



SECTION II

Chapter 133 is adopted as follows.

Chapter 133 Film Production Permits

§133-1 Purpose.

The purpose of this Chapter is to be supportive of the film and digital entertainment industry, ensure the safety, health, and welfare of all persons during all activities relating to production, protect the public health, welfare, and safety, protect business and residents from the negative impacts of production, and to protect and preserve public property and resources.

§133-2 Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings set forth below.

ABOVE-BASE SERVICE

The cost of providing municipal services, such as public safety and sanitation, in excess to those services and facilities typically provided by the municipality to all other residents.

BASIC PRODUCTION

Any production that is not financed at all or distributed by a major studio, has a budget of \$5,000,000 or less, or is not related to a recurring video or audio series.

MAJOR PRODUCTION

Any production that is financed or distributed by a major studio, has a budget greater than \$5,000,000, or is for a recurring video or audio series.

PRODUCTION LOCATION

A single contiguous location within the Township where the applicant seeks to conduct any production activities.

PRODUCTION or PRODUCTION ACTIVITY

Shall be interchangeable and shall each mean the taking of still or motion pictures, or the recording of audio, using any medium, for commercial, institutional, or educational distribution through theater, television, streaming service, radio, internet, or other platform. Production or production activities shall also include rehearsals, preparations, assembly and dismantling of all equipment and structures, including, without limitation, scaffolding, lights, backdrops, tools, and food, as well as the loading and unloading of vehicles containing the equipment, structures, and food.

PUBLIC LAND

Shall refer to any public streets, highways, sidewalks, squares, public parks, beach, or playgrounds, or any other public places within the Township's jurisdiction and control.

§133-3 Permits.

- A. No person or organization shall conduct any production activity on public land or in a manner that impacts public land without first having applied for and obtained a production permit from the Chief of Police and the Municipal Clerk.
- B. Production activities in residential areas shall be allowed Monday through Friday only, and only between the hours of 7:00 a.m. and 9:00 p.m. Permission to conduct such activities between 9:00 p.m. and 7:00 a.m. or on Saturday or Sunday.

- C. A production permit shall be required for each separate period of production at each separate location. A valid production permit shall authorize outdoor or indoor production activities, including all preparation and cleanup, for no more than 5 consecutive calendar days, except in the case of a major production. No residential location shall be used for more than 10 aggregate days of production during any single calendar year. Major production permits shall authorize outdoor or indoor production activities, including all preparation and cleanup, for no more than 7 consecutive calendar days, provided that no residential location shall be used for more than 10 aggregate production days in any single calendar year.
- D. A new production permit shall be required following a break in production activities of 24 hours or longer. Notwithstanding, if a production permit is issued, and, due to inclement weather or other good cause, production activities cannot in fact take place on 1 or more approved date(s), the Chief of Police and Municipal Clerk may, upon the applicant's request, issue an amended permit for alternate dates, subject to full compliance with all other provisions of this Chapter, without any additional fee due for the amended permit.
- E. No Filming shall be permitted between July 1 and Labor Day of any given year, unless expressly approved by the Governing Body.

§133-4 Applications.

- A. Permit application packages shall be obtained from and submitted to the Municipal Clerk during normal business hours. Applications shall comply with the form and be accompanied by all required documentation, as well as certified funds for all fees, and be filed 60 days prior to the first proposed production date. The application shall include, but not be limited to, the following.
 - (1) The name, address, email address, and telephone number of the applicant.
 - (2) The date(s) and hours for which the permit is desired and the property address(es) upon which production is to be held, with the name and address of the owners of such property. Proof of ownership of the property and of consent to use the property are required.
 - (3) A sketch that shows the location of the production, along with proposed structures, equipment, and restroom facilities.
 - (4) Details as to how the applicant intends to provide for security, traffic control, adequate toilet and other sanitary facilities, site cleanup, and parking. Applicants shall also include the number of staff, including security personnel.
 - (5) The number of participants, spectators, and/or other people that are reasonably anticipated to attend the production, as well as the number of the proposed vehicles.
 - (6) The plans for sound control and sound amplification, if any, including the number, location, and power of the amplifiers and speakers and whether any music will be live or recorded or any other unusual noise will be used.
 - (7) A description of the Township's resources or services that are anticipated to be required to be provided in connection with the production.
 - (8) Executed indemnification agreement.
 - (9) Any applicant claiming status as a nonprofit organization shall be required to provide the necessary documentation to that effect.
- B. Upon verification that the application is complete, the Municipal Clerk shall forward the application to the Chief of Police for review in accordance with this Chapter. The Chief of Police may require the applicant to supplement its application with any documentation that may be of assistance in their review of the application. The Chief of Police may also require the applicant to meet to discuss the proposed production during the consideration of whether to issue a permit and/or after the issuance of the permit.
 - (1) As part of the review, the Chief of Police shall determine whether in his or her

judgment the presence of off-duty police officer(s) shall be required at said production. If the presence of off-duty police officer(s) is deemed necessary by the Chief of Police, the applicant shall agree to pay for such off-duty police officer(s) at the rate of pay established by the Township Code.

