

## **DRAFT LOCAL LAW #1-2026**

### **§ 43-1. Definitions.**

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

**FILMING** — The recording on film, videotape, digital or other medium of motion pictures, commercials, television, documentaries, shows, performances, athletic or sports events or other similar events or activities, excluding still photography. As used herein, "filming" shall include the use of public or private property for persons, equipment, vehicles, props, cameras and any other items or materials used in connection with such filming. The filming of home movies or videos intended for the exclusive use of the owner and their immediate family and any filming for a governmental/municipal access broadcast or in connection with a news broadcast or for the purposes of scientific research without intent to publish commercially are exempt from this chapter and are not included within the definition of "filming."

**TOWN** — The Town of Shandaken

### **§ 43-2. Permit required.**

No person, firm, association or corporation shall commence filming within the Town unless a permit therefore has been issued by the Town Clerk.

### **43-3. Application for permit; granting of permit.**

A. An application for a filming permit shall be made on forms provided by the Town Clerk and shall contain at least the following information:

- (1) Name, address and telephone number of the person or entity making the film.
- (2) Name, address and telephone number of the location coordinator or other contact person.
- (3) Purpose of the filming.
- (4) Specific location of each property to be used in the filming.
- (5) Dates and times of the day that the property will be used.
- (6) Name and address of the property owner.
- (7) Consent of the owner of the property.
- (8) Types of motor vehicles (e.g., sedans, pickup trucks, vans, etc.) to be brought into the Town for purposes of the filming; and where those vehicles are intended to be parked.
- (9) Such other information as may be required by the Town Clerk.

B. The Town Board may grant, deny or grant the permit with restrictions and/or conditions.

C. The Town Board may conditionally approve or deny an application for a filming permit if the Board determines, in writing, that it will create a dangerous condition, interfere with the use of the Town streets or public places, create a nuisance to the Town residents or violate any provisions of the Town Code.

### **§ 43-4. Permit restrictions.**

A. Every permit shall contain a date of commencement and expiration, as well as the specific hours during which filming may occur.

B. The Town Board may place further reasonable limitations on hours of operation based on the needs of the particular neighborhood or the existence of conflicting scheduled events.

**§ 43-5. Fees; waiver.**

An applicant for a permit under this chapter shall pay an appropriate fee as determined by the Town Board, but not to exceed \$5,000. Such fee shall be paid in cash or check three days prior to the issuance of the permit. This fee, however, may be waived in connection with filming done for a charitable, educational, public service, or other similar nonprofit purpose. Proof of such purpose, in a form satisfactory to the Town Board, must be submitted for a waiver of the permit fee to be considered.

**§ 43-6. Incidental costs.**

The applicant shall pay the actual cost for the incidental use for Town personnel, services or equipment in connection with filming. If the applicant requires intermittent or full road closures, or working near busy streets that necessitate traffic direction, or using prop weapons, pyrotechnics, or stunts that require supervision, or filming in a location where a police detail is necessary for public safety, the applicant shall pay additional fees as determined by the Shandaken Police Department.

**§ 43-7. Insurance and bond.**

No permit shall be issued, until the applicant has filed with the Town Clerk a certificate or policy of general liability insurance, including personal injury liability, in an amount not less than \$2,000,000 bodily injury and property damage combined single limit per occurrence and naming the Town as an additional insured, thereby providing a defense for and indemnify the Town from and against any claim, loss or damage resulting from the filming for which the permit is issued.

**§ 43-8. Suspension or revocation of permit**

- A. The Town Clerk may suspend or revoke a filming permit issued for any of the following reasons:
  - (1) Violation of any law, rule or regulation of the United States, the State of New York, the County of Ulster, the Town or any department or agency thereof
  - (2) Violation of any condition of the permit;
  - (3) Conduct that is detrimental to the health, safety or welfare of the public; or
  - (4) Conduct found to be a nuisance or an interference with the activities of residents located within the area of the Town for which the permit has been granted.
- B. A decision of the Town Clerk to suspend or revoke a permit shall be appealable to the Town Board, whose decision thereon shall be final. The decision of the Town Board may be reviewed under the New York Civil Practice Law and Rules by an Article 78 proceeding brought within 30 days of the filing of the Town Board decision in the Clerk's office.
- C. In the event that a permit is suspended or revoked, the fees paid therefor shall be forfeited and shall not be refunded to the applicant.

**§ 43-9. Penalties for offenses.**

- A. Any person, firm or corporation who shall violate or fail, neglect or refuse to comply with any provision of this chapter or any rule or determination made thereunder, or

who shall undertake filming without a permit therefore, shall, upon conviction thereof, be punished by a fine of not more than \$3,000 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation.

B. In addition to the penalties set forth hereinabove, the Town may enforce any provision of this chapter by injunction or by civil action to recover a civil penalty in an amount not to exceed \$3,000 for each violation.