A Local Law to amend Chapter 115 (Filming) of the Code of the Village of Atlantic Beach

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Be it enacted by the Board of Trustees of the Village of Atlantic Beach as follows:

Section 1. Legislative intent. The Board of Trustees finds that filming activity within the Village can offer public benefit and revenue but, if not properly regulated, may disrupt the peace and tranquility of the Village. The existing Chapter 115 contains an internal inconsistency regarding the authority to issue permits, omits commercial still photography from its scope, and does not prescribe an enforceable penalty. This local law amends Chapter 115 in its entirety to resolve those matters, to clarify that permits are administered by a designated Issuing Officer while discretionary determinations remain with the Board of Trustees, to authorize a fee schedule to be established by resolution, and to conform the penalty provision to applicable law.

Section 2. Amendment. Chapter 115 (Filming) of the Code of the Village of Atlantic Beach is hereby amended in its entirety to read as follows:

Chapter 115 — FILMING

§ 115-1 Permit required.

Filming within the Village is prohibited unless a permit therefor has been issued under this chapter. This requirement applies whether the filming occurs on public or private property. The purpose of this chapter is to avoid disruptive or adverse impacts on the peace and tranquility of the Village.

§ 115-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING — The recording for commercial or business use, on film, video, or other media, including still photography, of motion pictures, commercials, documentaries, advertising and fashion productions such as “lookbook” or catalog shoots, shows, performances, athletic or sports events, or the like, together with the use of persons, vehicles, props, cameras, or any other items, equipment, or materials in connection therewith. Photography or videography by a resident or a resident’s guest for personal, noncommercial purposes — including family, wedding, prom, or similar personal images — is exempt and is not included within this definition, even where a professional is engaged for such personal use.

ISSUING OFFICER — The Village Clerk, or such other Village official as the Board of Trustees may designate by resolution, charged with administering this chapter.

VILLAGE PROPERTY — Any land, beach, boardwalk, street, right-of-way, or facility owned or controlled by the Village.

§ 115-3 Application.

A. An application shall be made on the form provided by the Village Clerk no less than five (5) business days before the date on which filming is to commence. An application filed fewer than five business days before that date may be accepted at the discretion of the Issuing Officer, subject to an expedited-review fee established by resolution of the Board.

B. An application shall include:

(1) Name, address, email address, and telephone number of the applicant and of a contact person for the filming;

(2) Name, address, email address, and telephone number of an owner of each property to be used in or for the filming;

(3) The purpose of the filming;

(4) The dates and times of day the filming is proposed to occur;

(5) The signed consent of an owner of each property to be used in or for the filming;

(6) Proof of insurance as required by § 115-10; and

(7) Such other information as the Issuing Officer may reasonably require.

§ 115-4 Private property; no Village endorsement.

The Village does not select, recommend, or endorse any private location for filming. Where filming is proposed on private property, the applicant is solely responsible for obtaining the property owner's consent, and the issuance of a permit confers no right to enter or use any private property.

§ 115-5 Fees, deposits, and incidental costs.

A. Permit fees shall be established, and may be amended from time to time, by resolution of the Board of Trustees. The fee schedule may provide, without limitation, for: a base permit fee; a fee for the use of Village property or public right-of-way, which may be charged on a per-hour or per-day basis; an expedited-review fee; a surcharge for filming during hours otherwise restricted under § 115-8; and a refundable security and cleanup deposit.

B. In addition to any fee, the applicant shall pay the actual cost of the incidental use of any Village personnel, services, or equipment in connection with the filming.

C. Permit fees are nonrefundable, except that any refundable deposit shall be returned to the applicant less the cost of any damage, cleanup, or Village services chargeable to the applicant under this chapter.

§ 115-6 Reduction or waiver of fees.

A. Upon written request setting forth the reason for the request the Board of Trustees and the Issuing Officer may reduce or waive any fee imposed under this chapter.

B. The Issuing Officer may reduce or waive a fee, in whole or in part, where doing so serves a public purpose or reflects the limited Village impact of the filming, in accordance with the standards established by resolution of the Board of Trustees.

C. Any reduction or waiver granted under this section shall be in writing, shall state the ground for it, and shall be filed in the permit record.

D. Nothing in this section shall require the reduction or waiver of any fee.

§ 115-7 Authority to issue; matters reserved to the Board.

