

PUBLIC NOTICE is hereby given that the ordinance set forth below was introduced at a meeting of the Township Committee of the Township of Union in the County of Union, held on August 27, 2024 and that said ordinance will be further considered for final passage at a meeting of the Township Committee at the Municipal Building, 1976 Morris Avenue, Union, New Jersey on September 10, 2024 at 7:30 o'clock P.M., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning this ordinance. During the week prior to and up to the time for final passage, copies of said ordinance will be available in the Municipal Clerk's office, at no cost, in said Municipal Building, to the members of the general public who shall request a copy of same. This ordinance will also be posted outside the Municipal Clerk's office, as required by law.

EILEEN BIRCH
Township Clerk

Creating a new chapter in the Municipal Code entitled "Filming"

§ 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.

Filming shall also include all rehearsals, preparations and assembly and dismantling of all equipment and structures, including but not limited to scaffolding, lights, backdrops, tools and food, and the loading and unloading of vehicles containing the equipment, structures and food.

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 BelAire.
- 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.

NON MAJOR MOTION PICTURE

Any film for which the budget is less than \$5,000,000.

A film which is not sold or leased in whole or part or is not otherwise part of a commercial exchange is a "nonprofit film."

PUBLIC LANDS

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

§ 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 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 be readily 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 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 § 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.

§ 3 Issuance of permits.

A. No permits will be issued by the Township unless applied for prior to **fourteen days** before the requested shooting date; provided, however, **that the Township Administrator may waive the fourteen-day period if (see § 7 Waiver of requirements of chapter by Administrator)**, in the 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 Township of Union 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 Township of Union from any and all liability, expense, claim, for damages resulting from the use of public lands.

(3) The hiring of an off-duty police officer(s) for the times indicated on the permit. Number of officers will be 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 Union Police Department with respect thereto.

D. Appropriate inspections (Health, Fire Department, Police Department, Construction Official), when applicable, must take place first before permit is issued.

§ 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.

§ 5 Refusal to issue permit; employment of patrolmen and electrician.

A. The Township Administrator may refuse to issue a permit whenever the 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 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 of Union 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.

§ 6 Appeals.

A. Any person aggrieved by a decision of the Township 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 Administrator.

B. An appeal from the decision of the Administrator shall be filed within 10 days of the 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 Township 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 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.

§ 7 Waiver of requirements of chapter by Administrator.

The Township Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the 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 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) Deadline for filming that could negative impact a production and/or filming company or a non-profit group
- (7) The Township's prior experience with the applicant, if any.

§ 8 Copies of permit; inspections.

Copies of the approved permit will be sent to the Union 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 instruction issued by the Fire Prevention Bureau or other township inspectors.

§ 9 Reimbursement of certain costs.

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

§ 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 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 \$200
- 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.
- E. Filming on private property: no daily filming fee will be imposed but an executed written agreement with the property owner will be required.

This Ordinance shall become effective immediately after publication in the manner provided by law.

If any section, subsection, part, sentence, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, sentence, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

PASSED AND APPROVED

September 10, 2024

ATTEST:

TOWNSHIP OF UNION IN THE
COUNTY OF UNION



Eileen Birch
Township Clerk

By: 

MANUEL FIGUEIREDO, Chairman
of the Township Committee