

The Town of Eastchester

Application for Permission to Film

This application must be received and approved by the Town of Eastchester before filming can begin.

Name of Applicant/Contact _____

Position/Title: _____

Production Company: _____

Address _____ City _____ State _____

e-mail _____ Phone _____

Production Title _____

TYPE: _____ (ex. feature, television, commercial, documentary, student project)

Production Days (pre-pro & shoot) _____

Arrival Date: _____

Departure Date: _____

Please give a general description of production:

Locations Requested

	Location	Date	Time	#Cast/Crew	# Vehicles
1)	_____				
2)	_____				
3)	_____				

Additional information:

SPECIAL ASSISTANCE (Please identify all Special Municipality assistance desired):

() Off-duty officer () Traffic Control () Security () Street Closing () Other

Description: _____

THE APPLICANT AGREES TO IMMEDIATELY PAY THE TOWN OF EASTCHESTER A FILMING FEE AS SET FORTH IN LOCAL LAW 14-2005.

INSURANCE REQUIREMENTS: By signing this application the applicant acknowledges and agrees to the insurance and indemnification provisions contained herein and in Local Law No. 14-2005. Evidence of insurance must be provided for general liability and vehicle liability naming the Town of Eastchester in which filming will be conducted as additional insured. In addition, coverage of general liability insurance may be required for use of private property. The amount of coverage should follow the said requirements of Local Law No. 14-2005 of the Town of Eastchester.

INDEMNITY AGREEMENT

1. IN CONSIDERATION of the Town of Eastchester allowing and permitting _____, a(n) _____ ("Indemnitor"), having its principal place of business at _____ to conduct lawful activities related to the commercial print and/or film industry for the calendar year 20 __, Indemnitor agrees to indemnify and save harmless the Town of Eastchester, its officers, agents and employees from and against any and all damages, claims, actions, suits, liabilities, or loss for injuries to or deaths of persons or damages to property caused by any act or failure to act of Indemnitor in any way relating to its preparation, operations or other activities within the Town of Eastchester relating to all photo shoots and/or filming, regardless of whether the same are on or off premises owned by the Town of Eastchester and shall extend to all locations within the Town of Eastchester.

2. Indemnitor shall, on or before _____, 20 __, as a condition precedent to being allowed to conduct their activities, deliver to the Town of Eastchester, Certificates of Comprehensive general liability insurance in accordance with the Town of Eastchester's Local Law No. 14-2005. Coverage shall include contractual liability.

3. The application fee shall be made payable to the Town of Eastchester prior to any activity related to filming pursuant to this application.

IN WITNESS WHEREOF, the Indemnitor has executed this Agreement this _____ day of _____, 20 __.

BY: _____

VERIFICATION

STATE OF NEW YORK }
 } ss.:
COUNTY OF WESTCHESTER }

....., being duly
sworn, says: that he/she is the applicant above named; that he/she has read the
foregoing application and Local Law 14-2005 and knows the contents thereof and
accepts and shall comply in all regards; that the same is true of his/her own
knowledge, except as to the matters therein stated to be alleged on information and
belief, and that as to those matters he/she believes it to be true.

.....
(Signature, with name printed underneath)

Sworn to before me this

..... day of 20.....

.....
Notary Public

APPROVED:

DATE

Town Clerk.....

Town
Attorney.....

Chief of Police.....

Fee To Be Paid

LOCAL LAW NO. 14 - 2005 OF THE TOWN OF EASTCHESTER

A LOCAL LAW ON FILMING AND VIDEOTAPING

WITHIN THE UNINCORPORATED TOWN OF EASTCHESTER

BE IT ENACTED by the town governing body of the Town of Eastchester as follows:

Section 1.

This local law shall be known and may be cited as the Filming and Videotaping Law of 2005 within the unincorporated Town of Eastchester.

Section 2. Intent.

It is the intent of the Town to facilitate, but not solicit, producers and others within the mass communications industries, including filming and television, to make use of the Town and its surroundings as a setting for motion-picture films, television shows and commercials but only insofar as such use is at all times compatible, and does not unduly interfere, with the lifestyles and day-to-day activities of the Town's citizens and merchants.

Section 3. Definitions.

