

**TOWN OF HACKETTSTOWN
COUNTY OF WARREN**

ORDINANCE NO. 2024- 19

**ORDINANCE REGULATING AND PERMITTING
COMMERCIAL, TELEVISION, MOVIE, AND STILL FILMING
ON PUBLIC PROPERTY WITHIN THE TOWN OF HACKETTSTOWN**

WHEREAS, the Mayor and Common Council are desirous to encourage filming within the Town in an organized, efficient, and controlled manner in order to protect the safety, health and welfare of all persons.

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-62.1, the Mayor and Common Council held a public hearing on this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Hackettstown, County of Warren, that a Chapter of the Code of the Town (the "Code"), entitled "Filming," is hereby added as follows:

SECTION 1. A Chapter of the Town Code entitled "Filming" is hereby added as follows:

§ ____-1. Definitions.

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

CREW -- Actors, extras, crew and all other persons who will participate in the filming.

MAJOR MOTION PICTURE - Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures.
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM
- United Artists.
- H. Dreamworks.

- I. Any film for which the budget is at least \$5,000,000.
- J. Recurrent weekly television series programming.

FILMING -- The taking of still or motion pictures, or any incidental activities in connection therewith, using film, videotape or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes, any portion of which activity occurs on public lands.

PUBLIC LANDS -- Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction and control of the Towns.

§ ____-2. Film Commission.

There shall be a three-member Film Commission established, consisting of the Mayor, Chief of Police, and one member of the Common Council appointed by the Mayor, or their designees, which is hereby authorized to issue permits or to direct the Clerk to issue permits for filming or performing incidental activities in connection therewith on public lands.

§ ____-3. Permit required; applications; information.

- A. No person, firm or corporation shall film or permit filming or any activity in connection therewith within the Town of Hackettstown on public land or which affects public land without first obtaining a permit therefor from the Town Film Commission, which permit shall set forth the location of such filming and the date or dates when filming shall take place.
- B. Applicants shall apply for a permit at least thirty (30) business days before filming commences. However, this thirty (30) day period may be lessened in the discretion of the Town Film Commission or its designee.
- C. If inclement weather prevents filming on the dates specified in the permit, the Town Film Commission may issue a new permit at no additional fee.
- D. Permit forms shall be obtained from the office of the Town Clerk during normal business hours. Applications for such permits shall be in a form approved by the Town Clerk and shall be accompanied by a permit fee as set forth in § ____-7 hereof.
- E. With each permit, the applicant shall provide the following information:
 - 1) The number of members of the filming crew.
 - 2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.

- 3) A description of arrangements for parking for crew and work vehicles.
- 4) A description of sanitary arrangements to be made for crew and bystanders.
- 5) A description of crowd control measures.
- 6) A description of all location areas for filming or incidental activities.
- 7) A description of cleanup methods to be used.
- 8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
- 9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth in § ____-4 hereof.
- 10) Proof of insurance coverage as follows:

Commercial General Liability (CGL): Policy shall be on “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence, **\$3,000,000** aggregate. The policy shall include the following endorsement:

Additional Insured - Town of Hackettstown shall be named as an additional insured on the policy.

Automobile Liability: Coverage should be Any Auto. If Contractor has no owned autos, then coverage should for Hired and Non-Owned Vehicles with limit no less than **\$1,000,000** per accident for bodily injury and property damage. The policy shall include the following endorsement:

Additional Insured - Town of Hackettstown shall be named as an additional insured on the policy.

Commercial Excess/Umbrella Liability Options: Occurrence Limit: \$4,000,000, Aggregate Limit: \$4,000,000. Policy to apply excess of the Commercial General Liability, Commercial Automobile Liability and Employers Liability Coverages.

Workers' Compensation insurance as required by the State of New Jersey, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.

Verification of Coverage. The Applicant shall furnish the Town of Hackettstown with certificates and endorsements of the applicable policy language effecting coverage.

- 11) An agreement in writing to indemnify and save harmless the Town of Hackettstown from any and all liability or damages from the use of such public lands for such filming.
- 12) Such other information as required by the Film Commission necessary to protect the health, safety and welfare of the residents of the Town..

§ ____-4. Bond required.

Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of \$2,500 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Town for property damage. The posting of the bond shall not be in lieu of providing liability insurance. The cash bond will be returned to the applicant, without interest, within 30 days after the applicant has notified the Town, in writing, that it has completed filming, unless the Town has unsatisfied claims against the applicant, in which case the Town will hold the bond, or a part thereof, until all claims against the applicant are satisfied.

§ ____-5. General Regulations.

- A. The holder of a 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 Town of Hackettstown Police Department with respect thereto.
- B. The holder of a permit shall conduct filming in such a manner so 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. 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.
- C. The holder of a permit shall provide written notice of the proposed dates and lands to be used for film production activities to all property owners and merchants within 200 feet of the filming location(s). Such written notice shall be given no less than three (3) days prior to the submission of a fully completed permit application. Said notice shall inform recipients of the proposed film production activities and simultaneously advise them that objections may be filed with the Clerk within three (3) business days of the notice. Any objections received shall be included as part of the application and considered in the review of same. Proof of service of written notice should be provided to the Clerk prior to the issuance of the permit.
- D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first. If the Town Film Commission determines that the filming will produce excessive debris and other rubbish, the Town Film Commission may require the posting of a letter of credit, bond or other performance guaranty in addition to the bond required pursuant to § ____-4 herein to cover possible costs incurred.

