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# What filmmakers need to know about legally filming on real estate property



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*Is that booming bass possibly going to lead to a ticket?*

Any tenant or homeowner who has ever heard a neighbor blasting music or a car stereo loud enough to rumble the block may be surprised to find that in some cities this is illegal and/or carries a hefty fine. In Chicago alone, there is a [Shared Housing/Vacation Rental Complaint option](#) to report excessive noise and even foot traffic. The [City of Chicago](#)'s official site advises calling 911 if the noise is in progress, and misdemeanor fines can be as high as **\$500**.

“Between the hours of 10:00 p.m. and 8:00 a.m., no person on any private open space shall employ any device or instrument that



WAIVER OF SUBROGATION CLAUSE: DOES IT FAVOR CONDO OWNERS, TENANTS OR ASSOCIATION?

ticket?

private open space shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.” (Source: [American Legal Publishing Corporation](#))

“No person shall undertake or cause the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, dumpsters or similar objects between the hours of 10:00 P.M. and 7:00 A.M. in such a manner as to cause a noise disturbance within a residential district or within a noise sensitive zone.” (Source: [American Legal Publishing Corporation](#))

For any entertainment professional (directors, producers, movie casts, dancers, singers, music bands), these ordinances and fines should raise alarms — and not just during night hours because permission to film bystanders and extras are another legal issue.

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**Recommended Reading:** “[Lights, camera, action: Keke Palmer challenges Trey Songz in legally recording](#)”

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Even the production team that builds and dismantles sets should take note, especially during late hours.

There are many important reasons that film and television production should be followed by the...

Even the production team that builds and dismantles sets should take note, especially during late hours. These are two of many significant reasons that filing proper legal paperwork should be followed before recording in any neighborhood, even if permission is given by the property owner. A cranky neighbor can be the cause of destroying an entire project.

**Filming in public: Picture is worth a thousand words or a hefty fine**



*Be careful with what is filmed. (Photo credit: Pixabay)*

Public places are accessible to everyone so filmmakers and photographers ideally should be able to take images in a public place. However, filmmakers and photographers need to think twice before capturing a public image. When filming in public, filmmakers may need to obtain a permit from the city’s film office. In Chicago, the [code of conduct](#) associated with a film permit requires filmmakers to keep noise levels to a minimum and limits the level of loud noise in residential neighborhoods. Additionally, the code of conduct requires moviemakers to post flyers in the neighborhood informing residents of the:

- Name of the production company and title of the project
- Production type (feature film, TV series, commercial, etc.)
- Duration (times and dates, including prep and strike)
- Special conditions (camera equipment, smoke, simulated gunfire, etc.)

- Duration (times and dates, including prep and strike)
- Special conditions (any use of pyrotechnics, smoke, simulated gunfire, etc)
- Production contacts and phone numbers

The posted notice allows residents of the community to decide if they want to be present in the neighborhood during filming. Filming in public without a permit could result in a fine.

Additionally, moviemakers and photographers may need to obtain written permission to film the exterior of famous buildings. The Chrysler building in New York is a registered trademark. Incorporating an image of the exterior of the Chrysler building in a photo or film created for commercial purposes may result in a trademark infringement lawsuit.

The Hollywood sign is also protected under trademark law. A filmmaker or photographer wishing to use the Hollywood sign in a movie or stock photography would need to obtain a license to incorporate an image of the sign into their work.

### **Filming in private locations**

Typically, when filming in private venues such as someone's home, a church or school, it is advisable that the filmmaker obtain a location release. A location release is an agreement between the property owner and moviemaker. The location release grants



property owner and moviemaker. The location release grants permission for images of a private location to be shown in the film. Additionally, a location release also guarantees that the property owner will make the property available at a certain date and time for filming. The parties can stipulate how much the filmmaker will pay the homeowner for the the ability to film on the premise.



*Make sure to get what's not in the script: a location release. (Photo credit: Pixabay)*

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Have more questions about set locations and filming in public or private locations? Contact [J. Paye & Associates](#) today.

Shamontiel L. Vaughn contributed to this blog. Find out more about her at [Shamontiel.com](#).

*The information contained here is intended to provide useful information on the topic covered but should not be construed as one-size-fits-all legal advice. Speak to an attorney specifically about your contractual agreement for specific terms and conditions.*

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