BOROUGH OF RIVER EDGE
ORDINANCE NO. 26-16

AN ORDINANCE TO AMEND CHAPTER 208 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, ENTITLED "FILMING"

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 208 entitled "Filming" shall be replaced in its entirety by the following:

§ 208-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING - The taking of still, television or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, for institutional uses, or other non-private viewing. The provisions of this chapter shall not apply to News Productions: Current news productions, which includes reporters, photographers or cameramen in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of news events within the Borough.

FILM PERMIT - A Film Permit means an official authorization from a town, borough, city, county, or government agency that grants a production entity legal permission to film on public property while ensuring compliance with local laws and managing potential disruptions, including but not limited to noise, light levels, traffic, and activities involving stunts or equipment. It acts as an agreement detailing the scope of filming, including location, time, crew, and effects, and protects filmmakers from fines and legal issues while establishing professionalism.

LOCATION FEE - A Location Fee means a charge assessed and negotiated between a town and a production entity to allow the use of the town's premises and/or land for film and television projects. The Location Fee is intended to provide a fair return for using the space and cover administrative or operational costs. Location Fees should specify the payment amount, schedule, and terms, including rates for preparation days, filming days, overtime, and cancellation policies.

MAJOR MOTION PICTURE - Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following: NBCUniversal, including Peacock; Warner Bros. Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment; Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks and Nickelodeon Movies; Walt Disney Studios, including 20th Century Studios, Searchlight Pictures, Hulu and Marvel Studios; Sony Pictures, including Columbia Pictures, Screen Gems and Tristar

Pictures; Amazon MGM Studios; Netflix Studios; A24; any film for which the budget is at least $20,000,000; or any recurrent weekly television series. programming.

MUNICIPAL 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.

§ 208-2 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 Borough 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 Borough officials at all times at the site of the filming.

B. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Clerk and be accompanied by a permit fee in the amount established by this chapter in § 208-10 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 Borough 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.

D. Standard exterior filming hours are authorized between the hours of 7am through 9pm camera wrap, with crew wrap by 10 pm, Monday through Sunday. Night filming restrictions shall only apply to a Project with exterior filming. Exterior filming in residential zones outside of the aforementioned hours shall be approved in the permit to be granted in accordance with § 208-3 herein.

§ 208-3 Issuance of permits.

A. No permits will be issued by the Borough Clerk unless applied for prior to four business days before the requested shooting date; provided, however, that the Borough Administrator may waive the four-day period if it is deemed that 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 municipal lands unless the applicant shall provide the Borough with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

(a) Commercial general liability insurance coverage, written on an occurrence basis, and must not be altered by any endorsements limiting coverage. Limits of liability shall not be less than the following:

- $2,000,000 General Aggregate per location/per job
- $2,000,000 Products/Completed Operations
- $1,000,000 Personal Injury and Advertising Injury Limit
- $1,000,000 Each Occurrence Combined Single Limit Bodily Injury and Property Damage

(b) Worker's Compensation insurance in accordance with the laws of the State of New Jersey and other states where work is being performed. The contractor shall also have and maintain Employers Liability Insurance as well as Longshore and Harbor Workers' Compensation Act (LHWCA) coverage where applicable.

(c) Comprehensive Automobile Liability insurance covering the use of all owned, non-owned, hired or leased automobiles with limits of liability not less than one million ($1,000,000.00) dollars combined single limit for bodily injury and property damage. Coverage should include uninsured and underinsured motorist at limits no less than the minimum statutory limits.

(d) The Borough is named as an additional insured.

The insurance coverage required by this subsection shall at all times be maintained in the full amount. The policy of insurance required by this subsection, to be filed with the Borough Clerk shall contain a clause obligating the company issuing the same to give not less than thirty (30) days' written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising before the cancellation becomes effective.

The cancellation of any such policy shall have the immediate effect of suspending the license of such person to film or tape covered thereby without further notice to the applicant until a new policy complying with the provisions of this subsection is filed with the Borough Clerk and a letter, in writing, confirming the new effective date of the license is issued by the Borough Clerk.

The policy shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of the insured

shall not be affected by the insolvency or the bankruptcy of the insured and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium or of any act or omission by the named insured. Such policy of insurance shall be further conditioned for the payment of any and all judgments up to the limits of such policy.

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Borough from any and all liability, expense, claim or damages resulting from the use of municipal lands.

(3) The hiring of an off-duty police officer, if required by the Chief of Police, and firefighters, if required by the Fire Chief, according to the agreed upon public safety plan, 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 municipal lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

§ 208-4 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 municipal lands and limit, to the extent possible, any interference with normal public activity on such municipal 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 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 Borough Clerk within two days of the requested shooting date.

§ 208-5 Refusal to issue permit; employment of patrolmen and electrician.

A. The Borough Administrator may refuse to issue a permit whenever it has been determined on the basis of objective facts and after a review of the application and a report thereon by the Police Department, Fire 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 Chief of Police and/or Fire Chief reserves the right to require one or more on-site patrolmen and/or firefighters when in situations where the proposed production may impede the proper flow of traffic or present a public safety concern, according to the agreed upon public safety plan. The cost of said patrolman and/or firefighters 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.

§208- 6 Appeals.

Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator within 10 days of the denial.

§ 208-7 Waiver of requirements.

The Borough Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter, with the exception of the fee, 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) The Borough 's prior experience with the applicant, if any.

§ 208-8 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 at njfilm@njeda.gov. The applicant shall permit the Fire Prevention Bureau or other Borough 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 Borough inspectors.

§ 208-9 Reimbursement of certain costs.

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

§ 208-10 Fees.

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

A. Basic film permit application: $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 $250.

B. Daily film permit fee payable in addition to the basic filming permit when filming on public property: $150 per day.

C. Daily film permit fee payable for major motion picture when filming on public property: $500 per day.

D. Public Property Location Fee: Fee negotiated between a production company and locality

E. Daily film permit for major motion picture when filming on private property: no fee charged by locality.

F. Filming permit for nonprofit applicants filming for educational purposes (no daily rate required): $25.

G. Street closures: up to $5,000 per day

H. Parking fees: Same rates that are charged to the public

G. Student films for school purposes: No Fee

§ 208-11 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 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED:

ADOPTED:

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Thomas Papaleo, Mayor

ATTEST:

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Anne Dodd, RMC
Borough Clerk/Assistant Borough Administrator