

ORDINANCE 2023-13

AN ORDINANCE AUTHORIZING CHAPTER 4, ENTITLED "GENERAL LICENSING", OF THE CODE OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN AND STATE OF NEW JERSEY TO INCLUDE SECTION § 4-13, "NEW JERSEY FILM READY"

SECTION I. 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 or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters or for institutional uses. The provision so of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

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 Center Fox, Including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM/United Artists.
- H. Dreamworks.
- I. Any major streaming services, such as Netflix, Hulu or Amazon Prime Video.
- J. Any film for which the budget is at least \$5,000,000.00
- K. Recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality which is within the jurisdiction and control of the municipality.

SECTION II. Permit required:

- A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, 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. Said permit must be readily available for inspection by the Borough officials at all times at the site of 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 Section 10 herein.
- 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.

SECTION III. Permit required:

- A. No permits will be issued by the Municipal Clerk unless applied for prior to three (3) days before the requested shooting date; provided, however, that the Borough Council, may waive the three-day period if, in their judgement, 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 municipality 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 \$500,000.00 and any occurrence the aggregate amount of \$1,000,000.00.
 - b) For property damage for each occurrences in the aggregate amount of \$300,000.00.
 - 2. An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the municipality from any and all liability, expense, claim or damages resulting from the use of public lands.
 - 3. The hiring of a Police Officer for the times indicated on the permit shall be authorized by the Borough Police Chief and shall be directed to the Police Department's service provider, "Extra Duty Solutions".
- 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 Police Department with respect thereto.

SECTION IV. 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 three (3) 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 the 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.

SECTION V. Refusal to issue permit; employment of patrolmen and electrician:

- A. The Borough Council 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 any other Borough departments 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. Further, the Borough reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolmen 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.

SECTION VI. Appeals:

- A. Any person aggrieved by a decision of the Borough Council denying or revoking a permit or a person requesting relief may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk for review of the Borough Council.
- B. An appeal from the decision of the Borough Council shall be filed within 10 days of the Council's decision. The Borough Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution supporting the decision of the Council at the first regularly scheduled public meeting of the Council 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 Council shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

SECTION VII. Waiver of requirements of chapter by the Borough Council:

- A. The Borough Council may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Council determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Council shall consider the following factors
 - 1. Potential Traffic congestion at the location.
 - 2. The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.

3. The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.
4. The extent to which the filming may affect adjoining and nearby property owners and occupants
5. The nature of filming, including whether filming will take place indoors or outdoors, and the proposed hours of filming.
6. The Borough's experience with the applicant, if any.

SECTION VIII. Copies of permit; inspections:

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

SECTION IX. Reimbursement of certain costs:

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

SECTION X. Fees:

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

- A. Basic filming permit: \$100.00. Where an applicant requests a waiver of the provision of Section 3A requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$150.00.
- B. Daily filming fee payable in addition to the basic filming permit when filming entirely on public property: \$200.00 per day
- C. Daily filming fee payable for major motion picture when filming entirely on public property: \$1,000.00
- D. Filming permit for nonprofit applicants filming for education purposes, including student films (no daily rate required): \$25 .00
- E. Filming on private property: no daily filming fee will be imposed.

SECTION XI. Violations and penalties:

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000.00, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by a Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each of the violation as the Municipal Court Judge may determine.

SECTION XII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced November 1, 2023 ROLL CALL:

| Council | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|---------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President Cairns</i> | | X | X | | | |
| <i>Councilwoman Clayton</i> | | | | | | X |
| <i>Councilman Feeney</i> | | | | | | X |
| <i>Councilman Komsa</i> | | | X | | | |
| <i>Councilman LaCrosse</i> | | | X | | | |
| <i>Councilman Zakar</i> | X | | X | | | |

SUSAN A. MINOCK, RMC,
MUNICIPAL CLERK

Adopted November 13, 2023 ROLL CALL:

| Council | MOTION | 2ND | AYES | NAYS | ABSTAIN | ABSENT |
|---------------------------------|--------|-----|------|------|---------|--------|
| <i>Council President Cairns</i> | | X | X | | | |
| <i>Councilwoman Clayton</i> | | | | | | X |
| <i>Councilman Feeney</i> | | | X | | | |
| <i>Councilman Komsa</i> | | | | | | X |
| <i>Councilman LaCrosse</i> | X | | X | | | |
| <i>Councilman Zakar</i> | | | X | | | |

SUSAN A. MINOCK, RMC,
MUNICIPAL CLERK

ATTESTED BY

SUSAN A. MINOCK, RMC
MUNICIPAL CLERK

RONALD F. ROMA, JR.
MAYOR

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced by the Borough Council of the Borough of Beachwood at a meeting held on **November 1, 2023** and was considered for final adoption and passage at a meeting held by the Mayor and Council on **November 13, 2023 at 7:00 p.m.**, at the Borough Hall, located at 1600 Pinewald Road, Beachwood, NJ 08722. At that time any interested person may have come forward and be heard regarding the proposed adoption of this Ordinance.