



Town of Mamaroneck

Town Center

740 West Boston Post Road, Mamaroneck, NY 10543-3353

OFFICE OF THE TOWN ADMINISTRATOR

TEL: 914/381-7810

FAX: 914/381-7809

Town of Mamaroneck Filming and Videotaping Local Law and Application

§ 99-1. **Intent.**

It is the intent of the Town Board to allow, but regulate, the use of property within the unincorporated area of the Town for filming advertising, motion-pictures, television shows, productions that can be viewed on computers, telephones or other devices, and for taking photographs to be used in commercial enterprises. Such regulation is intended to allow such activities in a way that is compatible and does not unduly interfere, with the day-to-day activities of the Town's residents and merchants.

§ 99-2 **Definitions.**

As used in this section, the following terms shall have the meanings indicated:

FILMING

The recording, by any medium, of advertising, motion-pictures, television shows, productions that can be viewed on computers, telephones or other devices and the taking of photographs to be used in commercial enterprises. Notwithstanding the previous sentence, "filming" does not include recordings done by or on behalf of the Town, the coverage of news, political, cultural, local sports or school events or the recording of public service announcements.

LICENSEE

Any person or entity whose application for a license under this chapter has been approved.

PUBLIC PROPERTY

Any property located within the unincorporated area that is owned or leased by the Town of Mamaroneck or that the Town of Mamaroneck has the right to use.

UNINCORPORATED AREA

The unincorporated area of the Town of Mamaroneck.

§ 99-3 **License required.**

No person or entity shall film in the unincorporated area on either public or private property, unless a license is issued pursuant to this chapter.

§ 99-4 **Application for license.**

The license prescribed by this chapter shall be issued by the Administrator. An application therefor shall be filed in the office of the Administrator at least seven (7)

days before the first day proposed for filming. It shall be on a form containing such information as may be determined by the Administrator. At a minimum, the application shall require (i) the proposed location for the filming, (ii) the proposed production schedule, (iii) a description of any activities where there is a risk of injury, such as car chases, jumps or falls from windows or roofs, fighting, the use of weapons or like activities, (iv) a statement of whether explosives will be used and if so, where the explosives will be stored, and (v) a list of all vehicles that will be used during filming or will be driven by the persons engaged in the filming. After reviewing the application, the Administrator may request such additional information that in the Administrator's sole judgment is necessary to determine whether to issue the license.

§ 99-5 Action by the Administrator.

- A. The Administrator may approve or deny any application or place conditions or limitations on a license if filming on the dates and at the times requested would conflict with other scheduled events in the area, would be detrimental to the community because of anticipated excessive noise, excessive illumination, unreasonable disruption of traffic, potential danger to persons or property that could be caused by the proposed filming, or would unduly interfere with the day-to-day activities of the Town's residents or merchants or would otherwise interfere with public health, safety and welfare.
- B. If the application is approved, the Administrator shall issue a license which shall specify the days, the hours and the location for filming and contain the conditions and limitations, if any, imposed by the Administrator.
- C. The filming shall adhere strictly to the information and representations contained in the application, the submissions that accompany the application when it is made and any other information submitted to the Administrator.

§ 99-6 General requirements.

- A. Prior to the first day of filming, the licensee must give written notice of the filming to properties that are contiguous to the location of the filming and to residents within one hundred (100) feet of that location.
- B. The filming shall be conducted so as not to interfere with access to fire lanes. No objects shall not be placed within fifteen (15) feet of fire hydrants or in passageways leading to fire escapes or fire lanes. Accessible parking spaces shall be kept free of objects.
- C. Any costs that are incurred by the Town by reason of the filming shall be borne by the licensee. The Administrator may estimate such costs and require the licensee to pay the amount of the estimate before filming commences.

§ 99-7 Limitation on filming.

No more than fifteen (15) days of filming shall occur on private property or on streets lying within the R-TA, R-A, R-GA, R-2F, R-6, R-7.5, R-10, R-15, R-20, R-30 or R-50 zoning

districts in any calendar year. Upon a showing of undue hardship, the Town Administrator may allow filming to occur at a property for up to eighteen (18) days in a calendar year.

§ 99-8 License fee.

The fees for applying for, and for a license itself are listed in section A-250-1 of the Code. The Town of Mamaroneck, the Mamaroneck Union Free School District, the United States, the State of New York and the County of Westchester shall be exempt from such fees.

§ 99-9 Insurance and bond.

