

LOCAL LAW NO. OF 2024: AMENDING SECTION 38-21 FILMING IN THE VILLAGE OF SALTAIRE OF THE SALTAIRE VILLAGE CODE.”

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date, Purpose.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Amendment of Section 38-21

3.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and Purpose.

1.1. Title

This Local Law shall be entitled, "Local Law No. of 2024: Amending Section 38-21 Filming in the Village of Saltaire of the Saltaire Village Code.”

1.2. Enactment.

Pursuant to Section 10 of the New York State Municipal Home Rule Law, the New York State Village Law and the Saltaire Village Code Board of Trustees of the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law No. of 2024, a Local Law of the Incorporated Village of Saltaire.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to protect the aesthetic values of the Village, and to promote and protect the health, safety and welfare of the residents of and visitors to the Village of Saltaire while on public property.

2.0 General Provisions.

2.1 Section 38-21 of the Saltaire Village Code is hereby amended to read as follows:

§ 38-21. **§ 38-21. Filming in Saltaire.**

A. Approval Required: No person, persons, organization, corporation, group, or other entity shall film, photograph or create a video of a commercial, movie, documentary, television program or any other similar presentation upon the public rights-of-way, beaches or any other public property or property owned by the Village of Saltaire or located within the jurisdiction of the Village of Saltaire, without first obtaining the approval of the Board of Trustees for such activity. Filming regulated by this Section shall include the taking of still or motion pictures, either on film, videotape, digital or any similar recording medium, for commercial or educational purposes intended for public viewing on or in television, internet, theater, institutions or any similar venue, and is not limited to personal, private or family use.

- B. Every application to the Board of Trustees for an approval for filming shall be made on a form provided by the Village which shall include the name, address, telephone and contact information for the applicant, the purpose and nature of the filming, the location of the filming, the dates and times of the filming, and the number and/or quantity of equipment, vehicles and individuals involved in the filming. The application for any commercial filming (excluding student or private family film projects) shall also require proof that the person or entity making the application has in full force and effect a public liability insurance policy, naming the Village of Saltaire as additional insured, per occurrence, of not less than \$500,000, and a workers' compensation policy, for the duration of the filming. The applicant shall agree to assume all liability for, and to indemnify and hold the Village of Saltaire harmless of and free from, any and all damages that occur to persons or property by reason of said filming.
- C. The Village of Saltaire may charge a fee for the permit to film in the Village, in such manner and amount as the Board shall, by resolution, adopt, in accordance with the provisions of Section 52-6 herein.
- D. Exceptions. The provisions of this section shall not apply to the filming of home movies, videos, or other similar media when, in the opinion of the Board or the Village Administrator, such filming is intended solely for the private and non-commercial use of families or individuals residing in or visiting Saltaire.

E. Restrictions.

- 1) The Board, upon the advice of the Village Administrator, shall set a limit on the duration (including dates and hours) and location of any permit issued for filming in Saltaire to such times or period of time as it shall determine is reasonable and sufficient for the requested activity. The applicant may request an extension of such permit of the Board of Trustees, which, at its sole discretion, may grant or deny such request, and set such additional fee as it shall by resolution determine for such extension.

- 2) Such filming shall not interfere with the public's use of other public property or facilities in the village or the ability of the residents or public to access their homes or other places. At no time shall filming interfere with the provision of emergency or other municipal services within the village.

- 3) In addition to fines and other penalties provided herein, the Board may at any time direct that such filming stop, and the permit be suspended or revoked, if in the judgment of the Board the filming is disruptive to the rights of village residents, endangers their health, safety and peaceful enjoyment of the community, interferes with public services or activities, damages property or is otherwise in violation of the terms of the permit issued. In the event of a

revocation or termination, the Board may, at its sole discretion, return a portion of the fee paid, in such amount as it shall determine.

The Board of Trustees may require a deposit of an amount to be determined by the Board, sufficient to reimburse the Village for clean-up or other costs incurred in association with the filming.

- F. The penalty shall be not less than \$250 for each violation of this Chapter and Section and each and every day that a violation is outstanding shall constitute a separate violation of this Chapter and Section. The election by the Village of Saltaire to issue a violation or seek a fine shall not constitute a waiver by the Village of Saltaire to elect or pursue other remedies that may be available to the Village and shall not preclude the Village of Saltaire from pursuing civil or other remedies including but not limited to injunction and damages.

- G. In the event that any portion or portions of this Local Law of 2010 shall be determined to be invalid or unenforceable for any reason, the remainder of the Local Law, and its provisions, shall remain in full force and effect.

3.0 Severability and Validity

In the event that any portion or portions of this Local Law # TBD of 2024 shall be determined to be invalid or unenforceable for any reason, the remainder of the Local Law, and its provisions, shall remain in full force and effect.