A. The Issuing Officer may grant an application, grant it subject to restrictions and conditions, or deny it. Conditions may be imposed as necessary to avoid creating within the Village a dangerous condition, an unreasonable interference with the use of Village streets or public places, or a nuisance.

B. The following are reserved to the Board of Trustees:

(1) The reduction or waiver of fees to the extent reserved to the Board under § 115-6;

(2) The authorization of any alteration to public property under § 115-9;

(3) The authorization of filming during hours restricted under § 115-8C; and

(4) Appeals from a suspension or revocation under § 115-11.

§ 115-8 Permit restrictions.

A. Every permit shall set forth the dates and specific hours during which filming is permitted.

B. No filming, nor the use of equipment, shall be permitted between the hours of 8:00 p.m. and 8:00 a.m. unless otherwise specifically authorized in the permit.

C. No filming shall be permitted prior to 9:00 a.m. on Saturdays, Sundays, or holidays, unless authorized by the Board of Trustees under § 115-7B.

D. Nothing herein shall prohibit the imposition of such other reasonable limitations or conditions as the Issuing Officer or the Board of Trustees may determine to be necessary.

§ 115-9 Damage or alterations to property.

A permit holder shall be responsible for any damage to public property or facilities resulting from the permit holder's activities. No alterations shall be made at the locations of principal photography — including, without limitation, cutting trees, trimming bushes, painting or modifying any portion of the boardwalk, or removing or relocating sand from the beach — without the express authorization of the Board of Trustees.

§ 115-10 Insurance and indemnification.

A. No permit shall be issued until the applicant has filed with the Village Clerk a certificate of insurance evidencing commercial general liability insurance covering personal injury and property damage in an amount not less than $1,000,000 per occurrence and $2,000,000 in the

aggregate and, where motor vehicles are used in connection with the filming, commercial automobile liability insurance. The Board of Trustees may by resolution require higher limits, umbrella or excess coverage, or additional coverages, scaled to the size and scope of the production.

B. Each policy shall name the Village and its officers, employees, and representatives as additional insureds, shall be primary and non-contributory with respect to any insurance or self-insurance maintained by the Village, and shall include a waiver of subrogation in favor of the Village. Coverage shall be maintained for the entire duration of the permitted activity.

C. As a condition of the permit, the applicant shall execute a hold-harmless and indemnification agreement in a form approved by the Village Attorney, under which the applicant, to the fullest extent permitted by law, indemnifies, defends, and holds harmless the Village and its officers, employees, and representatives from and against any claim, loss, liability, damage, cost, or expense, including reasonable attorneys' fees, arising out of or resulting from the filming for which the permit is issued, except to the extent caused by the Village's own negligence.

D. Acceptance by the Village of any certificate or policy that does not conform to this section shall not waive the requirements of this section.

§ 115-11 Suspension or revocation of permit.

A. The Issuing Officer may suspend or revoke a filming permit for any of the following:

(1) The violation of any condition of the permit;

(2) Conduct detrimental to the health, safety, or welfare of the public; or

(3) The violation of any law, rule, or regulation of the United States, the State of New York, or the Village, or any department or agency thereof.

B. A suspension or revocation may be appealed to the Board of Trustees, whose decision shall be final.

C. Upon suspension or revocation, the permit fee shall be forfeited and shall not be refunded. Any refundable deposit shall be handled under § 115-5C.

§ 115-12 Penalties for offenses.

A. A violation of any provision of this chapter shall constitute an offense.

B. A person convicted of such a violation shall be punished as follows:

(1) for a first offense, by a fine of not more than $2,000;

(2) for a second offense, both of which were committed within a period of five years, by a fine of not less than $2,000 nor more than $5,000; and

(3) for a third or subsequent offense, all of which were committed within a period of five years, by a fine of not less than $5,000 nor more than $10,000.

C. Each day on which a violation occurs or continues may be deemed a separate offense.

D. The penalties provided in this section shall be in addition to, and not in lieu of, any other remedy available to the Village, including the suspension or revocation of a permit under § 115-11, the forfeiture of fees and deposits, and injunctive relief to restrain a violation of this chapter.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State, as provided by the Municipal Home Rule Law.

A LOCAL LAW amending Chapter 250 (Zoning) of the Code of the Village of Atlantic Beach to consolidate the penalties for zoning offenses and, pursuant to the Municipal Home Rule Law, to supersede Village Law § 20-2006 so as to increase the maximum penalties for such offenses.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Atlantic Beach as follows:

Section 1. Legislative intent.

