

ORDINANCE NO. 2-2024

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY REPEALING CHAPTER 122 OF THE CODE OF THE TOWNSHIP ENTITLED "FILMING" AND REPLACING IT WITH A NEW CHAPTER 122 UNDER PART II: GENERAL LEGISLATION ENTITLED "FILMING" BY REGULATING AND LICENSING COMMERCIAL, TELEVISION, MOVIE AND STILL FILMING IN THE TOWNSHIP

WHEREAS, it is the purpose and intent of the Township Committee to regulate the issuance of permits for commercial and educational filming activities within the Township; and

WHEREAS, while the Township understands and appreciates that the producers and writers of commercial and educational filming have a right under the First Amendment to express a theme or philosophy of thought using the film medium, the Township of Hanover does not support or condone film productions that employ harsh or degrading language, or serves as a vehicle for nudity, sex or violence that negatively impacts society and the quality of life; and

WHEREAS, it is the desire of the governing body to ensure that motion picture, commercial television, theatrical filming companies and educational institutions are encouraged to use locations for filming activities within the Township consistent with the Township's duty and obligation to ensure the health, safety and welfare of persons and property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. Part II: General Legislation of the Code of the Township of Hanover is hereby amended and supplemented with the establishment of a new Chapter 122 entitled "Filming" by regulating and licensing commercial, television, movie and still filming in the Township of Hanover.

Section 2. §122-1. 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, streaming devices, in theaters, or for institutional uses. The provisions 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 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 municipality which is within the jurisdiction and control of the municipality.

Section 3. §122-2. 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 Township 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 always be readily available for inspection by Township officials at the site of the filming.

B. All permits shall be applied for and obtained from the office of the Township Clerk during normal business hours. Applications for such permits shall be in a form approved

by the Township Clerk and be accompanied by a permit fee in the amount established by this Chapter in §122-10. 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 Township 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 4. §122-3. Issuance of permits.

A. No permits will be issued by the Township Clerk unless applied for prior to three days before the requested shooting date; provided, however, that the Township Clerk may waive the three-day period if, in his/her 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 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 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) 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 an off-duty police officer for the times indicated on the permit.

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 5. §122-4. 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 Township

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 Township Clerk within two days of the requested shooting date.

Section 6. §122-5. Refusal to issue permit; employment of Police Officer.

A. The Township Clerk 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 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 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.

Section 7. §122-6. Appeals

A. Any person aggrieved by a decision of the Business Administrator denying or revoking a permit or a person requesting relief may appeal to the Township Committee. 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 Committee 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 Township Committee shall be in the form of a resolution supporting the decision of the Business Administrator at the first regularly scheduled public meeting of the Township Committee 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 Business Administrator 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 8. §122-7. Waiver of requirements of Chapter by Business Administrator.

The Business Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Business Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Business Administrator 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 Township's prior experience with the applicant, if any.

Section 9. §122-8. 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 township inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other township inspectors.

Section 10. §122-9. 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.

Section 11. §122-10 Fees.

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

- A. Basic Application Fee: \$100. Where an applicant requests a waiver of the provision of § 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 per day.
- D. Filming permit for nonprofit applicants filming for educational purposes, including student films (no daily rate required): \$25.00.
- E. Filming on private property: no daily filming fee will be imposed

Section 12. §122-11. 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.

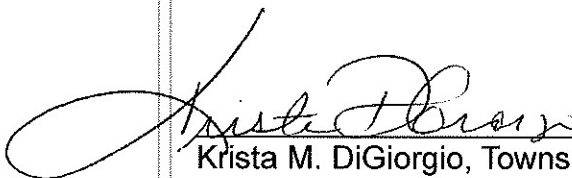
Section 13. All ordinances of the Township of Hanover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 14. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

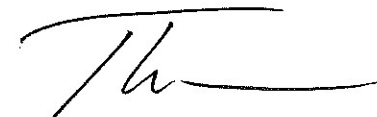
Section 15. This Ordinance shall take effect in accordance with law.

ATTEST:

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY



Krista M. DiGiorgio, Township Clerk

By: 

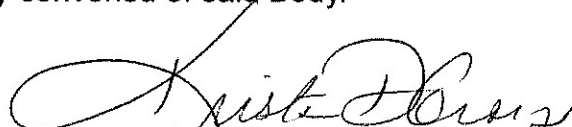
Thomas "Ace" Gallagher, Mayor

DATE OF INTRODUCTION: January 11, 2024

DATE OF ADOPTION: February 8, 2024

C E R T I F I C A T I O N

I, Krista M. DiGiorgio, Township Clerk of the Township of Hanover in the County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 8th day of February, 2024, at a meeting, duly convened of said Body.



Krista M. DiGiorgio, Township Clerk