

VILLAGE OF PELHAM FILMING PERMIT APPLICATION INSTRUCTIONS

PERMIT APPLICATIONS MUST BE SUBMITTED AT LEAST FIVE (5) BUSINESS DAYS PRIOR TO THE DATE THE FILMING IS TO TAKE PLACE. EXPEDITED PROCESSING MAY BE REQUESTED FOR APPLICATIONS SUBMITTED LESS THAN FIVE (5) BUSINESS DAYS, AND WILL BE APPROVED BY THE VILLAGE ON A CASE-BY-CASE BASIS. INCOMPLETE PERMIT APPLICATIONS WILL NOT BE ACCEPTED.

Prior to issuance of permit, applicant must provide for the Village Clerk's review and approval:

1. Completed application for filming permit (Form A) and supporting documentation
2. Copy of location agreement indicating consent of property owner (if filming is done on private property)
3. Certificate(s) of Insurance and Endorsement, as required by the Village Clerk
4. Copy of neighborhood filming notification letter (Form B)
5. Security Deposit
6. Payment of all estimated permit fees, including fees related to parking, utilization of Village-owned property and/or facilities, and estimated costs related to utilization of Village employees, as determined by the Village
7. Filming layout diagram and/or detailed description of parking plan showing where cameras will be set up for all shots; where equipment such as trucks, generators, camera van or cube van, and honey wagons will be located and where crew/extra cars will be parked

Schedule of Fees

Permit Fee (per day)	\$2000 if 11 or more personnel on location at any time (ALL actors, extras, crew, etc.) \$500 if 10 or fewer personnel on location at any time
Parking (per day)	\$25 per space
Facilities Maintenance (per hour)	\$200
Security Deposit	Up to \$2,500 refundable deposit or bond (determined case-by-case)
Expedited Processing Fee	\$500 (where applicable)

Insurance Requirements

The applicant shall procure at least three business days prior to the start of filming, and maintain for the duration of the filming, the following insurance coverage protecting against claims for injuries to persons (including death) or damage to property which may arise in connection with filming, which may be modified at the discretion of the Village:

1. Comprehensive Commercial General Liability, including products and completed operation and damage to rented premises: a minimum of one million dollars (\$1,000,000) limit per occurrence and \$2,000,000 in the general aggregate for bodily injury, personal injury and property damage;
2. Automobile Liability: a minimum of one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage [if applicable]; and
3. New York State Workers' Compensation and Employer's Liability Insurance in accordance with statutory requirements.

The Village of Pelham, its officials, employees and volunteers are to be covered as additional insured with respect to liability arising out of the activities performed by or on behalf of the permittee. To the fullest extent permitted by New York State law, the permittee shall indemnify, defend and hold harmless the Village, its officials, officers, employees, agents, advisors and volunteers from and against any claims, damages, losses and expenses, including, but not limited to, reasonable attorney's fees, arising out of or resulting from products and operations of the applicant and premises occupied or used by the applicant and motor vehicles owned, leased, hired, or borrowed by the applicant, its contractors, vendors, or their respective employees or agents provided such claims, damages, losses or expenses are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity which would otherwise exist to a party or person described herein. Insurer must be admitted in New York State and rated by A.M Best A-, 8 or higher. Insurance Coverage must contain no deductible or a deductible not exceeding \$5,000 per claim.

Notice Requirements

A permittee shall provide written notice of filming to all owners of real property located within 200 feet of a property line of the filming location(s) at least three (3) days prior to the first date of filming. A permittee may be required, at the discretion of the Mayor, Village Administrator, and/or their designee, to provide additional written notice to affected residents if the shooting location(s) are within 1,500 feet of any school. The Village reserves the right to terminate an issued permit if permittee fails to provide sufficient notice to affected businesses, merchants or residents. The Mayor, Village Administrator, and/or their designee may require notice to additional owners of real property in the vicinity if conditions of the filming so warrant. Requests to waive or modify this requirement may be made to the Mayor, Village Administrator, and/or their designee who may waive or modify said requirements, upon such terms and conditions as determined at their discretion. See Form B: Sample of 'Notice of Proposed Filming Activity in Village of Pelham'.

