

McFadden proposed filming law

Board review redline • Revision 2

Purpose. Revision 2, prepared for David C. McFadden on October 27, 2026, for discussion with the Board of Trustees and Code Revision Committee. It is not adopted law, an official Village document, or legal advice. David intends to submit a reviewed proposal; this packet does not claim that submission has occurred.

Comparison method. The baseline is the one-page Chapter 51 draft circulated October 27, with the Village's own insertions accepted and deletions removed first. Black text is retained; red strikeout is proposed deletion; red underline is proposed addition. Headings such as "Daily duration" are navigation labels, not additional Code text. The source's history notes are not amended. The unmatched parenthesis and punctuation in the opening paragraph are corrected through the marked replacement, not silently treated as existing law.¹

Core policy positions. Keep the removal of the commercial-gain prohibition. Permit qualifying low-impact activity through an informational annual notice and written safeguards, not individual Board discretion. Use less than \$2,500 in gross owner location compensation per project, with related days aggregated. Remove the 25% charge; impose no filming fee or routine police detail on exempt activity. Keep voluntary giving outside the regulatory process.

Discussion points, not settled positions. Square brackets identify tentative policy values: 12 participants, four vehicles, an 8 a.m.–8 p.m. window, five business days for deficiency notices, and 30 calendar days for permit decisions. They are not current requirements or approved McFadden numerical positions. The eight-hour aggregate daily limit and under-\$2,500 gross location threshold reflect the published policy proposal. The weekly rest-day requirement has been removed. Exempt days do not count against the ten-day nonexempt cap.

Why companion amendments are included. Access and zoning provisions should not defeat the intended filming exception. The published access text and September zoning draft are distinct baselines. The companion provisions are proposed additions, not a claim that the September draft has been adopted. The freshly retrieved online Code displayed a December 18, 2025 currency date; verify later enactments. Preserve existing §25-4 exceptions rather than assume unverified subsection lettering.^{2,3,4}

What the review changed. Broader ordinary-recording protection; no automatic weekly rest days or zero-audibility test; a supervised remote-camera option; aggregate daily, crew, vehicle and related-project limits; a narrower temporary-use zoning exception; explicit advertising eligibility; and clearer annual-notice, donation and enforcement language. This was an internal drafting review, not independent counsel clearance.

Before Board submission. Have a New York municipal or land-use attorney verify the latest drafts, lawful fee authority, constitutional and privacy limits, and the Chapter 25/100 cross-references. The broad filming definition and separate real-estate exception also remain for counsel and policy review. Counsel should settle numbering, title, findings, enactment, severability, effective date, filing and required notice, hearing, referral or environmental-review steps. This packet supplies proposed amendment language, not a certification of adoption readiness.

~~Deletion~~ Addition Black = retained wording.

1. https://tuxedoparkrights.org/documents/Chapter_51_Proposed_Amendments_October_27_2026.pdf

2. <https://ecode360.com/11135360>

3. <https://ecode360.com/11136489>

4. https://tuxedoparkrights.org/documents/September_14_2026_Accessory_Structures_Draft_Production_Excerpt.pdf

Chapter 51: permit scope and fees¹

§ 51-1. Permission required; restrictions.

~~No Except for activities exempt under § 51-2 and real estate marketing videos authorized by the property owner solely to market the property for sale, no~~ person within the Village shall ~~be permitted to~~ engage in filming, movie making, computer imaging, broadcasting, taping, video production, photographic sessions, aerial photography, ~~other than real estate marketing videos authorized by the property owner for the sole purpose of marketing the property for sale)~~ audio ~~and/or or~~ visual ~~recording recording~~, radio, television or microwave ~~transmitting transmission~~, or any similar undertaking (“Filming”) without prior written permission from the Board of ~~Trustees and Trustees~~, subject to the following:

A. Daily duration

No such activity shall exceed eight hours in duration for each day that Filming has been approved by the ~~BOT. Board of Trustees. Setup and breakdown count toward this limit. This subsection does not apply to activities exempt under § 51-2.~~

B. Annual days

~~No such activity shall be undertaken more than 10 days in any calendar year unless approved by the Board of Trustees.~~

~~No such activity shall be undertaken on the same production-location parcel more than 10 days in any calendar year unless additional days are approved by the Board of Trustees. A calendar day with any setup, Filming or breakdown counts as one day; cancelled days with no such activity do not count. Days exempt under § 51-2 do not count toward this limit.~~

C. Neighborhood protections

~~No such activity shall intrude on the privacy, safety or tranquility of any resident or property owner in the Village of Tuxedo Park.~~

~~No such activity shall violate applicable privacy, safety, noise, parking or nuisance requirements. Permit conditions and enforcement shall address actual or reasonably demonstrated physical impacts, not the identity of the owner, the viewpoint expressed or the popularity of the content. Receipt of compensation alone is not an adverse physical impact; the location-compensation threshold in § 51-2(B) remains a separate eligibility criterion.~~

D. Fees for nonexempt productions

~~For any filming in which the homeowner receives no compensation a permit fee of \$100 per day shall be collected payable by the production company.~~

~~For Filming requiring a permit, the applicant shall pay only reasonable fees authorized by law and set in a publicly adopted schedule reflecting documented costs of application review and specifically required municipal services. The schedule shall identify the payer and prevent duplicate recovery of the same cost. No application, annual-notice or filming fee shall be charged for an activity exempt under § 51-2.~~

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Chapter 51: charges, conditions and consent¹

E. Compensation-based charge

~~In the event the homeowner is compensated then in addition to the permit fee the homeowner shall pay to the Village twenty five percent (25%) of the total compensation received by the homeowner.~~

No charge under this chapter shall be calculated as a percentage of location compensation or production revenue. No charitable contribution shall be required or solicited in connection with filming eligibility, permission, permit conditions or enforcement, offered by the Village as an alternative to a charge, or considered in making such decisions. This provision does not restrict independent private giving or general community fundraising unrelated to the filming process.

F. Conditions and police staffing

~~The BOT may impose other restrictions on such filming, including but not limited to hiring a police officer to assist with traffic and parking.~~

For Filming requiring a permit, the Board of Trustees may impose only written, proportionate conditions reasonably necessary to address identified traffic, parking, noise or safety impacts. A paid police detail may be required only upon a written Police Department assessment identifying a specific traffic-control or public-safety need that cannot reasonably be addressed by less burdensome measures. Reasons and estimated charges shall be disclosed before the applicant accepts the permit. No paid detail shall be a routine condition of an exempt activity; ordinary emergency response and enforcement remain available.

G. Production locations and owner consent

~~Filming shall not be permitted on any property not covered by the permit and not owned by the homeowner.~~

A permit shall identify each property physically occupied by the production and include the written consent of its owner or authorized representative. Property owner includes an individual, trust or legal entity holding title. A production need not be conducted at a dwelling or at property owned by a natural-person homeowner.

H. Incidental backgrounds

~~No property shall be filmed unless specifically included in the permit.~~

A production-location permit or separate owner consent is not required under this chapter solely because a property appears incidentally in a background filmed from a place where the camera operator is lawfully present. This provision authorizes neither entry onto another property nor an invasion of privacy and does not resolve other applicable rights.

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I. Decisions on nonexempt applications

The Village shall publish the information required for a nonexempt application. Within [five business days] after receipt, the Clerk shall identify in writing any missing required item and why it is needed. The application is complete for the decision timetable when the published required items have been supplied; an acknowledgment is not a separate prerequisite. Later requests shall identify a specific material deficiency and shall not restart the timetable for unrelated items. The Board shall issue a written decision within [30 calendar days] after completeness, unless the applicant agrees to an extension or controlling law requires a different timetable. Any legally required suspension shall be explained in writing, with its basis and expected duration. Denial or conditions shall identify the unmet requirement and supporting facts. An applicant may request a written completeness determination and explanation of delay, without waiving any review available by law. Delay does not constitute approval. These provisions do not apply to the informational notice under § 51-2.

Chapter 51: exceptions and annual notice¹

§ 51-2. Exceptions. A. Ordinary personal recording

~~Excepted from this chapter are those normal filming, taping, recording and photographing activities occasionally undertaken by a single family unit entirely within their own premises and for no commercial purpose.~~

Excepted from this chapter without an annual notice are ordinary personal photography and recording by persons lawfully present with any required owner consent; video calls, remote communications and computer editing; lawful security-camera operation; and recording public meetings or officials from a place where the recorder may lawfully be present, without obstructing public use or safety. Ordinary personal social-media content is not disqualified merely because it is frequent or produces incidental income. Documentation of an independently lawful private gathering remains excepted when a photographer or videographer is paid, provided the recording does not itself create a separate staged production, audience, road restriction or municipal-service need. Separately staged product, sponsored-creator or other productions, as distinct from the ordinary recording and event documentation described above, shall be evaluated under subsection B rather than excluded solely because they are compensated. No exception authorizes trespass, unlawful surveillance, obstruction, an otherwise unauthorized event or exclusive use of public property.

B. Low-impact productions. (1) Scope

Filming satisfying all requirements of this subsection is exempt from individual applications, discretionary Board approval, filming fees and routine paid police details. Qualifying uses may include, without limitation, small product or editorial photoshoots, social-media and sponsored creator content, stationary community or regatta livestreams, short interviews, and educational or artistic recordings. The same physical-impact standards apply regardless of the subject, sponsor, owner or viewpoint.

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(2) Compensation threshold

Total gross location compensation shall be less than \$2,500 per project. Location compensation means money and the fair market value of noncash consideration paid or payable to the owner or a related person or entity for use of the property, before platform commissions or expenses. Refundable security deposits are excluded unless retained as location payment. Sessions forming the same commission, production or planned deliverable shall be aggregated across related dates and filming, staging or parking parcels provided by that owner or a related person or entity, regardless of divided invoices, operators or payments. Compensation to an unrelated owner for a genuinely separate location is not attributed to this owner. Separate commissions are not one project merely because they have the same client. Production budget, advertising revenue and bona fide payment for content-creation services are excluded except to the extent they are actually consideration for use of the property; bundled consideration shall be reasonably allocated. Uncompensated use may qualify. The annual notice shall not require client identities, creative content or routine submission of financial records. Records sought in a lawful investigation shall be limited to information reasonably necessary to determine the specific eligibility issue.

(3) Informational annual notice

Before the first activity under this subsection in a calendar year, the owner or authorized representative shall submit a signed notice identifying the location and any known associated staging or parking parcels, a responsible contact, anticipated categories of activity, and agreement to comply. The Village shall publish an email address and paper-delivery address for notices. Notice is effective upon documented delivery to the designated address, without Board action, discretionary acceptance or a waiting period; acknowledgment is not required. A notice that reasonably identifies the property, owner or representative, and responsible contact is not invalid solely because of a correctable parcel-number or clerical error. Specific omissions shall be identified in writing with a reasonable opportunity to correct them. The notice covers qualifying activities through December 31; individual dates, clients and projects need not be submitted. Categories may be nonexclusive. Contact, property and associated staging or parking changes shall be updated before reliance on the changed arrangement, without a new approval process. Merely adding a covered project does not require resubmission.

Chapter 51: safeguards and enforcement¹

(4) Written safeguards

(a) The owner consents in writing to use of the location and designates an adult responsible for compliance who is reachable throughout the activity. Consent may cover categories and remains subject to the owner's right to limit or withdraw it. Appropriate on-site adult supervision is required during crew work, setup and breakdown. A safely installed stationary camera without an on-site crew may operate remotely if the responsible adult can arrange timely on-site assistance when necessary; electrical, access, privacy and other safety requirements remain applicable.

(b) All activities under this subsection at the same location together occupy no more than eight hours in a calendar day, including setup and breakdown, within [8:00 a.m. to 8:00 p.m.]. Overlapping periods count once. Changing the project, operator or parcel label does not restart the daily allowance.

(c) No more than [12] production participants, including crew, cast, clients and participating owners, and no more than [four] production-related motor vehicles may be present at one time across all associated

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filming, staging and parking areas serving the location. Concurrent projects using the same location share these limits. A lower lawful occupancy or safety limit controls. Attendees at an independently lawful event are not production participants solely because they appear in a recording; hired extras, a production-created audience and persons directing the production are counted. Dividing a coordinated production location among parcels or nominal operators does not multiply its allowance.

