

**HONESDALE BOROUGH  
WAYNE COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING A MEDIA APPLICATION,  
PERMITTING, PLANNING AND PRODUCTION PROCESS AND  
PROMULGATING ATTENDANT LIMITATIONS, SAFEGUARDS,  
PARAMETERS, RESTRICTIONS AND REQUIREMENTS AND  
ESTABLISHING A PERMIT FEE AND PENALTIES RELATIVE TO SAME**

**WHEREAS**, the Borough of Honesdale (hereinafter Borough) has enacted certain provisions pertaining to control, maintenance, preservation and care of its residents, property owners, visitors and the general public within the Borough; and,

**WHEREAS**, these provisions have been promulgated in a series of Ordinances adopted by the Borough over the course of time; and,

**WHEREAS**, due to its historical origins, its proximity to the New York-New Jersey Megalopolis and the Philadelphia Megalopolis, its popularity with countless tourists, campers and visitors alike and its service as the seat of government of Wayne County, Pennsylvania and the services its vendors, businesses, inn-keepers, restauranteurs provide to the public the popularity of the Borough continues to grow; and,

**WHEREAS**, due to this popularity, it has become somewhat common-place for media events to be scheduled in the Borough; and,

**WHEREAS**, it has come to the attention of the Borough that its currently lacks legislation to provide for a meaningful intermix of media activities within the Borough and protection of Borough property owners, residents, merchants and the traveling public; and,

**WHEREAS**, based upon the foregoing, it is deemed necessary to establish a Media Production Activity Ordinance to provide guidance, structure, restrictions, limitations, time constraints, an application process, notification requirement of neighboring property owners, fees, penalties and procedures to achieve such a joint venture.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, and the same is enacted and ordained, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

**SECTION I. NAME**

(A) This Ordinance shall be entitled the Media Production Regulatory Provisions Ordinance.

**SECTION II. PURPOSE**

(A) Honesdale Borough is fortunate to have a diverse number of unique locations to attract movies and television productions to the Borough in the surrounding areas of Wayne County, Pennsylvania. Despite many positive benefits a media production may offer, certain inconveniences may result of the production company and the Borough cannot work in concert to assure minimum standards are met and to assure that a thoroughly-planned production schedule is followed. These concerns are best address regulatory permitting process.

**SECTION III. SCOPE OF COVERAGE**

(A) The permit required under this ordinance shall be a requirement for all movies, television or video series, pilots, feature films and documentaries, commercials, music videos, photo shoots, infomercials and public service announcements and or any similar media type events, whether the final product is intended for commercial use or not, all of the foregoing constituting "Media Production Activity".

(B) The provisions of this ordinance shall not apply to any such event occurring on private property.

(C) Any media production occurring on public property, regardless of whether the event is opened or closed to participation by the public, shall require a permit.

(D) Media Production Activity as defined in Sub-section (A) shall include areas designated for parking of trucks and equipment on public or private property, -based camps used during the production activity and Food service areas and any and all areas required for accessory services.

(E) No public highway, street or road shall have its public access restricted or limited except by a permit issued pursuant to this ordinance.

#### **SECTION IV. PERMIT REQUIREMENTS**

(A) A Media Production Activity permit shall be allowed in any Borough zoning district.

(B) It is the intent of this ordinance to provide special protection provisions for any activity regulated herein in any residential areas of the Borough to limit inconvenience to residents of those areas where such activity is conducted as much as possible.

(C) The classification for Media Production Activity permits shall be identified as Low Impact Activity or High Impact Activity.

1. A Low Impact Activity is that activity having an intended duration of no more than fourteen (14) consecutive days, with little or no disruption to normal and customary use of the site and adjacent and nearby properties and uses;
2. A High Impact Activity is that activity having an intended duration of fifteen (15) or more consecutive days, which do not comply with the low-impact standards of this chapter, and or will disrupt normal and customary use of the site and adjacent or nearby properties and uses. Any Media Production Activity and of the evolving automobile crashes or chases, gunfire, pyrotechnics, explosives, the use of aircraft, stunts and similar activities of this nature shall be classified as High Impact Activities.