CONDITIONS OF PERMIT

No commercial, movie, television program, show, performance, documentary or similar presentation or any portion thereof shall be filmed, videotaped, recorded or otherwise made on any private property or public property within the Village without first obtaining a permit for Filming. "Filming" shall include all activity in connection with the taking of still or motion pictures, either on film, videotape, photograph, digital recording, or by similar recording medium, intended for viewing on television, in theaters, video streaming, or for commercial or institutional uses.

The Village may grant, deny or grant the permit with restrictions and/or conditions. The Village may deny an application for a filming permit if it should be determined that it will create a dangerous condition, interfere with the use of Village streets or public places, create a nuisance to Village residents, or violate a provision of the Village of Pelham Code or New York State law.

If an application for a filming permit is approved, a copy of the permit must be maintained at all filming locations for the duration of the filming. Permittee shall allow representatives from the Fire Department, Building Department, Police Department or other Village staff to inspect filming location(s) and any equipment used. The Village reserves the right to direct the time, place and/or manner of all activity in connection with a permit issued under this chapter, including but not limited to noise control, parking and/or the operation of equipment. The use of internal combustion engine(s) is permitted during the hours listed on a permit issued, provided that permittee agrees to abide by all noise restrictions issued by the Village.

Unless approved by the Village, no set-up, preparation, or operation of equipment to be used in connection with the filming (including but not limited to lights and generators, etc.) shall be conducted prior to 8:00 a.m. unless approved by the Village, all equipment used in connection with the filming shall be removed from the filming location by 8:00 p.m.

The permittee shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands. The Village of Pelham reserves the right to require one or more on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said police officer(s) to be borne by the applicant as a cost of production. Payment of the estimated costs, as determined by the Village Clerk, shall be made in advance of the filming and shall be a condition of the permit. Any adjustment upward or downward, based on the actual costs incurred by the Village, shall be made after the filming is completed.

The permittee must clean and restore all property utilized in connection with filming to its original condition, free of debris, rubbish and equipment.

Permittee shall be responsible for all costs associated with the use of Village-owned property and/or facilities. Payment of said fee shall be made in advance of the filming and shall be a condition of the permit. The determination whether to allow use of Village-owned property and/or facilities shall be made at the discretion of the Village on a case-by-case basis.

The Village of Pelham reserves the right to cancel a filming permit in the event of adverse or inclement weather. If a permit is issued and, due to adverse or inclement weather or good cause and filming does not take place on the date(s) specified, the Village Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this Chapter. No additional fee shall be paid for a rescheduled permit, provided that such filming is in the same location(s) and for the same duration as specified in the original permit.

Should the applicant choose to cancel or modify a permit issued under this Chapter prior to use, notice of such intent must be given to the Village Clerk by close-of-business three business days immediately preceding the first day named on said permit; and the Village Clerk shall notify all affected departments as soon as practicable. Failure to so notify the Village Clerk with regard to a cancellation will result in the forfeiture of the equivalent of the permit fee for one day. Full refund shall be made to the applicant if proper notice is received, less an administrative fee of up to \$250. Failure to notify the Village Clerk with regard to a modification will result in the imposition of an additional administrative fee of \$250. No charge shall be made to modify said permit as to time or place of filming if proper notice is received.

The Village may suspend or revoke any permit granted under this chapter if the party to whom the permit is granted made misrepresentation on the application for the permit or has violated the conditions of the permit.