The Board of Trustees finds that Chapter 250 presently contains multiple conflicting penalty provisions, and further finds that the maximum penalties available under the default provisions of Village Law § 20-2006 are insufficient to deter violations by owners and operators for whom a modest fine represents merely a cost of continued noncompliance. The purpose of this local law is to consolidate the penalty provisions of the Chapter into a single controlling section and, pursuant to the home-rule powers of the Village, to supersede Village Law § 20-2006 in its application to the Village so as to authorize enhanced penalties. This local law does not alter the substantive regulations of the Chapter or the conduct prohibited thereunder.

Section 2. Supersession of Village Law § 20-2006.

Pursuant to the Municipal Home Rule Law of the State of New York, Article 2, § 10 (including § 10(1)(ii)(a)(12) and § 10(1)(ii)(e)(3)), and Article IX of the New York State Constitution, the Board of Trustees hereby declares its intent to supersede, and does supersede, Village Law § 20-2006 in its application to the Incorporated Village of Atlantic Beach, to the extent necessary to authorize the penalties prescribed in § 250-124 of the Village Code as amended by this local law. This supersession applies to the Building Zone Ordinance and to all local laws of the Village adopted prior to September 1, 1974, and to all local laws adopted thereafter, including Chapter 250 as adopted April 7, 2003, and all amendments thereto.

Section 3. Repeal of § 250-94.2.

Section 250-94.2 (Penalties for offenses) of the Code of the Village of Atlantic Beach is hereby REPEALED in its entirety. Penalties for violations of Chapter 250 are governed exclusively by § 250-124, except as expressly provided therein.

Section 4. Amendment of § 250-124.

Section 250-124 (Penalties for offenses) is hereby amended to read as follows:

§ 250-124. Penalties for offenses.

A. Authority; controlling section. This section is enacted pursuant to the supersession of Village Law § 20-2006 set forth in the local law adopting this section. Except as expressly provided in Subsection B, this section governs the penalties for every violation of this chapter, and no other provision of this chapter shall be construed to prescribe a different criminal penalty.

B. Exceptions. This section does not govern, and the following penalties are preserved as prescribed in their respective sections:

(1) Violations of Article XVII (Flood Damage Prevention) shall be penalized as provided in § 250-144. The penalty structure of § 250-144 is maintained as a condition of the Village's continued participation in the National Flood Insurance Program, and nothing in this section shall be construed to alter it.

(2) The civil penalty for transient occupancy imposed by the Building Inspector under § 250-108M(5) is a civil and administrative penalty, is not a criminal penalty under this section, and is imposed in addition to any penalty available under this section.

C. Persons liable. For each and every violation of any provision of this chapter, the following shall be guilty of an offense: the owner, general agent, or contractor of the building or premises where such violation has occurred or continues to exist; the lessee or tenant of an entire building or entire premises where such violation has occurred or continues to exist; or the owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which such violation has occurred or continues to exist. Additionally, any general agent, architect, builder, contractor, or other person who commits, participates in, assists in, or maintains a building or premises where any violation exists shall also be guilty of an offense.

D. Penalties.

(1) First offense. Upon conviction, a fine of not less than $500 nor more than $1,000, or imprisonment for a term not exceeding fifteen days, or both.

(2) Second offense (committed within five years of the first). Upon conviction, a fine of not less than $1,000 nor more than $2,000, or imprisonment for a term not exceeding fifteen days, or both.

(3) Third or subsequent offense (committed within five years of the prior offenses). Upon conviction, a fine of not less than $2,000 nor more than $5,000, or imprisonment for a term not exceeding fifteen days, or both.

E.. Continuing violations. Each day that a violation continues after written notice from the enforcement officer shall constitute a separate and distinct offense, provided that either a superseding accusatory instrument or a separate accusatory instrument is served and filed for each such violation.

F. Trailers and house cars. Upon a second conviction for any violation of provisions regulating the use of private trailers and house cars, the Building Inspector shall immediately rescind any related permit.

Section 5. Amendment of § 250-119I.

Subsection I of § 250-119 (Fences and planting screens) is hereby amended to read as follows:

I. Penalties. Any violation of this section shall be penalized as provided in § 250-124.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. In particular, if the supersession set forth in Section 2 or any enhanced penalty in § 250-124D is held invalid, the penalty shall be deemed reduced to the maximum permitted by Village Law § 20-2006, and the remainder of this local law shall remain in full force and effect.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

A local law to amend Chapter 250 of Code of the Village of Atlantic Beach with respect to properties used for public assembly purposes, including educational and religious uses.

