

**TOWNSHIP OF BEDMINSTER
ORDINANCE No. 2024-006**

**AN ORDINANCE AMENDING, REVISING AND
SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP BEDMINSTER BY ESTABLISHING
REGULATIONS AND PERMIT REQUIREMENTS FOR FILMING
THROUGHOUT BEDMINSTER TOWNSHIP.**

WHEREAS, the Township Committee of the Township of Bedminster believe it to be in the best interest of Bedminster Township to facilitate motion picture filming throughout the Township and that it is necessary to regulate licensing of film permits and fees.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bedminster in the County of Somerset, State of New Jersey as follows:

Section 1. Chapter 4, "General Licensing" of the Revised General Ordinances of the Township of Bedminster is hereby supplemented and amended by the creation of new Section 4-3 entitled "Filming" to read as follows:

SECTION 4-3 FILMING

§ 4-3.1 DEFINITIONS.

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

FILM CREW MEMBERS

Directors, producers, actors, set members, camera crew members, security, contractors, interns, and agents.

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, the internet or for institutional use.

MAJOR MOTION PICTURES

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 major streaming service, such as Netflix, Hulu, or Amazon Prime Video.
- j. Any film for which the budget is at least \$5,000,000.
- k. Recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public right-of-way, public park or playground, public building and property or other public place within the Township which is within the jurisdiction and control of Bedminster Township.

§ 4-3.2 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 Administrator/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 readily be 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 Administrator/Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the governing body and be accompanied by a permit fee in the amount established by this chapter in § 4-3.7 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 Administrator/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.

§ 4-3.3 EXEMPTIONS.

- a. The provisions of this chapter shall not apply to the filming of news stories within Bedminster Township.
- b. Personal/Family filming performed by one individual using a hand-held camera without assistance from others for private personal use, and not commercial use.
- c. Fees may be waived for students enrolled in a bona fide educational institution upon

receipt by the Municipal Clerk of written certification from a teacher or administrator of that institution stating that the filming is for educational purposes only and not intended for commercial use.

- d. Fees may be waived for Township of Bedminster sponsored filming, Bedminster Township Board of Education, and Township of Bedminster Emergency Services.
- e. Filming performed by wedding photographers.
- f. Filming performed entirely on private property without the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming.

§ 4-3.4 PERMIT APPLICATION.

- a. An application and fee must be submitted to the Administrator/Municipal Clerk at least 14 days prior to filming. Failure to submit the application at least 14 days prior to the event may constitute cause for denial. Applications shall be made in writing on the prescribed form and include all checklist items. In addition to the application described herein, the applicant is also responsible for obtaining all other applicable permits, including, but not limited to:
 - 1. Construction Code permits - tents, generators, mechanical equipment, platforms and temporary structures.
 - 2. Health Department permits - food and animals.
 - 3. Fire Prevention permits - fireworks/pyrotechnics, any open-flame activity and rides.
- b. No permits will be issued by the Administrator/Municipal Clerk unless applied for prior to 14 days before the requested shooting date; provided, however, that the Township Administrator/Municipal Clerk may waive the 14-day period if, in the Administrator/Municipal Clerk's judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.
- c. 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. Applicant will maintain at all times insurance for claims which may arise from, or in connection with, services performed / products furnished by Applicant, their agents, representatives, employees or Sub-contractors with coverage at least as broad and with limits of liability not less than those stated below. The applicant shall provide the Township with a Certificate of Insurance as proof of insurance for all filming activities. Said certificate shall evidence Workers Compensation and Employers Liability insurance, Commercial General Liability

Insurance in an amount of not less than one million dollars (\$1,000,000) per occurrence and two million (\$2,000,000) in the annual aggregate, and Automobile Liability Insurance covering all owned, hired, and non-owned vehicles in an amount of not less than one million dollars (\$1,000,000) per occurrence. Applicant shall also carry Umbrella/Excess Liability insurance in an amount of not less than five million dollars (\$5,000,000) providing excess limits over General Liability, Automobile Liability, and Employer's Liability coverages; coverage shall be no more restrictive than the applicable underlying policies. It is agreed and understood that the Township shall be included as an Additional Insured on all policies except Workers Compensation in the state of New Jersey on a primary & non-contributory basis and shall be to the full limits of liability purchased by Applicant, even if those limits are in excess of those required by the permit, and that a waiver of subrogation shall apply in favor of the Township. These conditions shall be outlined on the Certificate of Insurance. The Township reserves its rights to require insurances in additional amounts or types, in its sole discretion. All insurance shall be written with a company maintaining an AM Best rating of least "A- VIII".