Permittee hereby agrees to ensure compliance with the conditions of the permit, agrees to obtain prior Village approval for deviations from the information provided herein, and understands that failure to comply with these requirements may result in the immediate cancellation of filming:

APPLICANT: _____ DATE: _____
Authorized Production Signatory

APPROVED: _____ DATE: _____
Village of Pelham Representative



Village of Pelham Film

KEEP A COPY OF THIS PERMIT ON LOCATION AT ALL TIMES

Production Company:

Production Title:

Production type: ☐ Feature ☐ TV Series/Movie ☐ Still Shoot ☐ Commercial ☐ Student ☐ Other:

Address:

City/State/Zip:

Phone:

E-mail Address:

Location Manager:

Cell Phone:

Alternate Contact/Title:

Cell Phone:

Insurance Carrier

Policy#:

Exp. Date:

Location Address, Dates and Times:

1.

2.

3.

Traffic:

Street closure: ☐ Yes ☐ No

Driving shots: ☐ Yes ☐ No

Equipment and Vehicles:

Trucks#

Motorhomes#

Honey wagon #

Vans #

Extras parking (#cars)

Other Equipment (please list):

Crew#

Extras#

Total Personnel#

Clean up method:

Special Effects: ☐ Pyrotechnics ☐ Stunts ☐ Firearms ☐ Loud noises If yes to any, go to film set questionnaire.

If any part of your production includes loud noises, applicant must notify in writing all residents and businesses within 500 feet within 7 Working days prior to filming. (initial)

ADDITIONAL CONDITIONS:

FILM PERMIT PROVISIONS

Permittee waives all claims against the Village of Pelham, its officers, agents and employees, for loss or damage caused by, arising out of, or in any way connected with the exercise of this permit. Permittee hereby agrees to indemnify, defend and hold the Village, its authorized agents, officers, representatives and employees harmless from and against any and all losses, damages or claims, causes of action, costs, liabilities, penalties, judgments and expenses, including, without limitation, defense costs and reasonable legal fees, resulting from any and all claims or damage of any nature, including any accident, loss or damage to persons or property which the Village may incur and which arise from or relate to any activity conducted by permittee or any of its officers, agents, employees, representatives, contractors, consultants, or students in connection with the rights granted in the permit or under Village of Pelham Municipal Code Chapter 44.

Village shall have the privilege of inspecting the premises covered by this permit at any or all times.

Village may terminate this permit at any time if Permittee fails to perform any covenant herein contained at the time and in the manner herein provided. Village agrees it will not unreasonably exercise this right of termination.

The parties hereto agree that the Permittee, its officers, agents and employees, in the performance of this permit, shall act in an independent capacity and not as officers, employees or agents of the Village.

No alteration or variation of the terms of this permit shall be valid unless made in writing and signed by the parties hereto.

Permittee shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, age, national origin or physical handicap.

If Permittee is unable to film on scheduled date due to inclement weather, Village must be notified in writing by next business day in order to reassign permit fees to a rescheduled date.

Village shall be compensated for any loss or damage to Village property by Permittee.

Permittee agrees to clean and restore the property to its original condition prior to use as a location site.

Public Use of Village Park Facilities • • No vehicles(s) allowed on park turf areas. All film equipment must be transported via dolly or hand* carried in and out of park facility. No temporary parking of vehicles(s) on park turf for loading or unloading of equipment.

Permittee is responsible for fully complying with posted signage surrounding the requested film site. The Village of Pelham will not dismiss any citation issued to the Permittee or any person(s) associated with the film production who are in violation of posted regulations.

The Village of Pelham shall be acknowledged in the film credits for any film produced on public land or private land in the Village of Pelham.

Permittee hereby agrees to comply with all the rules and regulations of the facility or institution subject to this permit

Permittee hereby agrees to ensure compliance with the conditions of the permit agrees to obtain prior Village approval for deviations from the information provided herein and understands that failure to comply with these requirements may result in the immediate cancellation of filming.

Applicant: _____ Date: _____

Approved: _____
Village of Pelham Representative

Date: _____



Notice of Proposed Filming Activity in Village of Pelham

Dear Village of Pelham Merchant or Resident:

We are in the process of applying for a Village of Pelham film permit. Listed below is the proposed filming activity. Please let us know of any special concerns that you may have within 5 business days of receipt of this notice.