Section 1. The Board of Trustees seeks to regulate public assembly uses consistently**.**

Section 2. The Code of the Village of Atlantic Beach is hereby amended by rescinding the following sections:

§250-100(A)
§Article XVI (including §§250-130 through 250-135)
§250-108.1

Section 3. The Code of the Village of Atlantic Beach is hereby amended as follows:

Upon the aforesaid rescission of §250-100(A), sections 250-100(B), (C) and (D) shall be renumbered as 250-100(A), (B) and (C), respectively.

Section 4. Section 250-1 of the Code of the Village of Atlantic Beach is hereby amended to include the following definition:

PUBLIC ASSEMBLY

A building or premises that includes a designated area for the assembly or gathering of people, contains no sleeping accommodations, and is not intended for use as living quarters.

Section 5. Section 250-15 of the Code of the Village of Atlantic Beach is hereby amended to read as follows:

"§250-15. Permitted Uses.

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes:

A. A single Family Detached Dwelling.

B. Municipal Use.

C. Any of the following public assembly uses:

(1) Place of Religious Worship
(2) School offering day-based programs

Section 6. Section 250-27 of the Code of the Village of Atlantic Beach is hereby amended to read as follows:

"§250-27. Accessory Buildings.

A. For premises used solely for single family dwelling purposes:

(1) An accessory garage may not exceed 440 square feet and may not occupy more than 40% of the required area of the rear yard, with a maximum height of 12 feet. The yard area occupied by such accessory garage shall, however, be included in computing the maximum percentage of the lot area which may be built upon. No accessory garage shall be nearer to any front property line than 45 feet and must be at least two (2) feet from the rear and side property lines, except that accessory garages may have a party wall. No accessory garage may be located nearer to the front property line than the main building which it appends and must be not less than five (5) feet from any side property line, providing there is compliance with §250-125(A)(12).

(2) In the case of a corner lot, an accessory building shall not be less than two (2) feet from the rear and side property lines, except in the case of an accessory private garage. which may be located not nearer to the front property line than the main building which it appends and must be not less than five (5) feet from any side line, but must in any other event and in all other respects conform to Subsection (A)(1) of this section.

(3) No accessory building shall be erected on any lot until either the residence thereon shall have been erected and a certificate of occupancy issued or plans for the residence thereon shall have been filed with the Village Building Department, a building permit therefor is issued and the construction thereof actually commenced. If the construction of the residence is not completed within 12 months after its commencement and a certificate of occupancy issued within said 12 months, or subsequent building permit extensions have expired, any accessory building shall be removed.

B. For premises used for any other purpose:

(1) An accessory garage shall comply with the provisions of Subsection (A)(1) of this section.

(2) For any other accessory building, not used solely for storage, such building shall not be less than 15 feet from the rear and side property lines and shall not be closer to the front property line than the principal building (excluding any bump out or offset from the main wall of the principal building closest to the front property line)."

Section 7. Section 250-28 of the Code of the Village of Atlantic Beach is hereby amended to read as follows:

"§250-28. Minimum lot area and width.

A. No dwelling or other building shall be constructed on a lot used solely for residential purposes unless it contains an area of not less than 6,000 square feet and has a minimum width of 55 feet at the front setback line and either has a minimum width of 55 feet from and on the street line to the front setback line or is a lot designated on a plat heretofore or hereafter duly filed in the office of the Clerk of the County of Nassau. The foregoing provision shall not apply to the construction of accessory uses, dwelling additions or building additions on a lot. The minimum lot or plot width and area and frontage regulations herein set forth shall not apply to any lot or plot having an area and/or width and/or frontage of less than that prescribed herein, provided that such lot or plot has an area of at least 4,000 square feet and was under different ownership from that of any adjoining land on October 25, 1957, and provided further that such lot or plot and any adjoining land did not come into common ownership since that date.

B. No building shall be constructed on a lot used for any other purpose unless it contains an area of not less than 7,500 square feet and has a minimum width of 70 feet at the front setback line and either has a minimum width of 70 feet from and on the street line to the front setback line or is a lot designated on a plat heretofore or hereafter duly filed in the office of the Clerk of the County of Nassau. The foregoing provision shall not apply to the construction of accessory uses, dwelling additions or building additions on a lot."