§133-5 Standards.

- A. The standards for the issuance of a permit pursuant to this Chapter by the Chief of Police and Municipal Clerk shall include, but not be limited to, the following findings.
- (1) Whether the time, size and location will unreasonably disrupt the movement and flow of traffic, will divert a number of police officers of the Township so that reasonable police protection would be jeopardized, and/or will require an increased amount of public resources to ensure the safety of the participants and/or the drivers on roadways.
 - (2) Whether it will unreasonably interfere with or detract from the general public's enjoyment of public parks, facilities, roadways, or facilities.
 - (3) Whether there will be a likelihood of violence, crime or disorderly conduct.
 - (4) Whether the location will be returned to the same condition.
 - (5) Whether undue hardship will be caused to adjacent property owners.
 - (6) Whether the application contains incomplete or inaccurate information or that the applicant failed or refused to provide necessary information upon request.
 - (7) Whether the application complies with all terms of this Chapter and is permitted by law, statute, regulation, code and/or the Township Code.
 - (8) Whether it will prevent emergency vehicles from providing timely responses to calls for services.
 - (9) The applicant's ability to remove production-related vehicles from public rights-of-way.
 - (10) Any objections from property owners within 200 feet of the production location.
 - (11) Whether the application complies with all terms of this Chapter and is permitted by law, statute, regulation, code and/or the Township Code and any other issues that relate to the public health, welfare, and safety
- B. The applicant shall serve written notice by certified mail or personal service of the application to all property owners and tenants within 200 feet in any direction of the proposed production location following the filing of the application and prior to the public hearing. The notice shall advise those parties of the production location and dates and shall inform them that objections may be filed with the Municipal Clerk prior to the public hearing date. The applicant shall submit proof of service and notification of adjacent owners shall be submitted to the Municipal Clerk at prior to the public hearing date. Objections submitted to the Municipal Clerk shall become a part of the production permit application and shall be considered in the review of same. The Municipal Clerk and Chief of Police may impose any necessary or appropriate restrictions on the time, date, and process of production to address and/or resolve any such objections.
- C. The Chief of Police and/or Municipal Clerk may deny an application for a production permit if he/she determines, on the basis of the objective facts and after review of the application and comments/reports from the interdepartmental advisory panel, that production activities at the proposed location and/or the proposed time set forth in the application would: violate any law or ordinance; unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the free flow vehicular or pedestrian traffic; unreasonably interfere with public land intended for the use, benefit, and/or recreation of the public and visitors; or otherwise endanger public health, safety, or welfare.

§133-6 Revocation of permit.

Any permit may be revoked at any time by the Township for violation of the conditions for which the permit was issued, or for violation of this Chapter, the Township Code, and/or any other law or regulation.

§133-7 Insurance, indemnification, and bonds.

- A. No production permit shall be issued without the following: proof of insurance coverage for general liability/bodily injury with single occurrence/aggregate limits of \$1,000,000 and \$3,000,000 respectively; proof of insurance coverage for property damage with single occurrence/aggregate limits of \$1,000,000 each; if the production will utilize any type of stationary and/or movable vehicle (e.g., trailer, shuttle van, production vehicle, etc.), proof of insurance coverage with single occurrence/aggregate limits of \$1,000,000 and \$3,000,000 respectively for each vehicle, as well as proof of valid registration and possession for each vehicle (e.g., copies of state registration documents, vehicle titles, rental agreements, etc.); worker's compensation and employer's liability insurance in accordance with the applicable State statutes and laws.
- (1) Commercial General Liability coverage shall be written on an occurrence basis with the following minimum coverages: no cross liability or cross suits exclusions or limitations; contractual liability shall not have any additional restrictions or modifications to the definitions of insured contract; coverage for independent contractors; additional insured endorsement cannot be subject to a written contract or agreement; additional insured is on a primary and non-contributory basis; waiver of subrogation;
 - (2) If aviation, drones, or non-owned aircraft is used, aircraft liability must be provided in an amount no less than \$5,000,000. Additional insured endorsement on a primary and non-contributory basis. Endorsement is not subject to a written agreement or contract.
- B. The Township, its elected and appointed officials, officers, employees, volunteers, agents or contractor will be named as additional insureds and proof of this must be reflected on the certificate of insurance. Insurance is to be provided by carriers that are authorized to transact business in the State of New Jersey and maintain an A.M. Best rating of A- or better.
- C. No production permit shall be issued without an executed indemnification agreement, which shall provide that the applicant shall defend, indemnify, release, and hold the Township, its officers, employees, contractors, agents and representatives harmless from and against any and all liability for claims, demands, damages, suits, judgments, fines, losses and expenses, of any nature, which are sustained as a result of the special event.