If the permit is granted, we will abide by all Village of Pelham filming rules, and will maintain all legally required liability insurance.

Thank you in advance for your cooperation.

Date:

Company:

Location Manager:

Cell Phone:

Production Manager:

Cell Phone:

Production Title:

Production Type:

Filming location:

Date(s) of filming:

Time of filming:

Scene:

Crew parking:

Total number of vehicles at film site location:

Intermittent Traffic Control: ☐ Yes ☐ No (3-minute maximum)

Location(s):

Date(s)/ Hours:

Other:

Village of Pelham 195 Sparks Avenue Pelham, NY 10803 Filming: (914) 738-2015 ex. 2



Village of Pelham

Film Set Questionnaire

THIS FORM MUST BE ACCOMPANIED BY FILM PERMIT APPLICATION

Film Production Title:

Today's Date

Applicant's Name (print):

Telephone Number:

Name of Production Company:

Film Location:

Please identify any production processes, materials or conditions that may need special fire and/or life safety attention from the Village of Pelham Fire Department.

Check any of the following processes, materials or conditions that will be associated with your production:

- | | |
|--------------------------------------|--|
| Candles | Hazardous materials |
| Chase scenes | Heaters |
| Compressed Gases | Weapons |
| Cryogenics | Liquid propane |
| Dust producing processes | Open burning |
| Explosives or blasting | Pyrotechnics |
| Fifty or more people inside building | Refueling |
| Filming near brush | Stunts |
| Firearms | Tents |
| Flammable/combustible liquids | Use of helicopter |
| Generators >200 amps | Wood Working |
| | Tapping Into building electrical system at circuit breaker panel |

If you checked any of the above listed processes, materials or conditions, you are required to provide a more detailed description below, if necessary for safety, the Village of Pelham Fire Department may require production alterations or on-site mitigation measures.

NONE OF THE ABOVE APPLIES TO MY PRODUCTION

(Initials)

DESCRIPTION OF PROCESSES, MATERIALS OR CONDITIONS [INCLUDE A SITE PLAN, IF APPLICABLE]:

I he undersigned acknowledges that the Village of Pelham shall not be liable at any time, and the undersigned agrees to assume all risks for any loss, damage or injuries whatsoever to the person or property of any person or entity whatsoever arising out of the above-referenced processes, materials or conditions which are implemented as part of the above-referenced film production.

Applicant's Signature: _____

Printed Name: _____

APPROVAL

COMMISSIONER OF DEPARTMENT OR HIS DESIGNEE FOR:

DPW:

PUBLIC SAFETY:

PARKING/TRAFFIC:

BUILDING DEPARTMENT:

MAYOR'S OFFICE:

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

APPROVED WITHOUT CONDITIONS:

Village of Pelham

Dated: _____, 20 _____

By: _____

Printed Name: _____

Title: _____



Village of Pelham

ELECTRICAL GENERATOR AFFIDAVIT

Filming Date:	Call Time:	Generator Amperage Rating:
Production Title:	Name of Attendant:	
Production Company:	Phone Number of Attendant:	
Location Manager:	Generator Owner, Owner Representative Name, Address, and Telephone Number	
Site Location:		

This letter is a statement of Intent to employ an electrical generator rated at 200 amps or more on a film production in the Village of Pelham. This generator shall be operated by a person who has been properly instructed in its safe use by the generator owner representative.

The generator attendant shall not perform any duties on the set while the generator is in operation except those involving generator setup and operation, cabling, and lighting setup.