(D) Prior to making application for any permit required under this ordinance, it shall be incumbent upon the applicant to meet with the Borough Secretary or designee, the Director of Public Works or designee and any other Borough personnel considered necessary based upon the nature and scope of the application.

(E) The following general standards shall apply to all permits issued hereunder:

1. No tenants, temporary sanitary facilities, trust collection or food service facility shall be located within 100 feet of the property line up any property use for residential use, unless the owner of that property provides written consent to the applicant.
2. Depending on their square footage, tenants and/or other temporary structures may require a separate building permit from the Borough; any food preparation or food service provided at the location shall require a food service permit, if applicable, from the Commonwealth of Pennsylvania.
3. Any lighting necessary for any aspect of a Media Production Activity shall be oriented away from adjacent or nearby properties as much as

- possible and shall not interfere with the safe movement of vehicular or pedestrian traffic;
4. Temporary signage to be employed by the media production activity shall be approved in advance by the Borough.
  5. No regulatory traffic control signage within and the public right-of-way shall be removed without prior consent of either the Borough or PennDOT.
  6. No modification to any existing traffic signage, streetlight, traffic control device or other officially-installed facility or improvement shall be permitted absent prior consent of either the Borough or PennDOT.
  7. No street, road, alley or sidewalk shall be closed or barricaded, or other obstruction erected within a public right-of-way, and no access shall be denied or restricted to public or private property or facilities unless the closure or restriction is approved as a condition of the permit as aforesaid. Reasonable alternative access to the activity site shall be arranged whenever possible;
  8. No trees, vegetation, grasses or metal shrubs shall be cut or removed from public property without prior written consent of the Borough and then only upon submission of an agreed landscape restoration plan. Any disturbance permit may be separately required from the Borough depending upon the nature and extent of the activity;
  9. The applicant shall submit to the Borough a traffic management plan to address traffic flow in the vicinity of the location where any Media Production Activity is planned, regardless of whether or not the proposed activity is not scheduled to obstruct or interrupt normal traffic flow.
  10. Any traffic detours shall be determined and approved by the Borough;
  11. Any temporary traffic control devices and where signage which may be approved by the Borough shall be provided at the sole and exclusive expense of the applicant;
  12. Any plan submitted under this ordinance shall be reviewed and approved by the Honesdale Borough Fire Chief;
  13. The approval of any application under this ordinance shall be transmitted to any and all property owners and/or residents in the vicinity of the proposed media production activity site, with said notice to include a general itinerary of the activity, the proposed length of the activity and how that activity may affect the daily routine of those residents and property owners.

#### **SECTION V. LOW IMPACT ACTIVITY STANDARDS**

- (A) In addition to the general standards, the following minimum standards shall be met in order to be permitted as a low Impact activity:
1. No permit shall be effective for more than fourteen (14) consecutive dates from the date of its issuance.
  2. Permits may be extended by the Borough for reasonable cause, provided a daily Media Production Activity fee is submitted to the Borough.
  3. A single application shall include all locations for the same production within the Borough.
  4. Any application shall be made no less than thirty (30) business days prior to the first scheduled event or activity contemplated as part of The Media Production Activity.

5. Any permit issued hereunder shall be available on location at all times while production activity is occurring and shall be presented upon request to any investigators inspectors or Borough personnel upon request.
6. Normal hours of activity shall be from 7:00 AM to 10:00 PM daily;
7. Any and all pre-and/or post-production activity shall occur within this same time frame; no activity shall occur outside these hours.
8. Any and all noise shall be kept to a minimum.
9. Any planned activity involving noises in excess of sixty-five (65) dB at a distance of 100 feet from the point of origin shall be addressed in the application. If any such activity is planned within 500 feet of a residential area and will include noises in excess of sixty-five (65) dB, the applicant shall provide notice to residents in the affected area no less than 10 days in advance of the anticipated event.
10. No street closure, obstruction or interference with normal traffic flow, including pedestrian use of sidewalks and public rights-of-way shall occur, including use of non-street parking spaces or parking and alleys of side streets.
11. Facilities and/or locations to be used for base camp, Food service and parking shall be approved as a condition of the permit; any other required permits shall be obtained prior to issuance of the permit contemplated under this ordinance.
12. Nothing herein contained shall suggest that due to the varying requirements of media production and the nature of this combined industry, these standards are not intended to be all-inclusive and additional conditions may be reasonably imposed, as warranted, to minimize anticipated adverse effects of any such activity.