Section 8. Any local law or provision of the Code of the Village of Atlantic Beach in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section 9. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

A RESOLUTION ACCEPTING THE CURB CUT STANDARDS REVIEW AND TERMINATING THE MORATORIUM ON NEW CURB CUT APPLICATIONS

WHEREAS, by resolution adopted October 9, 2025, the Board of Trustees imposed a moratorium on new applications for curb cuts to allow a comprehensive review of curb cut approval criteria and their effects on pedestrian safety, streetscape aesthetics and on-street parking availability; and

WHEREAS, Section 2(b) of said resolution provides that the Board may by subsequent resolution terminate the moratorium; and

WHEREAS, the Board has conducted that review, comparing Chapter 100 against the corresponding provisions of twenty-one other Nassau County municipalities, as set forth in the comparison annexed hereto and filed with the Village Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees adopts the following findings:

1. The curb cut widths, setbacks, separation and frontage requirements of Chapter 100 fall within the range prevailing among the municipalities reviewed and are not more restrictive than those of comparable communities. In several respects the Village's standards are the more permissive.

2. No amendment to any width, setback, separation or frontage requirement of Chapter 100 is warranted.

3. Chapter 100 contains drafting errors, an obsolete cross-reference, an internal inconsistency in how curb cut width is measured, and an inconsistency between the requirements governing connected driveways under § 100-5E and supplemental curb cuts under § 100-5F. These impair the administration of the chapter without bearing on its substantive standards and should be addressed by local law.

4. The review also identified subjects not addressed by Chapter 100 — including drainage, maintenance, contractor insurance, and the protection of trees — which the Board may wish to consider at a future date.

AND BE IT FURTHER RESOLVED, that the review contemplated by the resolution of October 9, 2025 is declared complete, and that this resolution and the annexed comparison shall be filed with the Village Clerk as the record thereof;

AND BE IT FURTHER RESOLVED, that the moratorium imposed October 9, 2025 is terminated effective September 14, 2026;

AND BE IT FURTHER RESOLVED, that applications shall be accepted and determined in accordance with Chapter 100 as in effect on the date of application.

APPROVED TREE LIST FOR THE VILLAGE RIGHT-OF-WAY AND REPLACEMENT OF REMOVED TREES

WHEREAS, § 225-3(A) of the Village Code authorizes the Board of Trustees to provide for the planting, trimming, protecting, removing and preserving of trees in the streets and other public places of the Village; and

WHEREAS, § 225-4 requires the written permission of the Board of Trustees before any tree is planted or removed within the limits of the public way; and

WHEREAS, the Board finds that a published list of approved trees, and the replacement of trees removed from the public way, will preserve the Village's tree canopy and promote consistent and reasoned decisions on applications; and

WHEREAS, the Village is a low-lying barrier island subject to coastal and stormwater flooding, and trees in the public way intercept rainfall, take up groundwater and stabilize sandy soils, so that the removal of a tree at a given location diminishes flood mitigation at that location, and a newly planted replacement does not restore that function for many years; and

WHEREAS, the Board determines this action to be a Type II action under 6 NYCRR § 617.5 requiring no further review under SEQRA; now, therefore, be it

RESOLVED, that the Board of Trustees adopts the following as Village policy:

1. Approved Tree List. The list of trees annexed as Exhibit A is adopted as the Village's Approved Right-of-Way Tree List.

2. Planting. The Board shall apply Exhibit A in acting on applications for permission to plant a tree in the public way under § 225-4. Permission of the Board remains required for every planting; listing a tree on Exhibit A is not itself permission to plant it.

3. Denial of Removal. The Board may deny permission to remove a healthy tree where removal would materially reduce stormwater interception, groundwater uptake or soil stabilization at that location. Preservation of an existing tree in place is preferred to its removal and replacement.

4. Replacement of Removed Trees. Permission to remove a tree from the public way shall be granted on the condition that the owner plant a replacement tree, selected from Exhibit A and approved by the Board as to species and location, on or before a date fixed by the Board. The replacement shall be planted at the site of removal. Only where the Board finds the site of removal unsuitable shall it designate an alternate location within the Village right-of-way, giving preference to a location on the same block and within the same drainage area. Suitability shall be determined on the basis of conditions existing prior to any alteration of the planting area by the owner or a predecessor in title. The Board may waive replacement only upon a written finding, stated in the resolution granting permission, that no suitable location exists anywhere in the Village right-of-way. Cost to the owner is not a ground for waiver.