Name

Title

Signature

Date

Village of Pelham Building
Department
195 Sparks Avenue, Pelham N.Y.
10803
Office: (914) 738-2258/ Facsimile: (914) 738-7381



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/5/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Foa & Son Corporation 68 South Service Road, Ste 210 Melville NY 11747-2357	CONTACT NAME: PHONE (A/C, No. Ext): FAX (A/C, No): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
--	---

COVERAGES **CERTIFICATE NUMBER:** Sample Contractors **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR (NSD / WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
☒	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	Y Y				EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/PROP AGG \$ 1,000,000
☒	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS	Y Y				COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Full Glass Coverage \$
☒	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000	Y Y				EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
☒	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A Y				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Village of Pelham, NY, assigns, officers, employees, volunteers, representatives, and agents are included as additional insured for the above General Liability, Automobile Liability and Umbrella Liability policies. The Village of Pelham, NY, assigns, officers, employees, volunteers, representatives, and agents are included in a Waiver of Subrogation Endorsement for the above General Liability, Automobile Liability, Workers Compensation and Umbrella Liability policies. The above policies are Primary and Non Contributory basis to any the Certificate Holder may maintain.

CERTIFICATE HOLDER**CANCELLATION**

Village of Pelham, NY 195 Sparks Avenue Pelham, NY 10803	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

INTRODUCTORY LOCAL LAW # 5 OF 2018

A Local Law creating a new Chapter 44 of the Pelham Village Code entitled Filming

BE IT ENACTED by the Village Board as follows:

Chapter 44 **Filming**

§1. 44-1. Definitions.

As used in this Chapter, “filming” shall be defined as all activity in connection with the taking of still or motion pictures either on film, videotape, photograph, digital recording, or by similar recording medium, intended for viewing on television, in theaters, video streaming, or for commercial or institutional uses.

§ 44-2. Permit required.

No commercial, movie, television program, show, performance, documentary or similar presentation or any portion thereof shall be filmed, videotaped, recorded or otherwise made on any private property or public property within the Village without first obtaining a permit.

§ 44-3. Exclusions.

A permit for filming shall not be required for individuals, organizations or productions using only a hand-held camera, camera on a tripod, hand-held props and/or hand-held equipment, not using prop weapons, prop vehicles, stunts, actors in police uniform, and not requesting parking privileges for production vehicles, provided that filming is done without impeding traffic flow on any street or sidewalk in the Village or asserting exclusive use of public property.

§ 44-4. Application for Permit.

- (A) Applications are to be submitted to the Village Clerk in person, online, or by mail on forms to be issued by the Village.
- (B) Permit applications must be submitted at least five (5) business days prior to the date the filming is to take place. However, requests to waive or modify this requirement may be made to the Mayor, Village Administrator, and/or their designee, who may waive or modify said requirements at their discretion, and upon such terms and conditions as determined by the Mayor, Village Administrator and/or their designee. If a waiver or modification is granted, the applicant will be assessed an expedited processing fee.
- (C) The application shall contain at least the following information:
 - 1. Name, address and telephone number of the person or entity conducting the filming;

2. Name, address and telephone number of the location coordinator or other contact person, such as the site coordinator;
 3. Name and contact information of on-site coordinator, if different from above;
 4. Type and description of the filming;
 5. Specific location(s) of each property to be used in the filming;
 6. A schedule setting forth the date or dates, and the times of day, during which the proposed filming is to take place;
 7. The number of actors, extras, crew and all other personnel expected to be present at each location during the filming;
 8. The estimated number and description of types of vehicles to be used in connection with the filming, including vehicles used for transportation;
 9. A description of the arrangements for parking for the crew and work vehicles;
 10. A description of sanitary arrangements to be made for crew and bystanders;
 11. A description of cleanup methods to be used;
 12. A description of any event which may cause public alarm, including but not limited to: pyrotechnic activity, aviation activity, motor vehicle activity, weapon activity, use of animals or physical confrontations;
 13. A description of anticipated crowd control measures;
 14. A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required;
 15. Name, address, email and telephone number of the property owner;
 16. Such other information as may be required by the Village Clerk to protect the health, safety and welfare of residents of the Village.
 17. Billing information that may be required to recoup expenses related to the utilization of Village resources (i.e. Police Department, Fire Department and/or Department of Public Works personnel, facilities and/or equipment).
- (D) Prior to issuance of permit, applicant must provide for the Village Clerk's review and approval:
1. Completed application for filming permit;
 2. Copy of location agreement indicating consent of property owner (if filming is done on private property);
 3. Copy of notice of filming letter as set forth in §44-6;
 4. Certificate(s) of Insurance and endorsement(s), as required by Village Clerk;
 5. Security Deposit;
 6. Payment of permit fees as set forth in §44-8 and any other fees assessed by the Village Clerk, inclusive of fees related to parking, utilization of Village-owned property and/or facilities, and estimated costs related to utilization of Village employees, if applicable. Payments must be made by a check drawn on a bank with a branch in New York State, in an amount set forth in the schedule of fees to be maintained by the Village Board and updated from time to time.

