

Ordinance No. 2019- 284:

AN ORDINANCE REVISING AND AMENDING AN ORDINANCE ENTITLED “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980,” CHAPTER III, POLICE REGULATIONS, FILMING RESTRICTIONS AND PERMITS

3-16 FILMING RESTRICTIONS AND PERMITS

3-16.1 Definitions.

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

FILMING

The taking of still or motion picture 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 family videos and photography and the filming of news stories or student films within the Borough of Union Beach.

PUBLIC LANDS

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

3-16.2 Permit required.

A.

No person or organization shall film or permit filming on public property within the Borough of Union Beach without first having completed an application and obtained a permit from the Borough Clerk located in Borough Hall at 650 Poole Avenue in Union Beach. The 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 at and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be accompanied by a permit fee in the amount established by this chapter.

C.

If a permit is issued and, due to the inclement weather or other good cause, filming does not in fact take place on the dates specified, the Borough 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 new permit.

D.

The filming permit fees are established under Chapter 3-16.4 and the permit is good for a period not to exceed 14 days. The Borough Council has the authority to waive or reduce the permit fee in cases where the applicant is a nonprofit or educational organization.

E.

Permits shall be issued at the discretion of the Borough Administrator who may deny issuance of a permit for good cause.

3-16.3 Rules and regulations.

A.

No permits shall be issued by the Borough Clerk unless applied for prior to three days before the requested shooting date; provided, however, that the Borough may waive the three-day period, if, in its 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 provides the Borough of Union Beach with satisfactory proof of the following:

(1)

Proof of insurance as follows:

(a)

Proof of insurance coverage including but not limited to, for bodily injury to any one (1) person in the amount of one million (\$1,000,000.00) dollars and any occurrence in the aggregate amount of three million (\$3,000,000.00) dollars;

(b)

For property damage for each occurrence in the aggregate amount of five hundred thousand (\$500,000.00)

(c)

A written hold harmless and indemnification agreement acceptable to the Borough Attorney.

(2)

The hiring of special duty Borough of Union Beach police officers for the times indicated on the permit, when deemed necessary by the Borough. Said officers shall be compensated in accordance with the Borough's special-duty officer rate schedule. (See Resolution setting the Rate, Administrative Fee and Vehicle Use Fee Pursuant to Section 2-6.14, Special Duty Assignments, Subsection "e" of the Revised General Ordinances of The Borough of Union Beach.)

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 Beach Police Department and/or Fire Marshal with respect thereto.

D.

The holder of a permit shall conduct filming in such a manner so 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. The holder shall avoid any interference with previously scheduled activities upon public lands and limit to the extent possible any interference with normal 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(s) and informed that objections may be filed with the Borough, which objections will form a part of the applicant's application and be considered in the review of same.

E.

The Borough will make every effort to work with residents to minimize the inconvenience caused by filming in residential areas and will require the applicant to give affected residents at least three days' notice of parking restrictions, night shooting or other inconveniences. All filming must be completed within 1/2 hour after sunset. Any night shooting must be approved by the Borough. "Night shooting" is defined as all filming occurring in residential neighborhoods 1/2 hour after sunset. In no event, however, shall an applicant be allowed to film in a residential area after 11:00 p.m.

F.

The Administrator may refuse to issue a permit whenever he/she determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and/or 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. 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.

G.

Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief pursuant to Subsection **H** may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk. An appeal from the decision of the Borough Administrator shall be filed within 10 days of the Administrator's decision. The Borough 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 Borough Council shall be in the form of a resolution. A resolution supporting the decision of the Borough Council shall be adopted at the first regularly

scheduled public meeting of the Borough Council after the hearing on the appeal unless the applicant 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 pursuant to Subsection H shall be deemed denied.

H.

The Borough Council may authorize a waiver of any of the requirements or limitations of this chapter whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that a permit may be issued without endangering the public's health, safety and welfare.

I.

Copies of the approved permit will be sent to the Police Department before filming takes place. 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 follow all safety instructions issued by the Fire Prevention Bureau or other Borough inspectors.

J.

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

3-16.4 Fees.

Refer to Application Form for Fee Schedule. Fee Schedule is authorized by Resolution 2019-167 and is subject to change by Resolution of the Governing Body, as necessary.

3-16.5 Violations and penalties.

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$2000.00 or imprisonment for a term not to exceed 90 days, or both.

Severability.

If any sentence, section, clause or other portion of this chapter or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this chapter.

When effective.

This chapter shall take effect immediately upon passage and publication as required by law.

INTRODUCED: October 17, 2019

PASSED:

ADOPTED:

I hereby approve the adoption of this Ordinance this ____ day of _____ 2019

Anne Marie Friscia
Municipal Clerk

Paul J. Smith Jr.
Mayor