(d) Production vehicles park on the location or other private property with written owner consent. No road closure, reservation of public parking, traffic direction, obstruction of a sidewalk, public path or emergency access, or exclusive use of a public place is included. Normal road travel and ordinary gate procedures remain applicable. Filming does not excuse independent requirements for the underlying event.

(e) Production sound and equipment shall comply with applicable noise requirements. Audibility alone is not a violation of this subsection unless an applicable noise rule makes it one. Lighting shall not shine into another dwelling or interfere with road or waterway safety. Drone operations, pyrotechnics, hazardous stunts, temporary grandstands and activities requiring separate special authorization are outside this low-impact exemption; their exclusion is not a determination of what another authority permits.

(f) Equipment and crew remain within authorized filming and associated staging areas. No trespass, unlawful surveillance, production-created public admission or on-site retail sales are included. Existing privacy, noise, fire, building, environmental and safety requirements remain applicable. Nothing authorizes overnight lodging or residential use of a boathouse.

(g) There is no separate weekly rest-day requirement under this subsection. Successive or coordinated activities remain subject to the same daily, concurrent-person, vehicle and applicable nuisance limits. Ordinary recording exempt under subsection A does not consume a production allowance. Projects, operators, locations or invoices shall not be divided to evade these requirements.

(5) Compliance and enforcement

An activity outside these standards must obtain any otherwise required permission before proceeding; failure to qualify does not prohibit applying for a permit. Enforcement shall identify the specific unmet requirement and supporting facts in writing, allow a reasonable opportunity to cure when safe and practicable, and address the actual violation. Complaints may be investigated, but the mere filing of an objection does not suspend an otherwise compliant activity. Firsthand observations and other supporting evidence may establish a violation. Immediate protective action remains available for imminent danger. Nothing creates a new penalty, restricts review otherwise available by law or waives an independently applicable safety or event requirement.

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Companion amendments: access and boathouses^{2,3,4}

Both provisions below are additions for coordination with the published Code and pending drafts. Preserve existing exceptions and confirm the latest adopted text and final numbering before introduction. The zoning provision protects qualifying temporary uses, not larger productions automatically.

Companion amendment: Chapter 25, append to § 25-4

Append to § 25-4, retaining its existing exceptions: Filming exempt under § 51-2 shall not require additional filming permission under this chapter solely because it involves location compensation or compensated content creation. The informational notice under § 51-2(B) satisfies any notice arising solely from such filming. Ordinary entry identification and owner or resident invitation procedures remain applicable. This provision does not waive independently applicable event notice or permission, including requirements under § 25-3, or authorize a road closure, exclusive occupation of Village property or an unrelated activity. No additional filming-specific fee or donation may be imposed through this chapter on an exempt activity.

Companion amendment: Chapter 100, coordinating subsection

Add a coordinating subsection, with numbering to be confirmed: Notwithstanding conflicting principal-building, accessory-use, guest or same-lot or adjoining-lot requirements in §§ 100-6 and 100-16, an existing lawful boathouse, dock or other lawful premises may be used temporarily for filming exempt under § 51-2. Eligibility does not depend on an on-site or adjoining principal dwelling, common ownership with such a dwelling, ownership by a natural person rather than an entity or trust, or lack of location compensation. Owner consent is required. Advertising the location for such qualifying use is permitted to the same extent as the use itself. This limited exception does not establish a permanent production facility, authorize construction, structural alteration, a change of occupancy requiring separate authorization, lodging, an event venue or an unrelated rental use, or waive applicable building, fire, environmental, safety or certificate requirements. Larger productions requiring a Chapter 51 permit remain subject to otherwise applicable zoning requirements and separate review; a filming permit alone does not establish zoning compliance.

Implementation note

Private donations are intentionally not offered as an alternative fee in the ordinance. For larger nonexempt productions, the proposal uses a lawful, documented cost-based fee schedule, not a fixed \$100 fee or a percentage of owner compensation. The proposed zoning language preserves safety and certificate requirements; it does not assert that a boathouse can never need or obtain a certificate for a particular use.

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