§133-8 General regulations.

- A. The production permit shall be conspicuously displayed at the production location and shall be readily available for inspection.
- B. The production permit holder shall take all reasonable steps to minimize interference with free passage of pedestrian and vehicular traffic over public land and shall comply with all lawful directives issued by the Township and volunteer fire departments.
- C. The production permit holder shall conduct all production activities in such a manner as to minimize inconvenience to or discomfort of adjoining property owners attributable to such production and shall, to the greatest extent practicable, abate noise and park vehicles associated with such production off public streets.
- D. The production permit 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 public land.
- E. The Township reserves the right to require the presence of 1 or more law enforcement officers on-site during production in situations where the proposed production activities may impede the proper flow of traffic. The cost of any required law enforcement presence shall be borne by the production permit holder. Where existing

electrical power lines may be affected by the production, the Township may require the on-site presence of a licensed electrician, which shall be paid for by the permit holder.

- F. The production permit holder shall allow the fire official and the Township to inspect the production site and equipment at any time and shall comply with all instructions issued by the Township and fire official as a result of any such inspection.
- G. In addition to any other fees or costs mentioned in this Chapter, the production permit holder shall reimburse the Township for any lost revenue, repairs to public property or other losses the Township incurs as a result of the production.
- H. The Mayor and/or Administrator may authorize the waiver of any requirements or limitations of this Chapter, except the fee requirements set forth herein, provided that that such a waiver may be granted without endangering public health, safety, or welfare.

§133-9 Fees, escrow, and costs.

- A. Each application for a production permit must be accompanied by payment of the total applicable fees in accordance with the following schedule.
 - (1) Application fee (basic production): \$250.
 - (2) Expedited processing surcharge for applications received within 60 days of the first day of production: \$125.
 - (3) Permit fee (basic production): \$250.
 - (4) Application fee (major production): \$2,000.
 - (5) Permit fee (major production): \$5,000.
 - (6) Application fee (nonprofit/student): \$100.
 - (7) Permit fee (nonprofit/student): exempt.
- B. The production permit holder (including any nonprofit organization or student) shall also pay a fee of \$50 per day for each vehicle (stationary or movable) used in connection with the production. This fee shall be paid to the Township no fewer than 5 calendar days' prior to the start of any production activities. Vehicle/trailer permits will be issued either concurrent with the related production permit, or upon receipt of full payment for the vehicle/trailer permit, whichever occurs later.
- C. Upon receiving approval of a production permit application, the applicant shall post either a cash escrow or maintenance bond in the amount of \$5,000, in favor of the Township to insure that all laws, regulations, and local ordinances will be followed during the production, and that after the production concludes, the approved location will be left in satisfactory condition, free of debris, rubbish, and equipment. Provided no violation of any law, regulation or local ordinance occurs during the production, and there is no damage to public land as a result of the production, the Township will release the escrow or bond to the permit holder within 7 calendar days following the final day of production activities. The amount of this escrow/bond may be adjusted, as deemed appropriate by the Administrator, based on the nature of the production. Nonprofit organizations and students shall be exempt from the escrow/bond requirements.
- D. Each production permit holder shall be responsible for direct reimbursement of all expenses, costs and other losses incurred by the Township in connection with the relevant production, which shall be in addition to and not offset by any fees paid to the Township.
- E. In order to qualify for the reduced/exempt fees for nonprofit organizations and students under this Section, the production must be entirely educational in nature.
- F. Fees paid by any applicant and/or production permit holder in connection with a production permit or an application therefor shall be nonrefundable.

- G. Other fees that may be required include, but are not necessarily limited to, above-base service costs, including costs associated with the provision of police and/or fire supervision, emergency and sanitation services, staffing, use of Township-owned property and/or use of Township-owned vehicles or equipment and the creation and/or use of temporary parking areas.
- H. Applicants shall be provided with an estimate of required fees by the Business Administrator after review of the contents of the application. All required fees shall be due and payable at least 5 days prior to the production. In addition to the fees payable prior to each event, the applicant shall be required to pay for any and all additional or unanticipated expenses which were occasioned or become necessary during or after the production as a result of the production.
- I. Applicants shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. As provided elsewhere in this Chapter, the permittee shall be responsible for all additional costs incurred in the event additional resources are needed, such as, but not limited to, manpower and/or equipment.
- J. If the Chief of Police or designee deems it necessary to have additional police officers made available for the purpose of preserving the public health, safety and welfare during the course of the production, then the Chief or designee shall so advise the applicant at the time the permit is issued. If additional expenses or costs are incurred for the purpose of providing such police protection, then the holder of the permit shall be required to pay for same or reimburse the Township for such expenses or costs according to the existing policy of the Township on payment of said officers.

§133-10 Violations and penalties.

Any person who violates this Chapter shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty.