

# Local Law No. \_\_\_\_ of 2024

A LOCAL LAW ADDING CHAPTER 132 TO THE HUDSON CITY CODE

## **SECTION 1. TITLE**

This Local Law shall be known as Local Law No. \_\_\_\_ for the year of 2024.

## **SECTION 2. LEGISLATIVE FINDINGS**

The Common Council of the City of Hudson finds that the City of Hudson has seen an increase in requests to film and shoot photographs in the City. The current City Code does not have a mechanism in place to specifically regulate filming in the City for commercial purposes. In order to encourage such filming while accounting for public health and safety legislation is necessary to regulate the time, place, and manner in which filming may occur.

## **SECTION 3. LEGISLATIVE INTENT**

It is the purpose and intent of the City of Hudson to encourage the motion picture and television industries, and those engaged in advertising and editorial in print, broadcast, and digital services, to utilize the scenic beauty and variety of backdrops afforded in the City of Hudson as locations for still photograph, filming and/or videotaping for commercial production. It is the purpose and intent of this chapter to provide the means by which such activities may be reasonably regulated to preserve the public health and safety and provide for the protection of property, to not unduly restrict such activities, and to maintain harmonious relations between the community and those engaged in such activities.

## **SECTION 4. STATEMENT OF AUTHORITY**

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

## **SECTION 5. AMENDMENT TO THE CITY CODE**

The following Chapter is hereby added to the City Code of the City of Hudson:

Chapter 132. Filming

§132-1. Short Title.

This Chapter shall be known as the "City of Hudson Filming Law".

§ 132-2 **Definitions.**

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

### **CHARITABLE FILMS**

Commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

#### **CITY-PRODUCED GOVERNMENT ACCESS FILMS**

Motion pictures or programs produced by or in association with the City of Hudson. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films or tapes.

#### **CONCERT FILMING**

The filming of a concert event for a not-for-profit entity, but shall not include activities occurring for businesses, corporations and for-profit entities that will be distributed, sold and/or broadcast for commercial purposes.

#### **FILM or FILMING or FILMING ACTIVITY**

All activity in preparation of, and attendant to, staging, making, striking, filming, video recording, commercial motion pictures, television shows, programs, and commercials, including magazines or documentary programs.

#### **NEWS MEDIA**

Photographing, filming, or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers, or camera operators.

#### **STUDENT FILMS**

Motion pictures, television programs or commercials produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that they are currently enrolled.

#### **STUDIO**

A fixed place of business where filming activities are regularly conducted upon the premises.

#### **§ 132-3 Permit required; exemptions.**

- A. Film permit required. No person shall, for commercial purposes, use any kind of public property, facility or residence herein or portion thereof owned and/or controlled by the City of Hudson to cause, direct or conduct filming activities as defined without first applying for and obtaining a film permit from the City of Hudson.
- B. Still Photography permit require. No person shall, for commercial purposes, use any kind of public property, facility or residence herein or portion thereof owned and/or controlled by the City of Hudson to cause, direct or conduct still photography activities **where a crew of two or more** is engaged as defined without first applying for and obtaining a film permit from the City of Hudson.
- C. Exemptions.

(1) The following activities shall not require an application or film permit under the provisions of this chapter:

- (a) News media: reporters, photographers, or camera operators in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
- (b) Family or personal use video: the filming or videotaping of motion pictures solely for private-family use.
- (d) City-produced government access films.

(2) A film/still photography permit application as required by this chapter shall be

completed and submitted without a fee for the following activities:

(a) Charitable films: projects that qualify under Section 501(c)(3) of the Internal Revenue Code.

(b) Student films

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(c) Concert film by a not-for-profit entity.

(d) Any entity that is producing a film or films, or still photographs, for purposes of promoting Hudson, NY as a destination for visitorship, or business expansion, or economic development

(e) Any business or entity that is based primarily in Hudson, NY

#### § 132-4 Application requirements.

The application for such film/still permit shall be made upon forms prescribed therefor by the City and require, at minimum, the following information:

- A. The Name, Type, and Purpose of the production
- B. The name, address, telephone number and e-mail address of the applicant.
- C. The name, address and telephone number of the production company and the name, address and telephone number of the ~~production company owner~~. Primary contact for the production, such as Producer, Production Manager, or Location Manager.
- D. If different from B, The name, address, telephone number and e-mail address of the person(s) in charge of the ~~film production as the contact person~~. Production who will be on location during the duration of the production.
- E. The street address(es) of the location(s) at which filming will take place. E. The dates and hours during which filming activity will occur.
- F. An anticipated -number of persons, including cast and crew, to be involved.
- G. List of equipment and generator, if any.
- H. Number and type of vehicles used in production.
  - a. Identify historic or period vehicles or equipment that will be used in the production.
- I. List of any animals, pyrotechnics, hazardous chemicals, demolition of buildings or structures and/or use of residential vehicles proposed to be used and a safety plan to be used by the applicant in the event such items are used during the production.
- J. Plan to minimize disruption of traffic and parking
- K. For any aerial or drone photography or videography, the flight plan, name and contact information for RPIC, anticipated UAS(s) in use, and a copy of any pilot certifications, and proof of insurance.
- L. Requests for City services and equipment, including, but not limited to, signs, barricades
- M. Insurance:
  - (1) Certificate of liability insurance covering the event to be held and naming the City of Hudson as an additional insured with limits of liability of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate for bodily injury and \$50,000 for each occurrence and \$100,000 aggregate for property damage. All such policies must be written in the broadest form available by a company authorized to do business in New York State and of recognized financial standing which has been fully informed about the proposed event.

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(2) Workers' compensation insurance: An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a film permit.

(3) Hold-harmless agreement: Applicants shall execute a hold-harmless agreement as provided by the City prior to the issuance of a film permit under this chapter wherein the applicant shall defend, hold harmless and indemnify the City of Hudson against any and all claims, proceedings or action brought in connection with or as a result of the filming and/or recording activities.

**§ 132-5 Filing of application; issuance of permit.**

A. The application for a film permit shall be filed with the office of the City Clerk in completed form together with all applicable fees ~~no less than 30 days prior~~ prior to 72 hrs of the commencement of such filming activities.

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B. The issuing authority shall be the Mayor or their designee.

The Mayor may deny a permit in their sole and absolute discretion.

C. Any change in the applicant's/permittee's planned activities as set forth in the film permit applications shall be submitted in writing to the Mayor or their designee at least ~~one~~ business day in advance of the change and approved or denied in the same manner as the original film permit application.

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D. Film permit applicants for activity involving 50 or more persons in a public area are not required to additionally submit a Mass Gathering Permit as described in §199.

**§ 132-6 Fees.**

The fees for each filming/still permit shall be as set forth by resolution of the Common Council and shall include a nonrefundable application fee and a fee for each permit issued, all of which shall be paid to the City Clerk. No film permit shall be issued to an applicant who owes the City money on a prior permit of any kind.

**§ 132-7 Additional restrictions.**

A. The applicant/permittee shall, in the credits of the motion picture or television program, acknowledge the production was filmed in the City of Hudson.

B. All filming activities, including setup and takedown activities, shall take place in the hours specified in the film permit.

C. Filming and/or recording activities as permitted under a film permit shall comply with all the requirements and standards of Chapter **210**, Noise, of this Code of Ordinances.

D. The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of filming at the scene and restored to the original condition before leaving the site.

E. The permittee is required to obtain the property owner's permission, consent and/or lease for use of property not owned or controlled by the City. No film permit may be issued for filming on a property with open Zoning Code, Building Code, Property Maintenance and/or Fire Code violations.

F. Filming and/or recording under a film permit shall comply with all requirements of the New York State Vehicle and Traffic Law and Chapter **305**, Vehicles and Traffic, of this Code of Ordinances, except as follows:

- (1) The applicant/permittee shall obtain permission of the Mayor to park equipment, trucks, and/or cars in "no parking," "no standing" and "no stopping" zones and will provide the signage detailing the date(s) and time(s) of the filming and parking restriction and these signs shall be posted by the applicant/permittee at least 24 hours prior to parking vehicles or equipment.
- (2) The applicant/permittee shall obtain the permission of the Mayor to string cable across sidewalks, or from generator to service point. Such cable or electrical lines shall be marked, taped and/or secured to avoid creating a hazardous condition.
- (3) The applicant/permittee shall furnish and install advance warning signs and any other traffic control devices required in order to take all appropriate safety precautions.
- (4) Traffic may be restricted to one twelve-foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City, based on location.
- (5) Traffic shall not be detoured across a double line without prior approval of the City of Hudson.
- (6) Unless authorized by the City, any camera cars must be driven in the direction of traffic and must observe all traffic laws.

G. Any emergency roadwork or construction by City crews and/or private contractors, under permit or contract to the appropriate department, shall have priority over filming activities.

H. A permittee under a film permit shall be required to personally deliver or to mail a copy of the film permit or a letter of intent to film to all owners of real property located within 100 feet of the property line of the filming and/or recording site as shown on the latest assessment roll of the City Assessor and to all owners of real property located on the same street as the filming and/or recording site who are located within 300 feet of a property line of such site at least two days for personal delivery or four postmarked delivery days for mailing prior to the first day of filming and/or recording. The Mayor may require notice to additional owners of real property in the vicinity if conditions of the filming and/or recording so require.

**§ 132-8 Authority to promulgate regulations; waiver of provisions.**

- A. The Mayor may promulgate additional regulations in furtherance of the findings and purpose of this chapter.
- B. The Mayor may grant a waiver of a part or parts of this chapter, and/or other City ordinances if the Mayor is so authorized therein, for a particular filming and/or recording event on the Mayor's written finding that such waiver would be in the public interest of the surrounding neighborhood and/or City as a whole.

**§ 132-9 Permit revocation or suspension; appeals.**

- A. Permit revocation. A film permit may be revoked by the Mayor or their designee if the permittee, or any agent, employee, or contractor of the permittee fails to comply with the requirements set forth in this chapter, or in the film permit, or if it is determined that the film permit application was false in any material detail.
  - (1) Notice of the grounds for revocation of the film permit shall be provided, in writing, to the permit applicant or person in charge at the location of the filming activity.
  - (2) Appeals of the film permit revocation shall be conducted in the manner specified in this chapter.

B. Permit suspension. The City Police Department and/or Fire Department officers assigned to supervise the filming activity site may suspend the film permit if at any time the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer. The grounds for the film permit suspension shall be provided, in writing, by the Mayor to the permittee within two working days of the suspension.

C. Appeals. The film permit applicant or permittee may appeal a denial of a film permit, or a revocation, suspension, or permit condition. Such appeal shall be filed within 30 days of the decision of the Mayor to the full Common Council, which may recommend that it overturn the decision after a hearing. The decision of the Common Council will be final.

**§ 132-10 Penalties for offenses.**

A. Each and every violation of this chapter shall be punishable by a fine of not less than \$250 ~~and/or imprisonment not exceeding 15 days~~ for each and every day a violation of this chapter is found to exist.

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B. The imposition of such fine and/or imprisonment shall not be the City's exclusive remedy in the event of a violation and the City shall have the right to pursue any and all other legal and equitable remedies available to it in connection with any violation of this chapter.

**SECTION 6. SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Common Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

**SECTION 7. EFFECTIVE DATE**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced: \_\_\_\_\_ Approved: \_\_\_\_\_

Seconded: \_\_\_\_\_ By: \_\_\_\_\_ Mayor