§ 44-5. Insurance and liability.

- (A) The applicant shall procure at least three business days prior to the start of filming, and maintain for the duration of the filming, the following insurance coverage protecting against claims for injuries to persons (including death) or damage to property which may arise in connection with filming:

1. Comprehensive Commercial General Liability, including products and completed operation and damage to rented premises: a minimum of one million dollars (\$1,000,000) limit per occurrence and \$2,000,000 in the general aggregate for bodily injury, personal injury and property damage;
 2. Automobile Liability: a minimum of one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage [If applicable]; and
 3. New York State Workers' Compensation and Employer's Liability Insurance in accordance with statutory requirements. When an entity headquartered outside New York State provides the Village of Pelham with a Certificate of Insurance for Workers' Compensation and Employer's Liability, the entity shall reflect in the Description of Operation section of the Certificate the phrase "New York State included in coverage" [If applicable].
- (B) The Village, its officials, employees and volunteers are to be covered as additional insured with respect to liability arising out of the activities performed by or on behalf of the permittee.
- (C) To the fullest extent permitted by New York State law, the permittee shall indemnify, defend and hold harmless the Village, its officials, officers, employees, agents, advisors and volunteers from and against any claims, damages, losses and expenses, including, but not limited to, reasonable attorney's fees, arising out of or resulting from products and operations of the applicant and premises occupied or used by the applicant and motor vehicles owned, leased, hired, or borrowed by the applicant, its contractors, vendors, or their respective employees or agents provided such claims, damages, losses or expenses are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity which would otherwise exist to a party or person described herein.
- (D) Insurer must be admitted in New York State and rated by A.M Best A-, 8 or higher.
- (E) Insurance Coverage must contain no deductible or a deductible not exceeding \$5,000 per claim.
- (F) If the film activity is deemed by the Village to be High Risk, the Village reserves the right to require additional insurance coverage as follows:
1. Umbrella liability: a minimum of \$5,000,000 per occurrence and in the policy aggregate.
 2. The Village, its official, employees and volunteers are to be included under a waiver of subrogation clause on the filming applicant's General Liability, and Workers Compensation Insurance policies.
 3. The Filming Applicant General Liability, Automobile Liability, and Workers Compensation Insurance policies must include a Primary and Non Contributory Insurance Clause.

§ 44-6. Notice of Filming.

A permittee shall provide written notice of filming to all owners of real property located within 200 feet of a property line of the filming location(s) at least three (3) days prior to the first date of filming. A permittee may be required, at the discretion of the Mayor,

Village Administrator, and/or their designee, to provide additional written notice to affected residents if the shooting location(s) are within 1,500 feet of any school. The Village reserves the right to terminate an issued permit if permittee fails to provide sufficient notice to affected businesses, merchants or residents. The Mayor, Village Administrator, and/or their designee may require notice to additional owners of real property in the vicinity if conditions of the filming so warrant. Requests to waive or modify this requirement may be made to the Mayor, Village Administrator, and/or their designee who may waive or modify said requirements, upon such terms and conditions as determined at their discretion. Notice of filming letter must include, at least:

- (A) Company;
- (B) Production type;
- (C) Filming location(s);
- (D) Date(s) and times of filming;
- (E) Contact person and phone number of who may be contacted with questions or concerns;
- (F) A description of any event which may cause public alarm, including but not limited to: pyrotechnic activity, aviation activity, motor vehicle activity, weapon activity, use of animals or physical confrontations; and
- (G) Any additional information determined by Village Clerk.

