

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 24.7 GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FILMING)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Sections 24.7 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the Township of West Orange's requirements for film permits based upon the proposed requirements and fee schedules proposed and recommended by the New Jersey Motion Picture and Television Development Commission as part of the statewide "NJ Film Ready Community" program identifying municipalities within the State of New Jersey welcoming of the filming of movies and television.

II. CHAPTER 25 SECTIONS 24.2(f) AND 24.2(g) SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-24.7 Filming.

- a. Purpose. The purpose of this section is to insure the safety, health and welfare of all persons when filming operations are sought to occur within the Township. The Township desires to encourage filming within the Township in an organized, efficient and controlled manner.
- b. Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings set forth below:

FILMING

Shall mean the taking of motion pictures and television shows 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. 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. Under this Section of the Municipal Code, "Filming" shall not include video recordings performed by news media outlets within the Township.

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MAJOR MOTION PICTURE

Shall mean any film or series of filmings for which the budget is greater than \$5,000,000.

PUBLIC LAND

Shall mean any and every public street, highway, sidewalk, square, public park or playground or any other public places in the Township.

c. Permit Required.

1. No person or organization shall film or permit filming on public land 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 Director of the Department of Planning, (Director) which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference by day or dates. Said permit must be readily available for inspection by the Township and any of its employees or agents at all times at the site of the filming.
2. All permits shall be applied for and obtained from the Department of Planning during normal business hours. Applications for such permits shall be in a form approved by the Director and shall be accompanied by a permit fee as set forth in Subsection **d**. The applicant shall submit a copy of the completed application to the Chief of Police and Fire Chief simultaneous with the submission to the Planning Director
3. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the date specified, the Director may, at a request of the applicant, issue an amended 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 amended permit.

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<#>A permit shall be sufficient to authorize outdoor or indoor filming for a period not to exceed three days except in the case of a major motion picture, provided that the maximum number of days of filming authorized in any calendar year for premises located in a residential zone where a waiver has been granted by the Director shall not exceed 10 days.¶

d. Issuance of Permits.:

1. No permit shall be issued by the Director unless applied for prior to seven days before the requested shooting date; provided, however, that the Mayor may waive the seven-day period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.
2. No permit shall be issued for filming upon public land unless the applicant shall provide the Township with satisfactory proof of the following:
 - (a) Proof of insurance coverage as follows:
 - (1) For bodily injury to one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.
 - (2) For property damage for each occurrence and in the aggregate amount of \$300,000.
 - (b) An agreement in writing whereby the applicant agrees to indemnify and save harmless the Township from any and all liability, expense, claim or damages resulting from use of public land.
 - (c) The posting of a cash bond of \$2,500 or a maintenance bond of \$5,000 running in

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favor of the Township and insuring the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Township Ordinances, laws and regulations will be followed. Within seven days of the completion of the filming, the Township will return the bonds if there has been no damage to public property or public land caused by the filming. The amount of this bond is subject to final determination by the Township Attorney and Township Council.

- (d) The hiring of an off-duty police officer for the times specified in the permit, as may be deemed necessary or appropriate by the Police Director or Police Chief.
3. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public land and shall comply with all lawful directives issued by the Township with respect thereto.
4. 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 greatest extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public land 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 Director. Said objections shall form a part of the applicant's application and be considered in the review of same. Proof of service and notification to adjacent owners shall be submitted to the Township Clerk at least two days before the requested shooting date.
5. ✓
6. The Director may refuse to issue a permit whenever he or she determines, on the basis of the objective facts and after 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 will violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the Township reserves the right to require one or more on-site police officers in situations where the proposed productions may impede the proper flow of traffic, the cost of said police officers 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.
7. Any person aggrieved by a decision of the Director denying or revoking a permit or a person requesting relief under Subsection d(8) may appeal to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk. An appeal from a decision of the Director shall be filed within 10 days of the Director's decision. The Township Council shall set the matter down for a hearing

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Deleted: Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m. Any requests for night scenes or weekends shall be approved in the permit or by a waiver to be granted in accordance with this subsection on five days' written notice to all property owners within 200 square feet of the proposed night time filming...

within 30 days of the date on which the notice of appeal was filed. The decision of the Township Council shall be in a form of a resolution supporting the decision of the Director at the first regularly scheduled public meeting of the Township Council after the hearing on appeal, unless the appellant agrees in writing to a later date for the decisions. If such a resolution is not adopted within the time required, the decision of the Director shall be deemed reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

8. The Director may authorize the waiver of any of the requirements or limitations of this subsection if the Director determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver under this section, the Director shall consider the following factors:

(e) Traffic congestion at the location caused by vehicles to be parked;

(f) Applicant's ability to remove film and related vehicles off the public streets;

(g) When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;

(h) Nature of the film shoot itself (e.g., indoor, outdoor, day or night);

(i) The extent to which the filming may affect adjoining and nearby property owners and occupants;

(j) Prior experience of the applicant within the Township, if any; and

(k) Consultation with the Mayor and Council.

9. Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place, and to The New Jersey Motion Picture and Television Commission. The applicant shall permit the Fire Prevention Bureau or other Township inspectors to inspect the site and the equipment to be used at any time, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Official or other Township Inspectors and employees.

10. In addition to any other fees or costs mentioned in this subsection, the applicant shall reimburse the Township for any loss of revenue, such as parking meter revenue, repairs to public property or other revenues or expenses that the Township has either incurred or been prevented from earning because of the filming.

11. The permit shall be readily available for inspection at all times at the site of the filming.

- e. Fees. In addition to direct reimbursement for all expenses including but not limited to police, fire, public safety, public works, overtime incurred by Township employees and other expenses incurred by the Township for any filming that takes place within the Township, the scheduled fees for the issuance of permits authorized by this subsection shall be as follows:

1. Basic filming permit: an amount to be prescribed by Resolution.

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Deleted: <#>Special Regulations for Major Motions Pictures.¶

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<#>When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of filming by specific reference by day or date shall not exceed five days in duration or as otherwise determined at the discretion of the Planning Director.¶

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<#>Any days necessary to be used for set up and preparation for a major motion picture filming may, in the discretion of the Director, be counted as filming days where such set up is anticipated to involve any of the factors set forth in Subsection d(8) above.¶

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(a) Where an applicant requests a waiver pursuant to Subsection d(8), and requires expedited processing of the permit application, the basic filming permit shall be double the amount prescribed under the Resolution applicable to subsection 1 of this section.

2. Daily filming fee payable in addition to the basic filming permit are as follows:

(a) Major motion pictures: an amount to be prescribed by Resolution.

(b) Other filming: an amount to be prescribed by Resolution.

3. The following groups shall be exempt from the basic filming permit and per diem fees, and instead shall be charged only a meager fee to be prescribed by Resolution, one-time fee for filming:

(a) Not-for-profit organizations; and

(b) Students of an educational facility filming for educational purposes only.

f. Violations and Penalties. Any person violating this subsection or these rules and regulations or any instructions provided by the Fire Official or any other Township inspector or official, upon conviction thereof, shall be punished by a fine to be set by Resolution, per day or by imprisonment 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.

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III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: November 25, 2024

ADOPTED: December 10, 2024

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Legislative History

The purpose of this ordinance is to modify the Township of West Orange's requirements for film permits based upon the proposed requirements and fee schedules proposed and recommended by the New Jersey Motion Picture and Television Development Commission as part of the statewide "NJ Film Ready Community" program identifying municipalities within the State of New Jersey welcoming of the filming of movies and television.