

LOCAL LAW NO. "M" FOR 2011

**A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK,
ESTABLISHING PROCEDURES FOR THE ISSUANCE OF FILM PERMITS
PERTAINING TO COUNTY OWNED PROPERTY**

Introduced: 11/14/11

By Mr. Nichols:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
ALBANY AS FOLLOWS:

Section 1. Title

The Local Law shall be known and may be cited as the "Albany County Film Permit Law".

Section 2. Legislative Findings.

The Legislature hereby finds and determines that the County of Albany offers unlimited and unique opportunities for motion picture, television and still photography production.

The Legislature also finds that Albany County should encourage, promote and assist the motion picture/television film industry in utilizing natural and man-made resources of the County.

The Legislature also finds that the State of New York, in recognition of the benefits of motion picture and television development in the State, has enacted various tax incentives to encourage such development, including the Empire State Film Production Credit, the Commercial Production Tax Credits, Sales Tax Exemptions and Investment Tax Credit.

The Legislature further finds that increased motion picture, television and still photography production in the County will result in jobs for citizens, income to local businesses and additional tax revenues.

The Legislature also finds that with many separate cities and towns, and incorporated villages within the County, it is difficult for persons seeking permission to film at locations within the County to navigate the necessary administrative hurdles and that the Capital-Saratoga Film Commission has established a website to assist persons seeking permission to film including locations within Albany County.

The Legislature also finds that Legislative approval is necessary for use of County lands and facilities and that it would be in the public interest to allow use of County lands and facilities for motion picture, television and still photography production, provided no costs are incurred, government function is not impeded and there is minimal public inconvenience.

The purpose of this law is to establish procedures and guidelines for issuance of permits to utilize County lands and facilities for motion picture, television and still photography production.

Section 3. Definitions.

As used in this law, the following terms shall have the meaning indicated:

CHARITABLE FILMS: Motion pictures, television and still photography 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, tapes, or photos.

MOTION PICTURE, TELEVISION, and STILL PHOTOGRAPHY: All activity attendant to production, staging or shooting motion pictures, television shows or programs, music videos and commercials in any medium including film, tape or digital format.

NEWS MEDIA: The photographing, filming or videotaping for the purpose of television news broadcast or reporting for the print or electronic media by reporters, photographers or cameramen.

PRODUCTION COMPANY: The individual or entity that is issued a permit to engage in motion picture, television and still photography production on county owned property or facilities.

STUDENT FILMS: Motion pictures, television and still photography produced pursuant to the curriculum of an educational institution chartered by the State of New York. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes, or photos.

ALBANY COUNTY FILM PERMIT: Written authorization to engage in motion picture, television and still photography production on county owned property or facilities.

ALBANY COUNTY FILM PERMIT APPLICATION: Paper or electronic form to be used to apply for permission to engage in motion picture, television and still

photography production on property or facilities owned by the county. The Film Permit Application may also be used to apply for permission to engage in motion picture, television and still photography production on properties owned by municipalities that adopt its use.

Section 4. Prohibitions.

A. No person shall engage in motion picture, television and still photography production on any County property or facility without an Albany County Film Permit.

B. No person shall violate federal, state or local law or health and safety codes while engaging in motion picture, television and still photography on any County property or facility. Any waiver of local law or regulations must be specifically provided for in the Albany County Film Permit.

Section 5. Exemptions.

The provisions of this local law shall not apply to (a) News Media or (b) filming, videotaping, or still photography for private use.

Section 6. Film Permit Procedure Established.

A. The County Executive or designee is hereby authorized, empowered and directed to establish a Film Permit Program in accordance with this law.

B. The County Executive or designee is authorized and empowered to issue Albany County Film Permits in accordance with this law and the rules and regulations promulgated hereunder. No further legislative approval will be necessary to engage in motion picture, television and still photography production on county land or facilities when such activity is authorized by an Albany County Film Permit. The County Executive or designee shall endeavor to coordinate all film production activity with the Capital-Saratoga Film Commission.

C. County lands and facilities shall not be utilized for motion picture, television and still photography production when such use would interfere with public health or safety, the function of government or cause substantial inconvenience to the public.

D. Establishment of this Film Permit Program shall not be construed to create a right to utilize any County lands and facilities for motion picture, television and still photography production.

E. Albany County Film Permits shall require an acknowledgment in the film credits that the film was shot within the County with the assistance of the County of Albany.

Section 7. Implementation.

A. The County Executive or his or her designee shall submit to the Legislature, no later than 60 days after this law is adopted, a proposed list of fees to be charged for Albany County Film Permits. Such fees shall be approved, and may be amended from time to time, by duly enacted resolution of the Legislature.

B. The County Executive or his or her designee shall, in consultation with the Sheriff's Department, Department of Law and the appropriate County departments, develop rules and procedures for notification and review of requests to utilize County owned properties or facilities for motion picture, television and still photography production. Said rules and procedures shall include a review of health and safety requirements, commensurate with the size and scope of a production, by necessary departments.

C. The County Executive or his or her designee shall submit such rules and procedures to the Legislature, no later than 60 days after this law is adopted. Such rules and procedures shall be approved, and may be amended from time to time, by duly enacted resolution of the Legislature.

Section 8. Applications and Issuance of Permits.

A. Albany County Film Permit Application, in such paper or electronic form as the County shall determine, must be filed with the following information:

- 1) The address and name of the facility where the activity is to be conducted;
- 2) The specific location at the facility;
- 3) The inclusive hours and dates such activity will occur, including necessary set up time;
- 4) A general statement of the character or nature of the proposed filming activity;
- 5) The name, address and telephone number of production company or person conducting the activity;
- 6) The exact number of personnel to be involved;
- 7) Use of any animals or pyrotechnics;
- 8) The exact amount/type of vehicles/equipment to be involved;
- 9) If a student film, a letter from the school verifying that it is being done pursuant to the curriculum of an educational institution chartered by the State of New York; and

10) If a charitable film, proof of the organization's Section 501(c)3 status.

B. A Film Permit Application must be filed at least five business days prior to the proposed filming date, unless otherwise approved. Additional time may be required to review applications at the discretion of the County Executive or his or her designee.

Section 9. Liability Provisions.

A. General liability insurance shall be required as a condition of Albany County Film Permits, in an amount to be determined by the Department of Law.

B. Production companies shall conform to all applicable Federal and State requirements for Workers' Compensation Insurance for all persons operating under a permit.

C. Production companies shall be required to execute a hold harmless agreement in connection with the permit, in such form as may be approved by the County Attorney.

D. Where deemed necessary, production companies may be required to submit a refundable security deposit to assure cleanup of the site.

Section 10. Fees.

In addition to film permit fees, the production company shall reimburse the County for any personnel provided to assist the production or other hard costs incurred by the County in connection with the production.

Section 11. Violation.

Violation of the terms of a permit, this local law or any rules or regulations promulgated pursuant to this local law shall result in the permit being cancelled. Any such violation shall also be cause for denial of future permits.

Section 12. Coordination.

The County Executive or designee, is authorized, empowered and directed to work with the Towns and Villages to streamline the process for production companies seeking permits to engage in motion pictures, television and still photography within the County. To the extent feasible, Towns and Villages should be encouraged to adopt the Albany County Film Permit Application for review and issuance of film permits in their own jurisdictions.

Section 13. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 14. Effective Date.

This law shall take effect no sooner than 120 days after filing in the Office of the Secretary of State.

Referred to Law Committee. 11/14/11