§ 44-7. Conditions of Permit.

- (A) If an application for a filming permit is approved, applicant must obtain said permit from the Village Clerk or their designee. Said permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. A copy of the permit must be maintained at all filming locations for the duration of the filming.
- (B) Permittee shall allow representatives from the Fire Department, Building Department, Police Department or other Village staff to inspect filming location(s) and any equipment used. The permittee shall comply with all instructions issued by Village personnel.
- (C) The Village of Pelham reserves the right to require one or more on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said police officer(s) to be borne by the applicant as a cost of production.
- (D) Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be required if the production company does not have a licensed electrician on staff.
- (E) Permittee shall be responsible for all costs associated with the utilization of Village employees in connection with a permit issued under this chapter. Payment of the estimated costs, as determined by the Village Clerk, shall be made in advance of the filming and shall be a condition of the permit. Any adjustment upward or downward, based on the actual costs incurred by the Village, shall be made after the filming is completed. The decision whether to use Village employees shall be made at the discretion of the Mayor, Village Administrator, and/or their designee on a case-by-case basis.

- (F) Permittee shall be responsible for all costs associated with the use of Village-owned property and/or facilities in connection with a permit issued under this chapter. Payment of said fee shall be made in advance of the filming and shall be a condition of the permit. The determination whether to allow use of Village-owned property and/or facilities shall be made at the discretion of the Mayor, Village Administrator, and/or their designee on a case-by-case basis.
- (G) Unless approved by the Mayor, Village Administrator, and/or their designee, no set-up, preparation, or operation of equipment to be used in connection with the filming (including but not limited to lights and generators, etc.) for which a permit has been issued shall be conducted prior to 8:00 a.m. or disrupt any Village services.
- (H) Unless approved by the Mayor, Village Administrator, and/or their designee, all equipment used in connection with the filming (including but not limited to lights and generators, etc.) shall be removed from the filming location by 8:00p.m.
- (I) Filming in residential areas shall not be permitted on weekends or Federal Holidays without prior approval from the Mayor and/or their designee.
- (J) The permittee must clean and restore all property utilized in connection with filming to its original condition, free of debris, rubbish and equipment.
- (K) The use of internal combustion engine(s) is permitted during the hours listed on a permit issued under this chapter, provided that permittee agrees to abide by all noise restrictions issued by the Mayor, Village Administrator, and/or their designee.
- (L) The Village reserves the right to direct the time, place and/or manner of all activity in connection with a permit issued under this chapter, including but not limited to noise control, parking and/or the operation of equipment.
- (M) The permittee must reimburse the Village for any additional expense incurred by the Village and any loss of revenues such as (but not limited to) parking meter income, street barrier expense, sanitary cleanup expense and law enforcement expense.
- (N) The applicant will post a security with the Village Clerk, in the form of either a bond, letter of credit, or a check made payable to the "Village of Pelham", for each day during which filming is to be conducted, which may be retained by the Village to defray any cost incurred by the Village as a result of the failure to comply with the terms of this chapter.
- (O) The permittee shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by village staff with respect thereto.

§ 44-8. Fees.

The Village Board shall by general resolution establish a fee schedule, and appropriate security deposit, to be paid to the Village for the issuance of permits required by this chapter. Such fee schedule so established may be amended from time to time by resolution of the Village Board. No permit required by this chapter shall be issued unless the Village has received, in advance, all fees prescribed therefor. Prescribed fees may include, but are not limited to:

- (A) Permit fees

- (B) Fees for use of Village-owned property and/or facilities
- (C) Parking fees
- (D) Security Deposit
- (E) Expedited Processing fee
- (F) Other administrative fees, as necessary

§ 44-9. Denial, Suspension, revocation or modification of permit.