5. Form of Permission. The written permission issued under § 225-4 shall state the replacement condition, the approved species and location, and the completion date. The Superintendent of Public Works shall deliver the permission to the applicant for signature and shall not release it until a signed copy is returned. No tree shall be removed before the signed permission is issued. The Superintendent shall administer this policy, maintain the permission file, and report non-compliance to the Board.

6. Discretion Reserved. The Board may deny a tree listed on Exhibit A where site conditions make it unsuitable, and may approve a tree not listed on Exhibit A upon a written finding that it is suitable for the location. The Board shall not approve a tree listed as a prohibited or regulated invasive species under 6 NYCRR Part 575.

7. Planting Conditions. The Board may fix the planting location, spacing, clearance, stock size and any other planting requirement as conditions of each approval granted under § 225-4, based on the conditions at the proposed site.

8. Village Plantings. Exhibit A shall govern trees furnished and installed by the Village under § 225-3(C).

9. Scope. This policy applies to trees only, and only in rights-of-way owned or controlled by the Village. It does not apply to shrubbery, to removals required under § 225-5, or to rights-of-way of Nassau County or the State of New York. Nothing herein alters the allocation of maintenance responsibility or liability under the Village Code or by law.

10. Amendment and Effect. Exhibit A may be amended by subsequent resolution without public hearing. A copy shall be kept on file with the Village Clerk, posted on the Village website, and furnished by the Superintendent of Public Works to every applicant. This Resolution takes effect immediately.

EXHIBIT A
APPROVED RIGHT-OF-WAY TREE LIST

Class I — Large Shade Trees (over 45')

Common Name	Botanical Name	Mature Ht.	Notes
Swamp White Oak	*Quercus bicolor*	50–60'	Tolerates high water table.
Willow Oak	*Quercus phellos*	50–70'	Fine leaf litter.
Northern Red Oak	*Quercus rubra*	60–75'	Fast growth; needs a wide strip.
Scarlet Oak	*Quercus coccinea*	50–70'	Prefers well-drained sandy soil.
Hackberry	*Celtis occidentalis*	40–60'	Very tough; good salt and wind tolerance.
London Plane	*Platanus × acerifolia*	70–90'	10' strip minimum. Heavy litter.
American Sycamore	*Platanus occidentalis*	75–100'	10' strip minimum. Parks preferred.
American Elm	*Ulmus americana*	60–80'	Disease-resistant cultivars only — 'Valley Forge,' 'New Harmony,' 'Princeton.' Straight species not permitted.
Black Tupelo	*Nyssa sylvatica*	40–50'	Excellent fall color; slow to establish.
American Basswood	*Tilia americana*	60–80'	Poor salt tolerance — interior streets only.

Class II — Medium Trees (25'–45')

Common Name	Botanical Name	Mature Ht.	Notes
Red Maple	*Acer rubrum*	40–50'	Seedless cultivars preferred.
Littleleaf Linden	*Tilia cordata*	40–50'	Poor salt tolerance — interior streets only.
Japanese Black Pine	*Pinus thunbergii*	30–50'	Excellent salt tolerance; monitor for pine wilt.
Eastern Red Cedar	*Juniperus virginiana*	30–45'	Evergreen — keep clear of sight triangles.
Pitch Pine	*Pinus rigida*	40–60'	Native barrier-island species.
American Persimmon	*Diospyros virginiana*	35–50'	Fruitless (male) selections only.

Class III — Small and Ornamental Trees (under 25')

Common Name	Botanical Name	Mature Ht.	Notes
Eastern Redbud	*Cercis canadensis*	20–25'	Poor salt tolerance — sheltered sites only.
Serviceberry	*Amelanchier spp.*	15–25'	Multi-stem forms need extra clearance.
Kwanzan Cherry	*Prunus serrulata 'Kwanzan'*	20–25'	Short-lived (15–25 yrs); no fruit.
American Holly	*Ilex opaca*	20–30'	Evergreen — keep clear of sight triangles.
Cornelian Cherry	*Cornus mas*	15–25'	Early bloom.
Chokecherry	*Prunus virginiana*	20–30'	Suckers; needs basal pruning.
Cockspur Hawthorn	*Crataegus crus-galli*	20–30'	Thornless variety (var. inermis) required.
Staghorn Sumac	*Rhus typhina*	15–25'	Colonizing — bay-ends and traffic islands only, not sidewalk pits.
Smooth Sumac	*Rhus glabra*	10–15'	Same restriction as Staghorn Sumac.

