

**CITY OF HACKENSACK
ORDINANCE NO. 19-2024**

**AN ORDINANCE ESTABLISHING A NEW CHAPTER 85
OF THE CODE OF THE CITY OF HACKENSACK,
“FILMING” TO ESTABLISH REGULATIONS FOR
MOTION PICTURE AND TELEVISION PRODUCTION
WITHIN THE CITY**

WHEREAS, the City of Hackensack has over the years been the location of numerous motion pictures and television shows, and has proven to be an attractive location for filming; and,

WHEREAS, the Mayor and Council wish to encourage film and television production within the City and to pursue New Jersey “film-ready” certification to indicate that the City is a welcoming destination for such efforts, subject to appropriate regulation; and,

WHEREAS, the City has not previously adopted any legislation governing the rules and regulations to be enforced with respect to film and television production, and believes that it is appropriate and necessary to do so now, using the model ordinance suggested by the New Jersey Motion Picture and Television Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

A new Chapter 85 of the Code of the City of Hackensack, “Filming,” is hereby established to read follows:

§85-1 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 City.

MAJOR MOTION PICTURE

Any film 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 park or playground or any other public place within the City which is within the jurisdiction and control of the City.

§ 85-2 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 City 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 City officials at all times at the site of the filming.
- B. All permits shall be applied for and obtained from the office of the City Clerk during normal business hours. Applications for such permits shall be in a form approved by the City Clerk and be accompanied by a permit fee in the amount established by this chapter in § 85-10 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 City 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.

§ 85-3 Issuance of Permits.

- A. No permits will be issued by the City Clerk unless applied for prior to three (3) days before the requested shooting date; provided, however, that the City Manager may waive the three-day period if, in the City Manager's 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 City 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 and any occurrence in the aggregate amount of \$1,000,000.
 - (b) For property damage for each occurrence in the aggregate amount of \$300,000.
 - (2) A written agreement approved by the City Attorney whereby the applicant agrees to indemnify and save harmless the City from any and all liability, expense, claim or damages resulting from the use of public lands.
 - (3) The hiring of one or more off-duty law enforcement officers for the times indicated on the permit, as determined by the Police Department.
- 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.

§ 85-4 Enforcement.

- 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 City 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 City Clerk within two days of the requested shooting date.

§ 85-5 Violations and Penalties.

- A. The City Manager may refuse to issue a permit whenever he or she 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 City 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 City reserves the right to require one or more on-site law enforcement officers in situations where the proposed production may impede the proper flow of traffic or constitute any other public safety concern, the cost of said personnel 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.

§ 85-6 Appeals.

- A. Any person aggrieved by a decision of the City Manager denying or revoking a permit or a person requesting relief may appeal to the City Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the City Manager.
- B. An appeal from the decision of the City Manager shall be filed within 10 days of the challenged decision. The City 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 City Council shall be in the form of a resolution supporting the decision of the City Manager at the first regularly scheduled public meeting of the City 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 initial decision of the City Manager shall be deemed to be upheld.

§ 85-7 Waiver of requirements of chapter by City Manager.

The City Manager may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if he or she determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Manager 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 nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.
- (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.
- (6) The City's prior experience with the applicant, if any.

§ 85-8 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 City 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 City inspectors.

§ 85-9 Reimbursement of certain costs.

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

§ 85-10 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 in § 85-3A 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 when filming entirely on public property: \$200 per day.
- C. Daily filming fee payable for major motion picture when filming entirely on public property: \$1,000 per day.
- D. Filming permit for nonprofit applicants filming for educational purposes, including student films (no daily rate required): \$25.
- E. Filming on private property: no fee.

§ 85-11 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties established in §1-15 of the Code of the City of Hackensack. 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 may determine.

Section 2:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 5:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: May 7, 2024

Adopted: May 21, 2024

ATTEST:

CITY OF HACKENSACK

By: _____
Deborah Karlsson, City Clerk

By: _____
John P. Labrosse Jr., Mayor