- A. The license shall not be issued until the licensee furnishes an insurance policy in an amount not less than \$1,000,000 indemnifying and holding harmless the Town of Mamaroneck, its officers, agents and employees from and against any claim, loss or damage that occurs during filming and for the payment of all damages for death, personal injury or property damage which may occur during filming by acts or omissions of the licensee, its agents, employees, contractors or subcontractors. The insurance policy shall comply with the Minimum Insurance Requirements for Permits & Use of Property within the Town of Mamaroneck promulgated from time to time by the Town Administrator.
- B. In addition, the applicant must produce certificate of insurance showing that it is insured against any claim, loss or damage which may occur during filming and for the payment of all damages for death, personal injury or property damage which may occur during filming by acts or omissions of the licensee, its agents, employees, contractors or subcontractors. Such certificates also shall be approved by the Town Attorney. Further, the Town Administrator may require the posting of a bond in an appropriate case sufficient in amount to ensure that public property and any private property, other than the private property where the filming will take place, is restored to its condition prior to filming.

§ 99-10 Appeals.

Any person aggrieved by the denial of an application for a license or by the conditions imposed with such license may appeal the Administrator's decision to a Committee, consisting of the Town Supervisor and one Town Board member designated by the Town Board. The Committee shall review such appeal and may reverse, modify or affirm the action of the Town Administrator if the Committee finds that the action of the Town Administrator was arbitrary, capricious or not supported by substantial evidence.

§ 99-11 Suspension or revocation of license.

- A. The Administrator may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:**

- (1) Failure when filming to adhere to the information and representations contained in the application for the license, the submissions that accompany the application when it is made and any other information submitted to the Administrator, or
 - (2) Failure to adhere to the conditions imposed upon the license by the Administrator, or
 - (3) Disorderly conduct, conduct detrimental to the health and safety of others or conduct constituting a breach of the public peace by the licensee, its agents, employees, contractors or subcontractors, or
 - (4) Violation by the licensee, its agents, employees, contractors or subcontractors of any law or ordinance or any rule or regulation
- B. Notice of the suspension or revocation of a license may be given orally to the licensee or the person in charge of the filming, by electronic communication or in writing to the licensee at the address given by the licensee for such communication.**
- C. The suspension or revocation of a license shall bar such licensee from applying for a new license within one year from the date of revocation.**
- D. If a license is suspended or revoked, the applicant shall not be entitled to a refund of any portion of the license fee.**

§ 99-12 Penalties for offenses.

It shall be an offense for any person, firm or corporation to violate or to fails to comply with any provision of this chapter or any rule or determination made thereunder, or to undertake filming in the unincorporated area without first securing a license therefor. A person who commits such offense shall upon conviction, be punished by a fine of \$250. Each day that a violation occurs shall be deemed a separate offense.

§ 99-13 Enforcement.

This chapter shall be enforced by Town Administrator, the Deputy Town Administrator, the Building Inspector, any Assistant Building Inspector, any Code Enforcement Officer, the Director of Building Code Enforcement and Land Use Administration, the Fire Inspector or any police officer.

Section 3 – Amendment of an existing section of the Mamaroneck Code:

Section A250-1 of the Code of the Town of Mamaroneck hereby is amended by deleting the entries therein for § 99-6A and § 99-6B and inserting the following entries between the entries for § 95-30A and § 106-20A:

Code Section	Subject	Fee or Deposit
§ 99-8	Fee to apply for license to film	\$500.00
	License fee for filming on public property	\$1,200.00 per day or any portion thereof
	License fee for filming on private property	\$1,000.00 per day or any portion thereof

Section 4 - Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the

invalid or unconstitutional provisions.

Section 5 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.

Town of Mamaroneck Policy Addendum for Filming & Videotaping

- (1) Please be advised that the lawful hours for filming & videotaping in the Town of Mamaroneck are from 8:00 a.m., Monday through Friday. Filming & videotaping is prohibited on Saturdays & Sundays.
- (2) With respect to “SECTION EIGHT: Restrictions & requirements”: The licensee must give notice to residents of the proposed filming location within two hundred & fifty (250) feet in each direction of the location, on the same street as the film location.



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Please Print

LICENSE NO. _____

Company: _____ Address: _____

Production Contact: _____

Phone #: _____ Cell Phone: _____ Fax # _____

Email: _____

Location(s): _____

Date(s): _____ Hours: _____

Type of Production (Title, Celebrities): _____

If TV Commercial, Product Name: _____

Scene Description: _____

Equipment: _____

Generator: _____ # In Cast and Crew: _____

of Vehicles: _____ Types of Vehicles: _____

Director: _____

Production Manager: _____

Insurance Company: _____

Signature of Film Representative & Title: _____

Copies Forwarded To:

Police Dept.	Fire Dept.	Town Clerk	Highway Dept.	Recreation
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Is Insurance Certificate on file:

Yes

No

Date of Approval: _____

Name of Approver: Meredith S. Robson

Title of Approver: Town Administrator

Signature of Approver: _____

Application Fee: \$500 License Fee: _____ Police Department Fee: _____

Total Amount to be Paid: _____

NOTICE: You have a right to appeal a denial of this application to the Committee of Review (Supervisor & one Town Board member). Appeals should be delivered to the Office of the Town Clerk.