

Chapter 46: Filming and Photography Authorized by the Department

§ 46-01 Scope.

These rules are applicable to all film and photography shoots and related activities conducted on properties and within facilities under the jurisdiction of, and with permission from, the Department of Environmental Protection that shall be authorized by a permit issued by the Mayor's Office of Film, Theatre and Broadcasting. Nothing contained herein shall be construed to relieve an applicant from being required to comply with any other applicable law, rule or case law governing such activities.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-02 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

"Commissioner" means the Commissioner of the Department of Environmental Protection or his or her designee.

"Bureau of Public Affairs and Communications" or **"BPAC"** means the unit of DEP that, among other things, oversees the filming, photography and related activities that are conducted on properties and within facilities under the jurisdiction of DEP.

"Department" or **"DEP"** means the Department of Environmental Protection.

"Equipment" includes, but is not limited to, television, photographic, film or video cameras or transmitting television equipment, including radio remotes, props, sets, lights, electric and grip equipment, dolly tracks, screens, or microphone devices, and any and all production related materials.

"Equipment" does not include (1) "hand-held devices," as defined in 43 RCNY § 9-02 of the Mayor's Office of Film, Theatre and Broadcasting ("MOFTB") Film Permit Rules, and (2) vehicles, as defined in section one hundred fifty-nine of the New York Vehicle and Traffic Law, that are used solely to transport a person or persons while engaged in the activity of filming or photography from within such vehicle, operated in compliance with relevant traffic laws and rules.

"Filming" means the taking of motion pictures, the taking of still photography or the use and operation of television cameras or transmitting television equipment, including radio remotes and any preparatory activity associated therewith, and includes events that include, but are not limited to, the making of feature or documentary films, television serials, webcasts, simulcasts or specials.

"Holding" means the temporary accommodation of cast or crew members and other individuals associated with a production in a space in which filming is not taking place. "Holding" may include the space in which an independent company provides meals or catering services to cast or crew members and other individuals associated with a production.

"MOFTB Film Permit Rules" means the rules promulgated by the Mayor's Office of Film, Theatre and Broadcasting ("MOFTB"), codified as 43 RCNY Chapter 9, as amended from time to time.

"Permittee" means the holder of a Required Permit issued by the Mayor's Office of Film, Theatre and Broadcasting in accordance with 43 RCNY §§ 9-01 and 9-02.

"Photography" means the taking of moving or still images.

"Required Permit" means the permit for filming or photography issued by MOFTB in accordance with 43 RCNY §§ 9-01 and 9-02.

"Rigging/de-rigging" means the loading in or loading out, loading or unloading, of any shooting or production related equipment, including, but not limited to, props, sets, electric and grip equipment, at any location, time and date where film or production is not occurring. Such term has the same meaning as the commonly used term "prepping/ wrapping."

"Scouting" means the act of viewing, assessing and photographing locations for filming or photography during pre-production or production for, including, but not limited to, still photography, feature films, television series, mini-series or specials.

"Shooting" means filming on properties, in the interiors or on exteriors of buildings or facilities under the jurisdiction of DEP.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-03 Pre-Production Scouting.

(a) Any person interested in conducting scouting-related activities on properties or within facilities under the jurisdiction of DEP must first contact BPAC for authorization and to make arrangements for such scouting.

(b) If after conducting scouting-related activities it is determined that a filming or photography project or production will be pursued, the applicant must submit the documentation and resolve production issues described in 15 RCNY § 46-04.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-04 Required Documentation and Approvals from DEP.

(a) The following forms and documents, which are required for DEP review and approval prior to obtaining a Required Permit from MOFTB, must be submitted to BPAC prior to the start date of prepping or rigging for any filming and/or photography shoots:

(1) "Letter of Intent" in the form required by DEP, signed by the applicant, submitted to BPAC at least ten (10) business days prior to the start date of prepping or rigging for any filming of a motion picture, and five (5) business days prior to the start date of prepping or rigging for any other film; and

(2) A location agreement in the form required by DEP signed by the applicant; and

(3) Proof of insurance, as provided in 15 RCNY § 46-06; and

(4) Any other documents, including, but not limited to, equipment specifications and architectural renderings that may be required by BPAC.

The Commissioner or his or her designee may approve an exception to the minimum time frames referenced in subdivision (a)(1) of this section if the nature and scope of the activity to be undertaken support a request that a shorter time within which to submit requisite forms and documents be granted.

(b) In connection with submitting the Letter of Intent required by subdivision (a)(1) of this section, the applicant must submit documentation and DEP will review and issue determinations concerning the following types of issues:

(1) Structural conditions, equipment specifics, weight, load and other similar considerations.

(2) The use of smoke, pyrotechnics, firearms, weapons, animals and other special effects or unusual scenes, which will also be subject to all

applicable laws, rules and other governmental policies regarding such activities.

(c) Where appropriate, an applicant may be required to attend a security meeting with DEP staff, depending on the nature and location of the activity to be undertaken.

(d) Determinations about all DEP staffing matters, including decisions regarding the scope, type, number or level of staff required, will be made by DEP.

