

**BOROUGH OF OLD TAPPAN  
ORDINANCE # 1266-24**

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 125 OF THE CODE OF THE  
BOROUGH OF OLD TAPPAN ENTITLED “FILMING”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Old Tappan, County of Bergen and State of New Jersey, as follows:

**Section 1.** Chapter 125 of the Code of the Borough of Old Tappan, titled “Filming” is hereby repealed and replaced by the following:

**Chapter 125**

**FILMING**

**§ 125-1. DEFINITIONS.**

**§ 125-2. PERMIT REQUIRED.**

**§ 125-3. ISSUANCE OF PERMITS.**

**§ 125-4. REFUSAL TO ISSUE PERMIT; EMPLOYMENT OF PATROLMEN AND ELECTRICIAN.**

**§ 125-5. APPEALS.**

**§ 125-6. WAIVER.**

**§ 125-7. FEES AND COSTS.**

**§ 125-8. VIOLATIONS AND PENALTIES.**

### **§ 125-1. 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 Borough of Old Tappan.

**MAJOR MOTION PICTURE:** Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- (1) Universal Pictures;
- (2) Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire;
- (3) Paramount, including MTV Films and Nickelodeon Movie;
- (4) 20th Century Fox, including Searchlight;
- (5) Columbia/Sony;
- (6) Disney / Miramax
- (7) MGM / United Artists
- (8) Dreamworks
- (9) Any major streaming service, such as Netflix, Hulu, or Amazon Prime Video
- (10) Any film for which the budget is at least \$5,000,000
- (11) Recurring 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 Borough which is within the jurisdiction and control of the Borough of Old Tappan.

**TELEVISION SERIES:** A series of programs or shows to be aired on television by any television station or studio. **[Added by Ord. No. 730-00 ]**

### **§ 125-2. Permit required.**

- A. No person or organization shall film or permit filming within the Borough of Old Tappan without first having obtained a permit from the Borough Administrator, 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. No permit shall authorize filming for more than three consecutive days in any one location, and in no event shall filming at one location within the Borough exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. This six-day limitation may be extended only if the filming requested constitutes a major motion picture or television series. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming. **[Amended by Ord. No. 730-00]**
- B. All permits shall be applied for from the Borough Administrator during normal business hours. Applications for such permits shall be in a form approved by the Borough Administrator and be accompanied by a permit fee in the amount set forth hereinbelow.
- 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 Borough Administrator 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.

**§ 125-3. Issuance of permits.**

- A. No permit will be issued by the Borough Administrator unless applied for at least five days prior to the requested shooting date; provided, however, that the Borough Administrator may waive the five-day period if, in the Borough Administrator'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 Borough with satisfactory proof of the following:
  - (1) Certificate of insurance:
    - a. Specifically naming the Borough of Old Tappan as an additional insured, providing general liability, bodily injury and property damage coverage with minimum limits of liability not less than \$1,000,000 combined single limit.
    - b. For property damage for each occurrence in the aggregate amount of \$300,000.
  - (2) Hold Harmless:
    - a. An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Borough of Old Tappan from any and all liability, expense, claim or damages resulting from the use of public lands.
    - b. The posting of a cash or surety bond of \$1,000 in favor of the Borough to ensure that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all ordinances, laws and regulations will be followed. Within seven days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.
  - (3) The hiring of an off-duty Old Tappan 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 passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Old Tappan Police Department with respect thereto.
- D. 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.
- E. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activities 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 Borough Administrator, 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 Borough Administrator within two days of the requested shooting date.
- E. Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00a.m. and 10:00p.m. All requests for weekend and night scenes shall be granted in accordance with the provisions of §125-6 hereinbelow. The setup, production and breakdown required for all filming shall be included in the hours as set forth herein.
- F. Copies of the approved permit shall 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 Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Borough inspectors.

**§ 125-4. Refusal to issue permit; employment of patrolmen and electrician.**

- A. The Borough Administrator may refuse to issue a permit whenever the Borough Administrator 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 Borough 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 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 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.

**§ 125-5. Appeals.**

- A. Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Administrator.
- B. An appeal against the decision of the Borough Administrator shall be filed within 10 days of the Borough Administrator's decision. The Mayor and 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 Mayor and Council shall be in the form of a resolution supporting or reversing the decision of the Borough Administrator at the first regularly scheduled public meeting of the Mayor and Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision.

**§ 125-6. Waiver.**

The Borough Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Borough 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 Borough Administrator shall consider the following factors:

- a. Potential traffic congestion at the location.
- b. Applicant's ability to remove film-related vehicles off the public streets or other public property.
- 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 filming, including whether filming will take place indoors or outdoors, and the proposed hours of filming.
- e. To the extent to which the filming may affect adjoining and nearby property owners and occupants.
- f. Prior experience of the film company/applicant with the Borough, if any.

### **§ 125-7. Fees and Costs.**

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

- A. Basic filming permit: \$100. Where an applicant requests a waiver of the provision of Subsection A of §125-3 requiring expedited processing of the 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.  
[Amended 5-17-2004 by Ord. No. 850-04]
- B. Daily filming fee payable in addition to the basic filming permit when filming on public lands: \$500 per day.
- C. Daily filming fee when filming on public lands payable for major motion picture or television series: \$1,500 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 without the use or interference of any public lands; no daily filming fee will be imposed.
- F. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue that the Borough, such as repairs to public lands or other revenues that the Borough was prevented from earning because of filming.

### **§ 125-8. Violations and penalties.**

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof. Any persons violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$2,000 per day or by imprisonment in the county jail for a term not exceeding 90 days, or both. Each day on which a violation of this 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 part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**Section 3.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according to law.