

DUKES COUNTY COUNTY ADMINISTRATION

FILM, VIDEO, AND PHOTOGRAPHY POLICY

Adopted: September 5, 2018

I. POLICY STATEMENT:

Commercial Film, Video and Photography companies and productions may be permitted to use property under the control of the County for approved projects.

II. PURPOSE:

Dukes County has long been a highly-sought after location for commercial film, video, and photography companies and Dukes County supports these industries and encourages their use of the island. It is recognized that these industries can provide both direct and indirect economic benefit to the Island of Martha's Vineyard.

Due to the island's size, location, historical significance, fragile natural resources, and seasonal tourist demands, such activity requires regulation to ensure that impacts on vehicle and pedestrian traffic, safety of bystanders and crew are protected and that the least possible disruption to the community occurs.

This policy applies to all County owned and/or managed properties including Park and Recreation properties, excluding Airport. The guidelines and regulations contained herein apply to all commercial filming activity. Additional conditions may be attached to individual permit based on impact.

III. ADMINISTRATION:

All commercial film, video, or photography requests must be approved by the Dukes County Manager. This policy is administered by the County Manager's Office. The County Manager or his/her designee shall be the initial contact for all filming and photography projects and is responsible for managing requests. Required fees and ancillary permits associated with the production must be approved prior to filming.

IV. RULES AND REGULATIONS:

- 1) PERMIT REQUIRED: A Film Permit shall be required (but not limited to) the following conditions:
 - a. For Film, Photography or Video production for commercial purposes on or from any County owned or managed property.
 - b. For productions involving the use of, or impacting upon public property, traffic flow, pedestrian movement, public facilities, parks, sidewalks, street areas or the temporary use of private property in a manner that significantly varies from its current land use or creates a public disturbance (i.e. noise; parking; special effects).
 - c. Student productions filming for non-commercial and educational purposes may be exempt from some fees but are still required to file an application.
 - d. As determined by the County Manager in consideration of impact to the Community, Businesses, and Natural Resources.

2) PERMIT NOT REQUIRED: A Film Permit shall NOT be required as follows:

- a. Credentialed members of the media such as reporters, photographers or cameramen in the employ of a newspaper, news service, radio or television broadcasting station, or similar entity engaged in on the spot broadcasting, reporting or photographing of news of general public.
- b. Private social events such as weddings.
- c. Wedding and Family Portraits, etc.
- d. Amateur photographers; tourists, etc.
- e. Nantucket based non-profit organizations.
- f. EXCEPTION: If such exempted activities result in adverse impacts on adjacent properties from, but not limited to, such activities as the use of explosions, noise from firearms, bullhorns, pyrotechnics, car chases, sirens, lighting apparatus, after hour filming, parking, and obstruction of public access.

3) RESTRICTIONS

a. Commercial Filming or photography in the Downtown Edgartown is strictly regulated with minimal productions allowed from Memorial Day to Labor Day. All applications for filming during the Spring and Summer Season must be received by May 1 for consideration by the County Manager. Night shooting between the hours of 10:00 p.m. and 7:00 a.m. is restricted without the prior approval from the County Manager at a Public Hearing. The Downtown Edgartown may also be restricted during certain hours due to considerations such as impact to pedestrian and vehicle traffic, and business interruption.

4) INSURANCE:

a. All productions are required to submit an original, signed Certificate of Insurance, in an amount of \$1,000,00 minimum per instance of claim for general liability for the duration of the production, with the "County of Dukes County" listed as additional insured. The following name and address should appear on the certificate of insurance:

County of Dukes County
9 Airport Road
P.O. Box 190
Edgartown, MA 02539

b. Additional coverage may be required for productions with significant impact on public property and/or natural resources and those with extensive special effects.

c. Student projects may be exempt from the insurance requirement. Student applicants should provide an original signed letter on school letterhead from their Instructor, department head or dean of college stating the student's name(s), title of the project, purpose of the project, and confirmation that the project is an official school assignment covered by the school's liability insurance policies.

V. APPLICATION PROCESS

1) TIMELINE: Initial inquires for filming or photography on County property must be submitted via e-mail to the County Manager as follows:

- a. No later than **Sixty (60) days** prior to the date of anticipated filming. Permission may be denied if the request cannot be accommodated within the available time frame.
- b. For small film shoots, student films, etc., a Thirty (30) day notice is required.
- c. May 1 for all filming requests to occur between Memorial Day and Labor Day.

2) APPLICATION: Applicants must be prepared to provide the following information:

- a. The name, address and phone number of the person who will be in charge of the activity and responsible for its conduct.
- b. The name and telephone number of the dedicated contact person and his/her backup who will be on-site during production.
- c. A production schedule to include the proposed commencement and termination dates and times of scheduled filming or photography, including preparation, set-up and final clean-up.
- d. General outline of the action(s), approximate number of production vehicles, cast and crew members, as well as any stunts or special effects;
- e. Specific locations and proposed alterations to County property, including a map highlighting the areas, with specific details for requests to film or shoot.

3) REVIEW/APPROVAL:

- a. Once the Film and Photography Application has been received, appropriate County staff will be informed and a production/event meeting with the commercial film or photography company will be required to review the request and to determine any concerns or special requirements. The availability of the requested County properties will also be determined at this time, as well as the need for required insurance, fees and ancillary permits.
- b. Police Details may be required as determined by the County Manager and/or the Chief of Police or designee. Fees for Police Details are determined by the Police Department and are billed separately from Permit Fees.
- c. Affected residents and businesses as determined by the County Manager and/or staff must be notified in advance of any filming. To ensure minimal disruption, this notification letter must include the duration and location of the filming and any planned interference with pedestrian or vehicular traffic. In the event of business interruption, there should be consultation with the business associate(s) and/or individual businesses to determine if any compensation is required.
- d. Once approved by the County Manager, a Filming/Photography Permit will be prepared by the County Administration and the Licensing Agent that will list all insurance, fees and ancillary permits required.