- (A) The Village Clerk or their designee may grant, deny or grant the permit with restrictions and/or conditions.
- (B) The Village Clerk or their designee may deny an application for a filming permit if it should be determined that it will create a dangerous condition, interfere with the use of Village streets or public places, create a nuisance to Village residents, or violate a provision of the Village of Pelham Code or New York State law.
- (C) Filming in a Residential zone for which a permit is required under this chapter shall in no event be conducted at the same location (i.e., in the same building or at the same street address) more than any portion of five (5) calendar days within any twelve (12) month period and/or for more than any portion of three (3) consecutive calendar days without approval from the Village Board. When the necessities of time do not permit review by the Village Board, the Mayor and/or their designee may grant said approval at their discretion.
- (D) Filming in a non-residential zone for which a permit is required under this chapter shall in no event be conducted at the same location (i.e., in the same building or at the same street address) more than any portion of ten (10) calendar days within any twelve (12) month period and/or for more than any portion of five (5) consecutive calendar days without approval from the Mayor and/or their designee, who may grant said approval at their discretion.
- (E) The Mayor, Village Administrator, and/or their designee may reject an application for permit and/or place a moratorium on filming activity within any area in the Village if the filming activity may result in a negative impact on Village residents, due to the activity itself or excessive filming activity in the past six (6) months. Such determination may be appealed to the Village Board.
- (F) The Mayor, Village Administrator, and/or their designee may suspend or revoke any permit granted under this chapter if the party to whom the permit is granted made misrepresentation on the application for the permit or has violated the conditions of the permit.
- (G) The Village of Pelham reserves the right to cancel a filming permit in the event of adverse or inclement weather.
- (H) If a permit is issued and, due to adverse or inclement weather or good cause and filming does not take place on the date(s) specified, the Village Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this Chapter. No additional fee shall be paid for a rescheduled permit, provided that such filming is in the same location(s) and for the same duration as specified in the original permit.
- (I) Should the applicant choose to cancel or modify a permit issued under this Chapter prior to use, notice of such intent must be given to the Village Clerk by close-of-business three business days immediately preceding the first day

named on said permit; and the Village Clerk shall notify all affected departments as soon as practicable.

1. Failure to so notify the Village Clerk with regard to a cancellation will result in the forfeiture of the equivalent of the permit fee for one day. Full refund shall be made to the applicant if proper notice is received, less an administrative fee of up to \$250.
2. Failure to notify the Village Clerk with regard to a modification will result in the imposition of an additional administrative fee of \$250. No charge shall be made to modify said permit as to time or place of filming if proper notice is received.

§ 44-10. Waiver of requirements of chapter.

Requests to waive or modify a requirement in this chapter may be made to either the Mayor, Village Administrator, or the Village Board of Trustees, who may waive or modify said requirements, upon such terms and conditions as determined at their discretion.

§ 44-11. Violation and Penalties.

Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000.00 for each day or part thereof that such filming or related activities are conducted.

§ 44-12. Previous violations.

Notwithstanding any of the foregoing, no applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of eighteen (18) months from the date of such conviction.

§ 44-13. When effective.

This chapter shall become effective immediately upon filing with the Secretary of State in accordance with §27 of the Municipal Home Rule Law.

Filming Permits and Related Fees

Proposed Schedule

Village of Pelham, NY

Description of Fee	Fee
Permit Fee	\$500/day for crew* of 10 or fewer people \$2000/day for crew of 11 or more people
Facilities Maintenance Fee (utilization of Village-owned facility or property)	\$200/hour
Parking Fees	\$25/space/day
Security Deposit	Up to \$2,500 refundable deposit or bond, determined on a case-by-case basis
Expedited Processing Fee	\$500

*Size of crew shall be based on total number of actors, extras, crew and all other personnel expected to be present at each location during the filming, regardless of position name or title