

Egg Harbor Township

Ordinance No. 42

2018

An ordinance to amend the Code of the Township of Egg Harbor by adding a new Chapter 108 to be entitled "Filming"

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

SECTION 1. The Code of the Township of Egg Harbor is hereby amended by adding thereto a new chapter to be Chapter 108 entitled "Filming" to read as follows:

FILMING

§108-1. Purpose.

- A. The Township Committee of the Township of Egg Harbor recognizes that the filming of motion pictures, television shows or programs within the Township of Egg Harbor has been increasing and will continue to increase in the future.
- B. Filming within the Township of Egg Harbor requires various regulations to preserve the general health, safety and welfare of Egg Harbor Township inhabitants; in addition, the imposition of various fees is required to offset administrative costs incurred in processing permit applications and conducting the requisite inspections.

§108-2. Definitions.

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

Filming- The taking of still or motion pictures either on film, videotape, digital or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, on video receivers, on computers/internet or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the Township. Filming performed by one (1) individual using a handheld camera without assistance from others shall be excluded from this chapter.

Major Motion Picture-Any film shoot or production requiring fifteen (15) or more crew members or more than five (5) commercial vehicles, including, but not limited to, trucks, mobile homes, catering vehicles, vans and other such similar vehicles that are used in connection with the shoot or production

Public Lands-Any and every public street, highway, sidewalk, square, public right-of-way, public park or playground or any other public place or building within the Township which is within the jurisdiction and control of the Township of Egg Harbor.

§108-3. Permit required.

- A. No person or organization shall film or permit filming on public or private land within the Township without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than seven (7) consecutive days in any one location and in no event shall filming at one (1) location within the Township exceed a total of twenty-eight (28) days in any one calendar year, regardless of the number of permits utilized in reaching this twenty-eight (28) day maximum. Either or both of the seven (7) consecutive day and the twenty-eight (28) day limitations may be extended only if the filming requested constitutes a major motion picture as defined by §108-12 of this chapter. Said permit must be readily available for inspection by Township officials at all times at the site of the filming.
- B. All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in §108-13 herein. A completed permit shall be submitted, with the application fee, at least fifteen (15) calendar days prior to the first date of filming.
- C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§108-4. Issuance of permits.

- A. No permits will be issued by the Municipal Clerk unless applied for prior to fifteen (15) days before the requested shooting date; provided, however, that the Township Administrator may waive the fifteen (15) day period if, in his judgment,

the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

- B. No permit shall be issued for filming upon public lands unless the applicant shall provide the Township with satisfactory proof of the following:
1. Proof of insurance coverage as follows:
 - (a) For bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000.
 - (b) For property damage for each occurrence in the aggregate amount of \$500,000.
 - (c) A certificate of insurance shall be delivered to the Municipal Clerk which shall name the Township as an additional insured on the policy.
 2. An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Township from any and all liability, expense, claim or damages resulting from the use of public lands.
 3. The posting of a security deposit, the amount of \$1,000, by cash or certified check or a performance bond of \$1,500 running in favor of the Township and protecting and insuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Township ordinances, laws and regulations will be followed. Within twenty-one (21) days of the completion of the filming, the Township will return the bond if there has been no damage to public property or public expense caused by the filming.
 4. An agreement with the Township Police Department for paid police coverage during the time indicated on the permit.
- C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Egg Harbor Township Police Department with respect thereto.

§108-5. Interference with public activity; notice of filming.

- A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.
- B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least five (5) days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two (2) days of the requested shooting date.

§108-6. Filming in residential zones.

Filming in residential zones shall be permitted Monday through Friday between the hours of 8:00 a.m. and 8:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with §108-9 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§108-7. Refusal to issue permit; employment of patrolmen and electrician.

- A. The Municipal Clerk may refuse to issue a permit whenever it is determined, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other township agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. The Township reserves the right to require one (1) or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production.

Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§108-8. Appeals

- A. Any person aggrieved by a decision of the Municipal Clerk denying or revoking a permit or a person requesting relief pursuant to §108-9 may appeal to the Township Committee. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk.
- B. An appeal from the decision of the Municipal Clerk shall be filed within ten (10) days of the Clerk's decision. The Township Committee shall set the matter down for a hearing within thirty (30) days of the day on which the notice of appeal was filed. The decision of the Township Committee shall be in the form of a resolution at the first regularly scheduled public meeting of the Township Committee after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Municipal Clerk shall be deemed sustained.

§108-9. Waiver of requirements of chapter by Administrator.

The Township Administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Administrator shall consider the following factors:

- A. Traffic congestion at the location caused by vehicles to be parked on the public street.
- B. Applicant's ability to remove film-related vehicles off the public streets.
- C. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming.
- D. Nature of the film shoot itself; e.g., indoor or outdoors; day or night; on public or private lands.
- E. Prior experience of the film company/applicant with the Township, if any.

§108-10. Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Township inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instruction issued by the Division of Fire Inspection or other Township inspectors.

§108-11. Reimbursement of certain costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, repairs to public property or other revenues that the Township was prevented from earning because of filming.

§108-12. Special regulations for major motion pictures.

- A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed seven (7) consecutive days and/or may exceed twenty-eight (28) days in duration if approved by the Township Administrator in his discretion following a favorable review of the factors set forth in §108-9 herein.
- B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in §108-8 hereof.

§108-13. Fees.

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- A. Basic filming permit: \$150. Where an applicant requests a waiver of the provision of §108-4A requiring expedited processing of a permit application within twenty-four (24) hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$500.
- B. Daily filming fee payable in addition to the basic filming permit: \$500 per day.
- C. Daily filming fee payable for major motion picture: \$1,500 per day.

- D. Filming permit for nonprofit applicants filming for educational purposes (no daily rate required): \$25.
- E. Waiver of fees for student. The fees set forth herein shall be waived when filming is done by a student in grade school, middle school, high school, college or university upon receipt by the Municipal Clerk of a written certification from a teacher or administrator at the school attended by the student stating that the filming is for educational purposes only and is not intended for commercial use.

§108-14. Violations and penalties.

Violation of any provision of this chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this chapter within one (1) year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

SECTION 2: All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD SEPTEMBER 5, 2018 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON OCTOBER 3, 2018.

Dated: September 5, 2018

Eileen M. Tedesco, RMC
Township Clerk