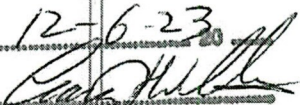


APPROVED

12-6-23

MAYOR

ORDINANCE 2023-19
AN ORDINANCE OF THE TOWNSHIP OF FLORENCE IN THE
COUNTY OF BURLINGTON, NEW JERSEY ADOPTING SECTION 71
- FILM MAKING OF THE TOWNSHIP CODE

NOW THEREFORE BE IT ORDAINED by the Council of the Township of Florence, in the County of Burlington and State of New Jersey that:

SECTION 1. A new Chapter of the Township Code, known as Chapter 71 - "Film Making" is hereby created to read as follows:

§ 71-1 **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 provisions of this chapter shall not be deemed to include the "filming" of news stories within the Township of Florence.

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.

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

§ 71-2 **Permit required.**

A. Application A person seeking issuance of a permit hereunder shall file an application with the Municipal Clerk stating the following:

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§ 71-2 **Permit required.**

A. Application A person seeking issuance of a permit hereunder shall file an application with the Municipal Clerk stating the following:

- (1) The date the application is submitted.

- (2) The name and address of the Company seeking the permit.
- (3) A contact person who will interact with the Township on questions regarding the permit application including cell phone number and email address.
- (4) The type of filming to be undertaken and expected use of the filming.
- (5) The date the filming will occur and approximate length of time needed to undertake the filming, including set up and breakdown of the filming location.
- (6) Location of filming.
- (7) An accurate description of the scene or subject of the filming.
- (8) Identification of animals, firearms, special effects, open fires or other unusual scenes;
- (9) Method of screening to be used to separate the public from the film set;
- (10) Identification of special production equipment to be used (e.g. drones, cranes, towers, etc.)
- (11) Identification of the number of cast and crew, production vehicles, trucks and cars to be on the scene and other vehicles, heavy equipment and trailers.
- (12) Title of film/tv show to be filmed and identification of celebrities or other high profile individuals to be on location during permit time.
- (13) If filming is commercial, the product name or company
- (14) Special nature of filming
 - a. street closure
 - b. sidewalk closure
 - c. reserved parking
 - d. night time shooting
 - e. traffic control
 - f. none anticipated
- (15) Product liability company and amount of coverage
- (16) Need for Police or Fire Assistance
- (17) A signed certificate stating that if approved, the applicant will abide by the Township's Code of Conduct as set forth in Paragraph I hereof.

B. Standards for issuance of a permit by the Business Administrator shall include the following findings:

- (1) That the proposed activity will not unreasonably interfere with or detract from the general public's enjoyment of the Township.

- (2) That the proposed activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Township.
- (4) That the facilities desired have not been reserved for other use at the date now requested in the application.

C. Within five days after the receipt of an application, the Business Administrator shall apprise an applicant, in writing, of the reasons for refusing a permit, and an aggrieved person or organization shall have the right to appeal to the Township Council of the Township of Florence by serving written notice thereof on the Township Clerk within five days of said refusal. A copy of said notice shall also be served on the Business Administrator within the same time, and the Administrator shall immediately forward the application and reasons for its refusal to the Township Council, which shall consider the application under the standards set forth under Subsection B hereof, and the Township Council shall sustain or overrule the Business Administrator's decision within 10 days from the receipt of the appeal by the Township Clerk. The decision of the Township Council shall be final.

D. A permittee shall be bound by all applicable ordinances of the Township. If filming is on public property (streets, parks, buildings, etc.) than the permittee must identify any activities prohibited under Section 1 of Chapter 110 of the Township Code and identify remedial actions that will safeguard the general public from such activities during filming. Further, if filming is on public property, the Township must be named as an added insured on applicant's insurance coverage.

- (1) Proof of insurance coverage with General Liability Insurance providing a \$1,000,000 per occurrence limit with a \$1,000,000 general aggregate limit.
- (2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Township of Florence from any and all liability, expense, claim or damages resulting from the use of public lands.
- (3) The hiring of an off-duty Florence police officer for the times indicated on the permit in accordance with the provision of Chapter 22 of the Township Code.

E. 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 § 71-11 herein.

F. 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.

G. The person or persons to whom the permit is issued shall be liable for all loss, damage or injuries sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. The Business Administrator shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amount or amounts as may be from time to time determined by the Business Administrator prior to the commencement of any activity or issuance of any permit.

H. The Business Administrator shall have the authority to revoke a permit upon a finding of a violation of any rule or ordinance or upon good cause shown, and the permittee shall have the right to appeal as is set forth in the procedure in Subsection C hereof.

I. The Township shall adopt and maintain a Code of Conduct to govern and regulate interactions between successful permit applicants and the residents, businesses and visitors of Florence Township. Changes to the initial Code of Conduct may be made by a resolution of the Township Council as needed. The initial Code of Conduct shall read as follow:

1. Production vehicles arriving on location in or near residential neighborhood shall not enter the area before the time stipulated in the permit, and park along the curb, one by one, turning off engines as soon as possible. Cast and crew shall observe designated parking areas.
2. Every member of the crew shall wear a production pass (badge) when issued.
3. Moving or towing of the public's vehicles is prohibited without the express permission of the municipality.
4. Do not park production vehicles in or on driveways or block same without the express permission of the municipality and driveway owner.
5. Cast and crew meals shall be confined to the area designated in the location agreement or permit. Individuals shall eat within their designated meal area, during scheduled crew meals. All trash must be disposed of properly upon completion of the meal.
6. Removing, trimming and/or cutting of vegetation or trees is prohibited unless approved by the municipality or property owner; if property is privately owned.
7. All signs erected or removed for filming purposes will be removed or replaced upon completion of the use of the location unless otherwise stipulated by the location agreement or permit. All signs posted directing the company to the location should also be removed as well as "no parking" signs.