2. A duly completed & executed Hold Harmless & Indemnification agreement shall be required, in which the applicant shall agree to indemnify, defend and hold harmless the Township, its agents, servants, representatives and employees from and against all losses, damages, claims, liabilities and causes of action of every kind, or character and nature, as well as costs and fees, including reasonable attorneys' fees connected therewith, and the expense of investigation thereof, based upon or arising out of damages or injuries to third parties or their property arising from the acts, omissions or negligence of the applicant, anyone for whose acts the applicant may be liable, or any claims arising out of or in any manner relating to the activities permitted pursuant to this chapter to the extent permitted by law. The applicant shall give the Township prompt and reasonable notice of any such claims or actions.
3. The hiring of an off-duty police officer for the times indicated on the permit.
4. Proof of service of written notification to adjacent property owners.
5. Completed filming application.
6. Permit and filming fees identified in Section 4-3.7.

§ 4-3.5 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 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 applicant's application and be considered in the review of the same. Such notice shall state the date and hours. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two (2) days of the requested shooting date.
- 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 Bedminster Township Police Department with respect thereto.

§ 4-3.6 EMPLOYMENT OF POLICE OFFICERS

The Township reserves the right to require one or more on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said police officer to be borne by the applicant as a cost of production.

§ 4-3.7 FEES.

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

- a. Permit Application Fee - \$100.00
- b. Permit Application Fee for Non-Profit Applicants* - \$25 (no daily rate)
 - * *Non-Profit Applicant Filming for educational purposes, including student films with written certification from a teacher or administrator of that institution stating that the filming is for educational purposes only and not intended for commercial use.*
- c. Daily Filming Fee - \$100 per day
- d. Major Motion Picture Filming Fee - \$500 per day
- e. Filming performed entirely on private property without the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming – No daily filming fee imposed.

§ 4-3.8 ACCEPTANCE OF TERMS, CONDITIONS AND ESTIMATED COSTS AND DEPOSIT OF ESCROW BY APPLICANT PRIOR TO ISSUANCE OF PERMIT.

- a. In addition to the license fee, the applicant shall be responsible to reimburse Bedminster Township for the cost of support staff used in conjunction with the event. These costs may include but are not limited to Police, Public Works, Code Enforcement, Fire Prevention, Board of Health and Recreation.
- b. Prior to issuance of the permit, the applicant shall be provided with a cost estimate of these expenses prepared by the Township Administrator/Municipal Clerk, and a list of conditions recommended by the Chief of Police, Code Enforcement Official, Fire Prevention Official, Health Officer, Public Works Director, Recreation Director and Township Risk Manager. The applicant shall confirm in writing his or her acceptance of these estimated costs and conditions.
- c. The applicant shall be responsible for depositing into an escrow account, payment of these costs, or a reasonable estimate thereof, at the time the completed permit application is approved by the Township Committee.

§ 4-3.9 PERMIT REFUSAL.

The Township Committee may refuse to issue a permit whenever the Township Committee determines, 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.

§ 4-3.10 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, 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 the 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 day of the violation as the Municipal Court Judge may determine.

§ 4-14.11 APPEALS.

- a. Any person aggrieved by a decision of the Township denying or revoking a permit or a person requesting relief may appeal to the governing body. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator/Municipal Clerk.

- b. An appeal shall be filed within 10 days of the date of the decision. The governing body 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 governing body shall be in the form of a resolution supporting the decision adopted at the first regularly scheduled public meeting of the governing body after the hearing on the appeal unless the appellant agrees in writing to a later date for the decision.

Each section of this ordinance and every subsection hereof shall be deemed independent, separate, and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

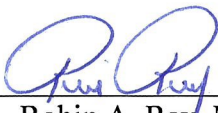
All ordinances, codes, or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

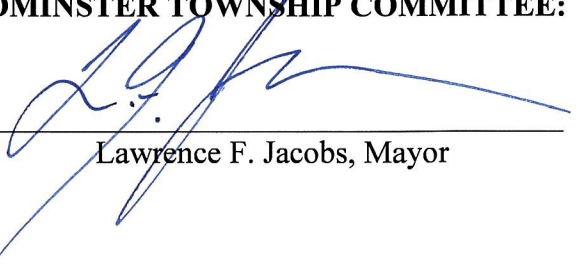
The ordinance is effective upon passage. It will be published in accordance with NJSA 40:49-2d.

Introduced by: Cm Hickey
 Passed: June 17, 2024
 Published: June 20, 2024
 Adopted: July 1, 2024

ATTEST:

BEDMINSTER TOWNSHIP COMMITTEE:

By: 
 Robin A. Ray, Municipal Clerk

By: 
 Lawrence F. Jacobs, Mayor

Introduced	Seconded	Township Committee	Aye	Nay	Abstain	Absent
		Lawrence F. Jacobs, Mayor	✓			
		Douglas A. Stevinson	✓			
	✓	R. Colin Hickey	✓			
✓		Renee M. Mareski	✓			
		Gina Lisa-Fernandez	✓			