ 108-5. Permit Required.

- (A) [No] Applicant [production company] may not [shall] commence the production of content [motion picture, television and/or still photography production] on any property or facility owned by the Town of Huntington and/or the Town of Huntington Board of Trustees, [property or facility] unless a permit for [such permit for] such activity has been issued by the Huntington Town Attorney's Office.

(B) The Town i[I]ssued permit must be presented [available] upon request.

§ 108-6. Application for Permit; Requirements.

An application for a permit to film, stream, record or photograph shall be fully completed and signed by the applicant [production company] seeking a permit. The application is to [shall] be submitted to the Huntington Town Attorney's Office not less than 48 hours [five (5) business days] prior to the commencement of such filming[, unless otherwise authorized]. Application submissions received less than 48 hours prior to the start of production, may incur a fee ("rush charge") for expediting. The application shall include [and be accompanied by and/or include]the following information:

* * *

(D) The specific date(s) and time(s) of the filming which the permit is intended to cover.

* * *

(F) The number and types of vehicles.

(G) The number and types of equipment.

* * *

(I) If a student film, a letter from the school verifying that the filming or photography [it] is being done pursuant to the curriculum of an educational institution chartered by the State of New York.

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§ 108-7. Insurance Requirements; Liability Provisions.

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(1) Comprehensive general liability insurance coverage with limits of no less than two million dollars (\$2,000,000.00) per occurrence.

(2) Automobile liability insurance coverage with limits in an amount acceptable to the Town Attorney.

(3) New York Workers' Compensation and New York Disability insurance coverage for production company employees.

(4) The Town of Huntington and the Town of Huntington Board of Trustees must be named as certificate holders and as additional insureds, by endorsement on liability insurance policies.

- (B) Applicant [Production companies] shall conform to all applicable Federal and State requirements for Worker's Compensation i[I]nsurance for all persons operating under a permit.
- (C) Execution of a hold harmless agreement shall be required[, in connection with the permit,] in a form approved by the Huntington Town Attorney's Office.
- (D) Where deemed necessary by the Town of Huntington, a refundable security deposit may be required to be submitted to assure cleanup of the site. Otherwise, the Town may simply charge the applicant a fee, prior to the start of production, to cover the costs of sanitation, removal of debris and costs related to the use of other municipal personnel.
- (E) The Town of Huntington may place other reasonable conditions as deemed advisable by the Town Attorney and may place reasonable limitations on the days and/or hours of operation based on the specific Town of Huntington and/or Town of Huntington Board of Trustees property or facility requested or the existence of conflicting scheduled events.

§ 108-8. Fees.

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- (2) Permit fees per location:
 Full Day Fee - four (4) plus hours up to twenty-four (24) hours.
 Half Day Fee - up to four (4) hours.

All fees for film[ing] permits are nonrefundable and shall be payable to the Town of Huntington by check, [or] money order, e-check or credit card at the time of permit issuance.

- (3) An expediting fee ("rush charge") may be imposed on applicants who submit an application with less than 48 hours' notice prior to the production of content [late application or applicant's failure to submit all required documents pursuant to § 108-6 and § 108-7 shall be subject to a late fee].

- (A) Film permit fees will [may] be waived in connection with filming and/or photography done for a charity, a charitable event, a public service announcement, news media, student film[s], [public service announcement,] and/or other nonprofit purpose upon the submission of requested documentation and approval of the Town Attorney.

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§ 108-9. Penalties for Violations.

- (A) Any production company committing an offense against any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than Two Hundred Fifty (\$250) dollars and not exceeding One Thousand (\$1,000.00) dollars