8. In residential areas and after 10:00 p.m. all noise levels should be kept as low as possible. Chapter 102 of the Township Code governs that standards for Noise and provides a standard to preserve the peace, quiet, and comfort of the residents of the township of Florence.
9. Clothing that lacks common sense and good taste should not be worn. Shoes and shirts must be worn at all times, unless otherwise directed.
10. Crew members shall not display signs, posters or pictures on vehicles that do not reflect common sense or good taste.
11. Do not trespass onto other neighbors' property. Remain with the boundaries of the property that has been permitted for filming.
12. Sidewalks should not be used for equipment storage and/or construction activities, except when permission is given on the permit. Consideration should be given to pedestrian safety and traffic cones should delineate an alternate path when sidewalks are blocked.
13. All catering, crafts service, construction, strike and personal trash must be removed from the location. Production companies may not use Township trash cans for production trash.
14. Observe designated smoking areas and extinguish cigarettes in butt cans. Cigarettes should not be put out on the streets and left there.
15. Local residents and business people must be permitted access to and from their residence or business. If filming is in process, please remind production personnel to courteously advise the person (s) affected that their progress will only be momentarily interrupted and that their cooperation would be appreciated. Whenever possible, do not stop pedestrians from moving through the location. Confrontation is your least effective means of persuasion. Keeping the promises you make to the community, and responding in a non defensive manner when situations become difficult, will go a long way towards insuring a smooth shoot.

Production companies are required to adhere to the aforementioned tenets while working on location in Florence, New Jersey. Producers of feature films and television programs are also requested to acknowledge the assistance of the New Jersey Motion Picture and Television Commission and the Township of Florence in the closing credits of their respective works.

§ 71-3 **Issuance of permits.**

- A.** No permits will be issued by the Municipal Clerk unless applied for prior to five days before the requested shooting date; provided, however, that the Business Administrator may waive the five-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.** 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 Florence Police Department with respect thereto.

§ 71-4 **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 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 days of the requested shooting date.

§ 71-5 **Filming in residential zones.**

Filming in residential zones shall be permitted on weekdays between the hours of 7:00 a.m. and 10:00 p.m. and between the hours of 8:00 a.m. and 10:00 p.m. on weekend days, provided that all requests for night scenes shall be approved in the permit to be granted in accordance with § 71-8 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 71-6 **Refusal to issue permit; employment of patrolmen and electrician.**

- A. The Business Administrator may refuse to issue a permit whenever he 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.
- B. Further, the Township 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 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.

§ 71-7 Appeals.

- A.** Any person requesting relief pursuant to § **71-8** may appeal the denial of the Business Administrator to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Business Administrator.
- B.** An appeal from the decision of the Business Administrator shall be filed within 10 days of the Business Administrator's decision. The Township Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed.

§ 71-8 Waiver of requirements of chapter by Business Administrator.

The Business Administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Business 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.
- F.** Consultation with the Council-Ward representative wherein the filming is to take place.

§ 71-9 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 Bureau of Fire Prevention in the Florence Township Fire District No. 1 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 Bureau of Fire Prevention or other Township inspectors.

§ 71-10 **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, such as parking meter revenue, repairs to public property or other revenues that the Township was prevented from earning because of filming.

§ 71-11 **Fees.**

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

- A. Basic filming permit: \$100. Where an applicant requests a waiver of the provision of § **71-3A** 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.
- B. Daily filming fee payable in addition to the basic filming permit for use of public lands: \$200 per day or any part thereof.
- C. Daily filming fee for use of public lands payable for major motion picture: \$1,000 per day or any part thereof.
- D. Filming permit for nonprofit applicants filming for educational purposes (no daily rate required): \$25.
- E. Filming on Private Property: No daily fee required.

§ 71-12 **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.

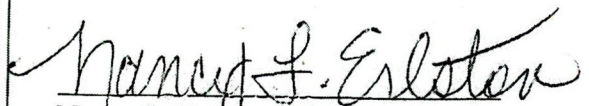
SECTION 2. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.



Bruce Garganio, Council President


Nancy L. Erlston, RMC
Township Clerk

NOTICE
FLORENCE TOWNSHIP

ORDINANCE 2023-19

AN ORDINANCE ADOPTING "SECTION 71 – FILM MAKING"
OF THE TOWNSHIP CODE

Take Notice that the Ordinance identified above adopting "Section 71 – Film Making" of the Township Code has received final adoption by the Township Council and was approved by the Mayor of the Township of Florence, County of Burlington, State of New Jersey, following a public hearing held on December 6, 2023 at 7:00 PM in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full Ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. The ordinance is posted on the township's website www.florence-nj.gov

Nancy L. Erlston, RMC
Township Clerk

Ordinance No. <u>2023-19</u>
Advertised in Burlington County Times on: <u>DECEMBER 10, 2023</u>
Effective Date: <u>DECEMBER 30, 2023</u>
<u>NR</u> Initials