

THE VILLAGE OF SUFFERN

GUIDELINES FOR FILMING IN THE VILLAGE OF SUFFERN

The Village of Suffern desires to create an atmosphere where the Village serves as a regularly selected destination place for TV and movie production. While the Village recognizes some disruption of the peace and tranquility of the Village can result from these activities, these Guidelines provide guidance to persons and entities engaged in filming activities in the Village in order to minimize any disruptions.

Filming Permit Process

Permit guidelines are intended to formalize a process that addresses the extent to which public space is used by those engaged in certain filming activities. Under the filming permit guidelines:

- a. A permit to film would be required if: a) vehicles and/or equipment (as defined) are being used; and/or b) someone engaged in filming activity asserts exclusive use of Village property (as defined). In both instances, insurance would be required.
- b. A permit to film would not be required if: a) activity involves only handheld equipment or tripods; b) activity does not involve the assertion of exclusive use of Village property (as defined); c) activity does not involve vehicles and/or equipment (as defined); and d) activity involves the filming of a parade, rally protest or demonstration (except if using equipment or vehicles, which would necessitate obtaining a permit).
- c. If a permit is not required based on the parameters above, individuals may still obtain an optional permit. In this instance, insurance is not required.
- d. Standing on a street, walkway of a bridge, sidewalk, or other pedestrian passageway while using a handheld device and not otherwise asserting exclusive use of Village property is not activity that requires a permit.

Who will need a permit to conduct a photo shoot or to film on Village property?

A permit is required in two scenarios:

- a. if equipment/vehicles are being used as defined; and /or
- b. if filming activity asserts exclusive use of Village property as defined.

As a threshold matter, a permit is required for filming activities where vehicles or equipment are being used as defined or requested. "Equipment" is defined to include but not be limited to television, photographic, film cameras or video cameras or transmitting television equipment, including radio remotes, props, sets, lights, electric and grip equipment, dolly tracks, screens, or microphone devices,

and all production related materials. This definition has been clarified to provide that "equipment" does not include "hand-held devices" (such as hand-held film, still or television cameras and video cameras, and tripods that are used to support film, still, television cameras or video cameras). Moreover, "equipment" does not include vehicles used solely to transport people engaged in filming or photography from within a vehicle that is proceeding with the general flow of traffic.

A permit would be required if filming activity would:

- a. assert by any means the exclusive use of one or more lanes of a street, pathway, or walkway of a bridge; and/or
- b. result in either less than eight feet, or one-half the width of the sidewalk or pedestrian passageway (whichever is greater) being otherwise available for pedestrian use.

This does not mean that filming activities cannot take place on a sidewalk if there is room for pedestrian traffic flow. Asserting exclusive use, Village property refers to use of streets, walkways of a bridge, and sidewalks. If no vehicles or equipment are used, and the person filming does not assert exclusive use of Village property, no permit is required.

Example: This standard means that in effect there must always be a minimum of eight feet available for pedestrian sidewalk traffic for filming activities (that assert exclusive use of Village property) to take place without a permit. However, where a sidewalk is narrower -- for example, four or five feet wide -- and a filming activity asserts exclusive use of Village property as defined, then a permit is required. (That is, people are prevented from reasonably using the sidewalk because the person filming has asserted exclusive control over the sidewalk.)

Example: If someone's filming activity will interfere with pedestrian or vehicular traffic such that he/she asserts exclusive use of one or more lanes of a street or walkway to a bridge, a permit would be required.

Example: If a sidewalk or pedestrian passageway is ten feet wide, and the filming activity results in pedestrians being prevented from using six feet of the sidewalk and only four feet of the sidewalk space remains available, a permit would be required.

Example: If a sidewalk or passageway is ten feet wide and someone will assert exclusive use of over only two feet for filming activity, no permit would be required because there would remain eight feet of unobstructed pedestrian passage.

Guidelines for Still Photography

If either equipment or vehicles (as defined in the guidelines) are used, a permit will always be required. If hand-held devices are being used and a photographer does not assert exclusive use of the Village property where filming is taking place, a permit will not be required. As to parades, rallies, protests, or demonstrations, a permit will not be required unless someone uses vehicles or equipment.

Guidelines for Hand-held Devices

In general, permits are not needed when only hand-held devices are used. However, if someone uses a hand-held device, a permit will be needed if:

- a. the person filming asserts exclusive use of one or more lanes of a street or walkway of a bridge, or
- b. the filming activity results in less than eight feet of unobstructed sidewalk use as a result of the filmmaker's assertion of exclusive control over the portion of the sidewalk they occupy.

Hand-held devices do not include cables, or any other item or equipment not always carried by the photographer or filmmaker during photography, filming or transmission. As to parades, rallies, protests or demonstrations filmed with a handheld device, a permit will be required.

Guidelines for Use of tripods

In general, because tripods are defined as "hand-held devices", permits would not be needed. However, a permit will be needed by someone using a tripod if:

- a. the person filming asserts exclusive use of one or more lanes of a street or walkway of a bridge, or
- b. the filming activity results in less than eight feet of unobstructed sidewalk use as a result of the filmmaker's assertion of exclusive control over the portion of the sidewalk they occupy.
- c. As to parades, rallies, protests or demonstrations, no permits are required when one uses a tripod.

How does someone apply for a permit? What must they show? When could a permit be denied? What happens if the permit application is denied?

An applicant completes a filming application to get a filming permit. The applicant must include identifying information such as production company name, mailing address, e-mail address and telephone number, dates/times/locations of the activity, and any special circumstances about the activity.

Those who receive permits from the Village must have the permit in their possession on location and must also make it available for inspection by an employee of the Village or other government agency.

Permits could be denied if one or more of the following issues exist:

- a. conditions that might pose a danger or threat to participants, onlookers or the public;
- b. the location sought is not suitable because the use cannot reasonably be accommodated in that location;
- c. the date and time requested is not available for that location either because a permit has previously been issued for such date and time, or another Village agency has issued a permit for that date and time;
- d. the Village has concluded, based on specific information, that the applicant is unlikely to comply with the material terms of the requested permit;
- e. the use of the location or activity at the location would otherwise violate any law or rule;
- f. the use of the location would interfere unreasonably with the operation of Village functions.

If a permit application is denied, the applicant may appeal that determination by submitting a written request to the Village Clerk.

What if someone isn't required to have a permit under these guidelines, but wants to get one anyway?

People can get an "Optional Permit" under the filming permit guidelines. Sometimes there has been confusion as to whether a permit is required. As a result, and as an accommodation to filmmakers, the Village will issue permits in those instances where a permit is not required. Applicants would need to present much of the same documentation as those persons seeking a Required Permit (e.g., request for dates, times and locations and contact information) but would not have to obtain insurance.

How will the filming permit guidelines affect tourists or visitors who want to take pictures or videotape themselves and their families on Village sidewalks? What about in Parks?

These guidelines are not intended to apply to tourists or visitors who take pictures of themselves or Village sights. It is assumed that large groups of tourists will understand the need to allow pedestrian and vehicular traffic flow to be maintained. Where overcrowding of public spaces exists so that there is pedestrian and vehicular obstruction, a police officer may ask the group to move so that traffic flow can be smooth.

What happens if someone acts in violation of these guidelines?

The Village may suspend any permit where public health or safety risks are found or where exigent circumstances warrant such action. If someone fails to abide by the code of the Village of Suffern, New York, Chapter 76, Filming in the Village of Suffern, the permit may be revoked at any time.