- E. Filming shall take place within the hours agreed upon by the Town Film Commission and the film company.
- F. Each film location shall have an off-duty Town of Hackettstown police officer, or a police officer approved by the Town of Hackettstown Police Chief, at the film location, the cost of which shall be paid by the film company, unless the Chief shall determine that no officer is necessary. The Town Film Commission, upon advice of the Town Police Chief, reserves the right to require more than one police officer be on-site during filming, the cost of which shall be paid by the applicant.

The applicant shall submit a **Request for Quasi Public Work** form which can be obtained in the office of the Clerk.

The cost of said police officer(s) shall be paid by the applicant. In the event that any type of pyrotechnics is part of the filming, the Town Film Commission may require the presence of a fire inspectors and/or fire apparatus, the cost of which shall be paid by the applicant.

- G. No public street in the Town may be closed without the express permission of the Mayor and Council in consultation with the Chief of Police. The applicant shall obtain the necessary permits for the closing and/or disruption of County and State roads and submit and necessary permits to the Town Film Commission or its designee.
- H. If any inspections such as fire, electrical, building or plumbing are required, the costs shall be paid by the film company. The Town Film Commission reserves the right, on a case-by-case basis, to require the approval of any Town Department or agency for activities which such Department or agency oversees or regulates.
- I. Copies of the approved permit shall be sent to the Town Police Department and Fire Department(s) and New Jersey Film Commission before filming takes place. The applicant shall permit the Fire Department(s) or other Town inspectors to inspect the site and the equipment to be used and shall comply with all safety instructions issued by the Fire Department(s) or other Town inspectors.

§ ____-6. **Issuance of Permit.**

- A. The Town Film Commission or its designee will authorize the issuance of a permit to the applicant if it determines, based on the information supplied, that the applicant can provide adequate measures for parking, sanitary facilities, crowd control and cleanup; that the applicant will comply with the rules and regulations set forth in § ____-5 hereof; the applicant received all other necessary governmental approvals and that filming will not unduly interfere with the use and enjoyment of private property or the public facilities of the Town and will not endanger the public's health, safety and welfare.

B. The Town Film Commission may refuse to issue a permit whenever, in its sole judgment, based on the information submitted, it determines that:

- 1) 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.
- 2) The applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup or that the applicant has not received and submitted all other necessary government approvals.
- 3) The applicant has failed to establish that the filming would not 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.
- 4) The applicant has not shown that it can comply with the rules and regulations set forth in § -4 hereof.

§ ____-7. Fees.

Filming permit (includes first day of filming and includes nonrefundable filing fee of \$100)	\$500.00
Every day thereafter	\$300.00 per day Plus additional bond as referenced in § ____-4 and § ____-5(C) herein

§ ____-8. Reimbursement of certain other costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Town for any lost revenue, such as parking meter revenue, repairs to public property, Town professionals' review of any aspect of permit processing or issues incidental to filming, if reasonably necessary or other revenues that the Town was prevented from earning or was caused to spend because of filming. When filming takes place in a public building under the Town's jurisdiction, the applicant may be required to pay the Town an additional fee for staffing the building during filming and/or for any lost revenue or repairs required to public property resulting from filming.

§ ____-9 Violations and penalties; enforcement.

- A. Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$2,000 or imprisonment for a term not to exceed 90 days, or both. Each day on which a violation of the Ordinance occurs shall be considered a separate and distinct violation subject to the imposition of a separate penalty.
- B. The Town Police Department are hereby designated as the enforcement agency responsible for the enforcement of this Ordinance. And, in addition to any fines imposed pursuant to § ____-8(A), the Engineer or his designee, in consultation with the Town attorney may issue a Stop Work Order or revoke the Filming Permit until such violation is abated.

§ ____-10. Exceptions.

The provisions of this chapter shall not apply to the filming of news stories or filming with a crew of four or fewer members;

§ ____-11. Appeals.

Any person aggrieved by a decision of the Town Film Commission denying or revoking a permit may appeal to the Town Committee. A written notice of the appeal setting forth the reasons for the appeal shall be filed with the Town Clerk within ten (10) calendar days of the Town Film Commission's decision. The Town Committee shall set the matter down for a hearing within thirty (30) calendar days of the day on which the notice of appeal was filed.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held 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 thereof.

SECTION 4. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

ORDINANCE 2024-19

Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Common Council of the Town of Hackettstown, New Jersey, held on August 22, 2024, and that a regular meeting of the same to be held on September 12, 2024 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, at the hour 7:00 o'clock in the evening, the said Common Council will conduct a public hearing and will consider the final passage of said ordinance.

P.J. Reilly
Town Clerk/Administrator