For the purpose of this Local Law, the following terms, phrases and words and their derivations shall have the following meanings given herein:

FILMING - The recording on film, videotape or other medium of movies, commercials, documentaries, serials, shows, performances, or other similar events or activities, including but not to include the coverage of news, political, cultural, local sports or school events. This does not apply when such filming is confined within the parameters of a structure and does not interfere with pedestrian or vehicle right of ways or creates a nuisance. Neither does it apply to video taping social events such as weddings or graduations. The right to apply for a license and the issuance thereof is subject to all local laws.

LICENSEE - Any person, firm, organization or business entity which has been licensed under the provision of this Local Law.

PRIVATE PROPERTY - Any realty or personal property or interest privately owned and situated within the borders of the unincorporated Town of Eastchester.

PUBLIC PROPERTY - Any realty or personal property or interest therein owned by the Town of Eastchester, including all streets, parks and public places, lands, lands underwater, waterfront property, and every estate, interest and right, legal or equitable, therein.

Section 4. License Required.

No person, firm, corporation, organization or business entity shall commence filming as defined herein, in the Town of Eastchester on public or private property, unless the filming to be conducted, maintained or operated is licensed in the manner prescribed herein.

Section 5. Application for License; Issuance, Expiration.

The license prescribed by this Local Law shall be issued by the Town Clerk after review and approval from the Chief of Police and the Town Attorney and/or his/her designated agent. Application shall be made on a form containing such information as may be determined by the Town Board, and shall be accompanied by the production schedule, schedule and description of all dangerous activities and use of explosives, and list of all vehicles and their license plate numbers, to include both the applicant's vehicles and vehicles of the applicant's personnel. Each license shall expire on the date set forth on the license. Applications shall be filed in the Office of the Town Clerk.

Section 6. Approval by the Chief of Police and the Town Attorney.

No license shall be issued until the application has been approved by the Chief of Police and the Town Attorney and/or his/her designated agent, subject to the following:

A. In the approval of the application, the Chief of Police, Town Attorney, and/or his/her designated agent shall specifically fix the filming location or locations.

B. In the approval of the application, the Chief of Police, Town Attorney, and/or his/her designated agent shall specifically fix the days and hours of filming.

C. The Chief of Police, Town Attorney, and/or his/her designated agent may deny any application or limit any license, which, in his/her judgment, would conflict with other scheduled events in the area of the filming location, would be detrimental to the community because of anticipated excessive noise, illumination, traffic disruption or other effect caused by the proposed filming, including but not limited to the use of explosives, or would unduly interfere for an extended period of time with the day-to-day activities of citizens, property owners or merchants or would interfere with the public health, safety and welfare of the Town's citizens.

Section 7. License Fee.

The fee to be paid shall be determined by the Town Attorney and Chief of Police for each license, including a license for a portion of a day, as follows:

A. License fee for use of public property and/or private property. The minimum fee shall be \$50. per day, and the maximum fee shall not exceed \$5,000. a day. The Town Attorney and Town Clerk, in determining the specific fee to be required, shall take into consideration the

following factors which would denote a greater use of public property and therefore require higher fees:

- (1) Use of public parking spaces.
- (2) Use of vehicle travelways requiring the rerouting or directing of pedestrian traffic.
- (3) Use of pedestrian travelways requiring the rerouting or directing of pedestrian traffic.
- (4) Use of public buildings.
- (5) Use of other public areas during normal operating hours.
- (6) The size of the filming location.
- (7) The number of filming locations.
- (8) The number of hours the filming location or locations will be used.
- (9) Use of involvement of Town personnel.
- (10) Use or involvement of Town equipment.
- (11) Use of explosives.
- (12) Dangerous activities.
- (13) Level of disruption of peaceful enjoyment of neighboring property.

B. The Town of Eastchester and the Eastchester Union Free School District and not-for-profit community agencies operating within the Town shall be exempt from such license fee, but must obtain a permit.

C. In the event that a license issued to this Local Law is suspended or revoked in accordance with the provisions of Section 8 of this Local Law, the applicant shall not be entitled to a refund of any portion of the fee.

Section 8. Suspension or Revocation of License.

A. The Chief of Police, Town Attorney and/or Town Clerk, on his/her own initiative or upon notice from any public official of the Town, is empowered to suspend or revoke, upon written notice, a license issued pursuant to this Local Law for any of the following reasons:

(1) Violation by the licensee agents, employees, contractors or subcontractors of any law or ordinance or any rule or regulation of any agency of the state, county or town.

