

LOCAL LAW NO. 11 OF 2018

A LOCAL LAW Amending Town Code Chapter 162 (Filming) to Exempt from the Filming Permit Requirement Shoots Involving Twenty-Five or Fewer Individuals

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

**Section 1. Legislative Intent.**

Chapter 162 of the Town Code requires submission of an application for a permit prior to engaging in the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation for commercial or educational purposes. This requirement allows the Chief Fire Marshall and the Chief of Police to assess potential impacts upon the health, safety and welfare of the public and the Town, and to insure that adequate arrangements are made by the applicant to control traffic, parking, noise, light, refuse, emergency plans, and other impacts. The code exempts from this permitting requirement those filming or photography shoots when three (3) specific criteria are met:

- (a) Twelve or fewer individuals constitute the entire cast and crew engaged in filming; and
- (b) The filming takes place for a period of not more than three days; and
- (c) The filming does not obstruct a public roadway and/or sidewalk or any portions thereof and/or use any Town property or Town facility.

Based upon input of local photography and film businesses, the smallest scale commercial shoots often involve the engagement of up to twenty-five people - even when it is a family photography session. They have stated that these small scale shoots do not pose the potential impacts noted above, as they normally take place in private residences. Therefore, the burden of requiring businesses to complete an application and obtain a permit prior to such shoots outweighs the impact that it is designed to address. Representatives of both the Fire Marshals' office and the Police Department who review film permit applications agree that increasing the exemption to allow shoots involving twenty-five or fewer people, so long as the other two criteria are met, would be an appropriate modification of the existing code.

**Section 2. Amendment.**

Town Code Chapter 162 (Filming) at subsection 162-2 (Licensing) is hereby amended by deleting the stricken words and adding the underlined words as follows:

**§162-2. Licensing.**

**A. Written permit required.**

(1) No owner, lessee or any other person claiming any right or interest in property within the Town of Southampton shall cause, permit or allow any such property to be used for filming, as defined by § 162-1, unless, pursuant to an application therefor, a written filming permit has been issued by the Chief Fire Marshal.

(2) Exemption. A permit pursuant to this chapter shall not be required if each of the following conditions is met:

- (a) ~~Twelve~~ Twenty-five or fewer individuals constitute the entire cast and crew engaged in filming; and
- (b) The filming takes place for a period of not more than three days; and
- (c) The filming does not obstruct a public roadway and/or sidewalk or any portions thereof and/or use any Town property or Town facility.

**Section 3. Authority.**

The proposed local law is enacted pursuant to Municipal Home Rule Law §§10(1)(i),

10(1)(ii)(a)(11), and 10(1)(ii)(a)(12), as well as in furtherance of Town Law §130(3-a).

**Section 4. Severability.**

If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 5. Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.