#### **SECTION VI. HIGH IMPACT ACTIVITY STANARDS**

- (A) In addition to the general standards, the following minimum standards shall be met in order to be permitted as a High-Impact activity:
1. No permit shall be issued for a term of less than fifteen (15) consecutive dates from the date of its issuance.
  2. The duration of the permit shall be based upon an agreed production schedule submitted by the applicant and approved by the Borough.
  3. Permits may be extended by the Borough for reasonable cause, provided a daily Media Production Activity fee is submitted to the Borough.
  4. A single application shall include all locations for the same production within the Borough.
  5. Any application shall be made no less than sixty (60) business days prior to the first schedule event or activity contemplated as part of The Media Production Activity.
  6. Any permit issued hereunder shall be available on location at all times while production activity is occurring and shall be presented upon request to any investigators inspectors or Borough personnel upon request.
  7. Normal hours of activity shall be from 7:00 AM to 10:00 PM daily;
  8. Any and all pre-and/or post-production activity shall occur within this same time frame; no activity shall occur outside of these hours.
  9. Any and all noise shall be kept to a minimum.
  10. Any planned activity involving noises in excess of 65 dB at a distance of 100 feet from the point of origin shall be addressed in the

application. If any such activity is planned within 500 feet of a residential area and will include noises in excess of 65 dB, the applicant shall provide notice to residents in the affected area no less than 10 days in advance of the anticipated event.

11. No street closure, obstruction or interference with normal traffic flow, including pedestrian use of sidewalks and public rights-of-way shall occur, including use of off-street parking spaces or parking and alleys of side streets, unless specifically permitted by the Borough in the application process.
12. Facilities and/or locations to be used for base camp, Food service and parking shall be approved as a condition of the permit; any other required permits shall be obtained prior to issuance of the permit contemplated under this ordinance.
13. As determined from the proposed scope of the media production activity, and in consideration of any potential danger to the health safety and welfare of the Borough, its property owners, residents, and visitors, the applicant may be required to engage a qualified private security staff or authorized off-duty law enforcement officers for any such security and/or control warranted by the scope of the application, with any and all costs of same to be borne by the applicant.
14. Any planned use of pyrotechnics, demolition, discharge of firearms or other weapons, motor vehicle chases, physical stunts and/or similar activities shall be specifically outlined in the application process prior notification of time place and manner of such activities.
15. Nothing herein contained shall suggest that due to the varying requirements of media production and the nature of this combined industry, these standards are not intended to be all-inclusive and additional conditions may be reasonably imposed, as warranted, to minimize anticipated adverse effects of any such activity.

## **SECTION VII. APPLICATION AND PERMIT PROCEDURE**

- (A) All applications shall be made in writing on forms provided by the Borough. Applications shall be submitted in duplicate originals. No application shall be deemed accepted and received unless accompanied by payment of the requisite fee.
- (B) Every application shall state the name and contact information of a responsible representative of the applicant, who shall be available at all times during actual production activity within the Borough.
- (C) The application shall contain a detailed narrative of the scope of production activities, including drawings, maps or plats to illustrate locations, property boundaries, existing material improvements, planned temporary improvements, curb cuts and driveways, joining streets, traffic patterns and similar information helpful to assess the impact of the proposed activity.
- (D) When activity is due to occur in or near residential areas, personal notice of the intent to secure a permit in the place, date and time of the proposed media production activity shall be provided by the applicant within 5 days of filing the application; to the extent feasible. All residential properties within 500 feet of the outside boundaries of the location of the media production activity shall be notified.