(2) Licensee has permitted disorderly conduct or conduct detrimental to health and safety of others or permitted or allowed conduct constituting a breach of the public peace at the licensed location.

(3) Abrogation of any agreement, written or oral, between the licensee and the Chief of Police, Town Attorney, Town Clerk or any other public official of the Town.

B. Revocation of license pursuant to the above conditions shall bar such offender from applying for a new license within one year from the date of revocation.

Section 9. Restrictions and Requirements.

A. The licensee must give notice to residents of the proposed filming location in the manner specified by the Town Attorney, Town Clerk and/or his/her designated agent.

B. Noise shall be limited in accordance with the provisions of Local Law No. 1 – 2001, a local law to promote the Health, Safety and General Welfare of the Town of Eastchester and its inhabitants by prohibiting unnecessary and unusual noises.

C. Routing of traffic shall be subject to the same provisions as excavations in the provisions of Local Law No. 11 – 2002, a local law known as “The Street and Sidewalk Excavation Law” of the Town of Eastchester.

D. The filming shall be conducted so as not to interfere with access to fire lanes and fire hydrants. Equipment, materials or obstructions shall not be placed within 15 feet of fire hydrants. Passageways leading to fire escapes, fire lanes and fire-fighting equipment shall be kept free of equipment, materials or obstructions. Parking spaces for the handicapped shall be kept free of equipment, materials or obstructions.

E. A filming permit granted for private property shall confine such filming to that property.

F. Applications for a filming permit must be submitted five days prior to the first date of filming.

G. Any additional costs that are incurred by the Town by reason of the filming, shall be borne by the licensee. Any requirement for the assignment of Town personnel shall be determined by the Chief of Police prior to the filming.

Section 10. Insurance and Bond.

The license shall not be issued until the applicant furnishes a policy of insurance as follows:

The Licensee shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 or State Fund Insurance Company for U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law.

State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

(Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits' Policy, or both, written confirmation is required to be submitted as proof of The Town of Eastchester and a temporary permit may be issued if the employer completes form C-105.2 in duplicate. A copy of form C-105.2 is sent to the Worker's Compensation Board, Information Unit for investigation and report.)

If the employer is self-insured for Worker's Compensation, the employer should present a certificate from the New York State Worker's Compensation Board evidencing that fact.

(b) Employer's Liability with minimum limit of \$100,000.

(c) General Liability Insurance with a minimum limit of liability per occurrence of \$2,000,000 for bodily injury and \$500,000 for property damage or a combined single limit of \$2,000,000 (c.s.l), name the Town of Eastchester as an additional insured. This insurance shall indicate on the certificate of insurance the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and Sub-Contractor.
- (iv) Products and Completed Operations.

All Contracts involving the use of explosives and demolition shall provide the above coverage with elimination of the XCU exclusion from the policy, or proof that XCU is covered.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$2,000,000 for bodily injury and a minimum limit of \$200,000 per occurrence for property damage or a combined single limit of \$2,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.

- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

(e) All Applicants are also required to provide an Owner Contractor Protective ("OCP") Policy in the amount of \$1,000,000 general liability limit in the name of the Town of Eastchester.

3. All policies and certificates of insurance of the Applicant shall contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the Town of Eastchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the Town of Eastchester is named as an insured, shall not apply to the Town of Eastchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the Town of Eastchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Contractor.

The Licensee shall indemnify and save harmless the Town of Eastchester, its officers, agents and employees from and against any claim, loss or damage resulting from the filming operations permitted under this license in the Town of Eastchester and for the payment of all damages for bodily injury or property damage which may be caused to any person by reason of the filming operations performed under the license and arising from any acts or omissions of the licensee, his agents, employees, contractors or subcontractors. In addition, the applicant must produce certificates of insurance showing adequate liability insurance in the applicant's name, naming the Town of Eastchester as additional insured. Such certificates shall also be approved the Town Attorney.

Section 11. Penalties for Offenses; Additional Remedies.

Any person, firm or corporation who shall violate or fail, neglect or refuse to comply with any provision of this Local Law or any rule or determination made thereunder, or who shall undertake filming in the Town of Eastchester without a license issued hereunder, shall, upon conviction thereof, be punished by a fine of not less than \$500 per day of illegal filming and not more than \$10,000 per day of illegal filming.