(e) BPAC will review the documentation provided in accordance with subdivision (a) of this section, and will attempt to accommodate particular technical needs and any other special circumstances, including approvals from DEP engineers or other personnel, that may be presented by the applicant.

(f) Where BPAC has approved an applicant's documentation required pursuant to subdivision (a) of this section, it will notify MOFTB about such approval.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-05 Application for Required Permit from MOFTB.

A Required Permit must be applied for and issued in accordance with the provisions of 43 RCNY § 9-02 after the documentation required by 15 RCNY § 46-04 has been completed by the applicant and reviewed by DEP; production issues have been resolved with DEP; and DEP approval has been received.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-06 Indemnification and Insurance Requirements.

(a) Prior to the commencement of prepping or rigging for film and/or photography shoots on properties or within facilities under the jurisdiction of DEP, a permittee must provide to BPAC a copy of insurance documentation and a copy of the Required Permit in order to obtain final DEP authorization for such production.

(b) By obtaining a Required Permit from MOFTB, a permittee who is authorized to conduct film shoot and/or photography shoot activities on properties or within facilities under the jurisdiction of DEP agrees to protect all persons and property from damage, loss or injury arising from any of the operations performed by or on behalf of such permittee, and to indemnify and hold harmless the City of New York, to the fullest extent permitted by law, from all claims, losses and expenses, including attorneys' fees, that may result therefrom.

(c) A permittee who has been authorized by DEP to conduct film shoot and/or photography shoot activities on properties or within facilities under the jurisdiction of DEP must maintain, during the entire course of its operations, a liability insurance policy with a limit of not less than one million dollars (\$1,000,000) per occurrence. Such policy must name the City of New York as an additional insured with coverage at least as broad as provided by Insurance Services Office (ISO) form CG 20 12 (07/98 ed.). The permittee must provide to DEP the original certificate of insurance signed in ink to which a copy of the required endorsement is attached.

(d) If it is determined, in light of the activity for which a Required Permit shall be sought, that such activity may increase the potential for injury to individuals and/or damage to property, and that the minimum limit of insurance should be higher than one million dollars (\$1,000,000) per occurrence referenced in subdivision (c) of this section, it will be determined what higher minimum limit is to be required and the permittee will be advised of such higher limit. Factors to be considered will include, but not be limited to, the number of people involved, the location of the activity and the nature of the activity. The permittee must thereafter provide proof of such insurance in accordance with this section.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-07 Production Requirements.

(a) Holding on properties and within facilities under the jurisdiction of DEP is available only for those productions taking place on or within such properties or facilities, upon the approval of the DEP official responsible for operations at the facility or property in question or his or her designee.

(b) DEP will provide security personnel to protect City property under its jurisdiction during production activities at DEP properties and facilities, the cost of which must be reimbursed by the permittee.

(c) All individuals affiliated with the permittee and the production will be required to present a valid, government-issued photo identification card to receive security clearance to have access to properties and facilities under the jurisdiction of DEP where the production and related activities are taking place.

(d) All individuals affiliated with the permittee and the production must wear an identification card on DEP properties and within DEP facilities under the jurisdiction of DEP. The identification cards shall be similar in form and include the name of the production. Failure to display such identification cards at all times may lead to ejection from such properties and facilities.

(e) All production equipment and props brought to properties and facilities under the jurisdiction of DEP shall be subject to inspection at any time prior to or during the production.

(f) DEP will not be responsible for any injury to persons and/or damage or loss to any property on properties and within facilities under the jurisdiction of DEP arising from any of the operations performed by or on behalf of the permittee.

(Added City Record 1/6/2017, eff. 2/5/2017)

§ 46-08 Post-Production Requirements.

(a) A permittee is responsible for cleaning and restoring the properties and facilities under the jurisdiction of DEP after the rigging, shooting and/or holding. The cost of any DEP employee time incurred due to a permittee failing to clean and/ or restore such properties and facilities following the rigging, shooting and/or holding will be borne by the permittee and reimbursed to DEP.

(b) Any fixtures, furniture, books, doors, windows, walls, and other structures and/or objects must be returned to their original position and/or restored to their original condition by the permittee during the de-rigging, unless the permittee has obtained prior approval from the DEP official responsible for operations at the facility or property in question or his or her designee. The permittee must immediately remove any props used during the production from properties and facilities under the jurisdiction of DEP. The permittee must reimburse DEP for any property and facility damage arising from such production activities.

(c) At the conclusion of all film and photography shoots, the permittee must reimburse DEP for all production related costs including, but not limited to, DEP personnel costs contemplated by 15 RCNY §§ 46-04(d) and 46-07(b) and subdivision (a) of this section, including administrative overhead costs, and reimbursement for any property or facility damage in accordance with subdivision (b) of this section. If the permittee cancels any of its production-related activities twenty-four (24) hours or less prior to the scheduled commencement of such activities on properties or within facilities under the jurisdiction of DEP, the permittee may be subject to the reimbursement of costs for DEP personnel assigned to staff such production.

(Added City Record 1/6/2017, eff. 2/5/2017)