- (E) A signed indemnification and hold harmless agreement in a form acceptable to the Borough solicitor shall accompany the application, together with a certificate of insurance naming the Borough as an additional insured. The minimum limits of insurance coverage shall be not less than \$1,000,000.00 million per occurrence.
- (F) All applications shall be filed with the Borough Secretary; the Borough may require such additional information as needed to assess the proposed extent and intensity of the production proposed.
- (G) All applications shall be approved with specific terms and conditions, or denied, by the Borough in writing. If approved, the Borough shall issue a permit to the applicant, in writing, with all terms and conditions clearly set forth therein. Low-impact activity application shall be approved within 10 business date of the receipt of a complete application and fee; high impact activity application shall be approved within 20 business days of receipt of a complete application and fee.
- (H) In the event an application is denied, the Borough shall provide to the applicant a written basis for such denial. Any such denial may be appealed to the Honesdale Borough Council.
- (I) Permits may be denied or approved, in whole or in part, due to prior scheduled events or activity sanctioned or permitted by the Borough under other provisions of this ordinance or under other ordinances of the Borough.
- (J) Any material variation from the approved scope of work permitted under the ordinance shall be grounds for permit revocation, unless the permit is modified in advance by the applicant and approved by the Borough.

#### **SECTION VIII. FEES AND WAIVERS**

- (A) Application fees for any Media Production Activity under this ordinance shall be approved by Honesdale Borough Council and included in the then-existing Borough fee schedule.
- (B) The application fee shall be submitted by the applicant at the time of submission of the application for the Media Production Activity, with the minimum application fee to be calculated based upon anticipated number of days of duration of the Media Production Activity.
- (C) Application fees are non-refundable.
- (D) Additional fees and charges may be assessed based upon specific requirements, including fees for monitoring of public safety or special services by the Borough, based upon labor, time and equipment necessary to provide the service.
- (E) In the event any Borough owned building or property, other than public road rights-of-way, is used for a media production activity, a separate rental fee or charge may be imposed by the Borough.

#### **SECTION IX. VIOLATIONS AND PENALTIES**

- (A) Any person, persons, entity or entities who/which violate or permit a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding before a district justice or magisterial district judge, shall pay a fine and/or penalty of not less than three hundred (\$300.00) dollars nor more than one thousand (\$1000) per violation, plus all court costs, including reasonable attorney's fees incurred by the Borough in the enforcement of this Ordinance. Each day the violation exists shall constitute a separate offense. In any case where a penalty for a violation has not been timely paid, and the person

against whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for attorney's fees incurred by the Borough in the enforcement proceedings. If the violator neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

(B) In addition to or in lieu of a civil action before a magisterial district judge, or Court, the Borough may enforce this Ordinance in equity. The appropriate officers or agents, including Borough Council, Borough Secretary, or Code Officer of the Borough are hereby authorized to seek equitable relief, including injunctions, to enforce compliance herewith.

**SECTION X. REPEAL PROVISIONS**

(A) Any Ordinance or part(s) thereof inconsistent herewith are hereby repealed.

**SECTION XI. SAVING PROVISIONS**

(A) Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance, the Borough Council of Honesdale Borough having adopted this Ordinance as if such invalid portions had not been included therein.

**SECTION XII. EFFECTIVE DATE**

(A) This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED** into law by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, by a vote of \_\_\_\_\_ to \_\_\_\_\_ the \_\_\_\_\_ day \_\_\_\_\_ 2021.

**Honesdale Borough Council**

**S E A L**

Attest:

\_\_\_\_\_  
Judith Poltanis, Borough Secretary

\_\_\_\_\_  
Michael Augello, Council President

Approved, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by the Mayor of Honesdale Borough, Wayne County, Pennsylvania.

Attest:

\_\_\_\_\_  
Judith Poltanis, Borough Secretary

\_\_\_\_\_  
Sarah Canfield Mayor