Adopting a Filming Permit Fee Schedule and Designating the Issuing Officer under Chapter 115 (Filming) of the Village Code

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WHEREAS, the Board of Trustees has adopted the local law amending Chapter 115 (Filming) of the Code of the Village of Atlantic Beach immediately prior to this resolution; and

WHEREAS, § 115-5 of that chapter authorizes the Board of Trustees to establish, and from time to time amend, filming permit fees, deposits, and related charges by resolution; and

WHEREAS, § 115-2 of that chapter provides that the Issuing Officer shall be the Village Clerk, or such other Village official as the Board of Trustees may designate by resolution; and

WHEREAS, the Board wishes to adopt a fee schedule and to provide for the designation of the Issuing Officer who will administer Chapter 115;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Incorporated Village of Atlantic Beach as follows:

1. Fee schedule adopted.

The following schedule of fees, charges, and deposits is hereby adopted for filming permits issued under Chapter 115, and shall remain in effect until amended by further resolution of the Board:

Fee or charge	Amount (proposed)
Filming on private property only (no use of Village beach, boardwalk, streets, or parking) — crew of 15 or fewer	$500 per day
Filming on private property only — crew of 16 to 45	$750 per day
Filming on private property only — crew of 46 or more	$1,000 per day
Filming using Village property — crew of 15 or fewer	$1,000 per day
Filming using Village property — crew of 16 to 45	$1,500 per day
Filming using Village property — crew of 46 or more	$2,500 per day
Off-hours premium (filming before 8:00 a.m. or after 8:00 p.m., or before 9:00 a.m. on weekends/holidays, where authorized)	$1,000 per day, on Village or private property
Expedited review (application filed fewer than 5 business days before filming)	$250
Refundable security and cleanup deposit (required only when Village property is used)	$1,000–$2,500, set by production size (refunded less any damage, cleanup, or Village-service costs)
Incidental Village services (Police, DPW, other personnel or equipment)	Actual cost, billed after the filming (§ 115-5B)
Charitable, educational, public-service, or nonprofit filming	Fees may be reduced or waived (§ 115-6)

The applicable daily fee is determined by whether Village property is used and by the largest crew present on any day, and applies to each day of filming. Fees do not stack: a production pays one daily fee plus any applicable add-ons (off-hours premium, expedited review, and incidental Village services). All fees and deposits are due upon submission of the application, except charges for incidental Village services, which are billed after the filming.

2. Deposits.

A refundable security and cleanup deposit is required only where the filming uses Village property. The deposit shall be returned to the applicant after the filming, less the cost of any damage to Village property, any cleanup performed by the Village, and any incidental Village services chargeable to the applicant under § 115-5.

3. Designation of the Issuing Officer.

A. Pursuant to § 115-2, the Village Clerk shall serve as the Issuing Officer under Chapter 115 unless and until the Board of Trustees designates a different Village official under Subsection B.

B. The Board of Trustees may, by subsequent resolution, designate a different Village official to serve as the Issuing Officer, and may by resolution modify or rescind any such designation. Any such designation shall remain in effect until modified, rescinded, or superseded by the Board.

C. The Issuing Officer shall administer Chapter 115 in accordance with its terms, including the reservation of discretionary matters to the Board of Trustees under § 115-7.

4. Reduction or waiver of fees.

A. Pursuant to § 115-6, the Issuing Officer may reduce or waive fees where doing so serves a public purpose or reflects the limited Village impact of the filming, including but not limited to where the filming is: (1) for a charitable, educational, public-service, or nonprofit purpose; (2) conducted by a Village resident or a Village-based business; (3) a low-impact production with a crew of 15 or fewer that makes no use of Village property beyond incidental; or (4) of demonstrable promotional or economic benefit to the Village.

B. The Issuing Officer may reduce or waive any fee in full under this section, without further approval of the Board of Trustees.

C. Every reduction or waiver shall be in writing, shall state the applicable ground, and shall be filed in the permit record.

5. Effective date.

This resolution shall take effect on the effective date of the local law amending Chapter 115 (Filming) adopted immediately prior to this resolution, or immediately upon adoption if that local law is then already in effect.