

ORDINANCE NO. 29-2021

BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER IV OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF ROSELAND ENTITLED "LICENSING  
AND BUSINESS REGULATIONS"

**WHEREAS**, the Mayor and Council of the Borough of Roseland desire to add Section 17 entitled "Filming" to Chapter IV "Licensing and Business Regulations" of the Revised General Ordinances of the Borough of Roseland so as to create a section of the Code that regulates the taking of still or motion pictures on film or videotape or similar recording medium within the Borough of Roseland;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Roseland that Chapter IV "Licensing and Business Regulations" Section 17 "Filming" of the Revised General Ordinances of the Borough of Roseland shall be amended to read follows:

4-17 FILMING

4-17.1 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 Borough of Roseland.

**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 Bel-Aire.
- 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 film for which the budget is at least \$5,000,000.
- J. Recurrent weekly television series programming.

**PUBLIC 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 of Roseland.

#### **4-17.2 Permit required.**

- A. No person or organization shall film or permit filming on public or private land within the Borough of Roseland 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. No permit shall authorize filming for more than three (3) consecutive days in any one location and in no event shall filming at one location within the Borough exceed a total of six (6) days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested constitutes a major motion picture as defined by 4-17.11 of this chapter. 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 Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in 4-17.12 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 Municipal 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.

#### **4-17.3 Issuance of permits.**

- A. No permits will be issued by the Municipal Clerk unless applied for prior to five days before the requested shooting date; provided, however, that the Borough Administrator may waive the five-day period if, in her 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 Borough 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 Borough of Roseland from any and all liability, expense, claim or

damages resulting from the use of public lands.

3. The posting of cash of \$500 or a maintenance bond of \$500 running in favor of the Borough and protecting and ensuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, laws and regulations will be followed. Within 21 days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.
  4. The hiring of an off-duty Roseland police officer 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 public lands and shall comply with all lawful directives issued by the Roseland Police Department with respect thereto.

#### **4-17.4 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 Municipal 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 Municipal Clerk within two days of the requested shooting date.

#### **4-17.5 Filming in residential zones.**

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with § 140-8 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

#### **4-17.6 Refusal to issue permit; employment of patrolmen and electrician.**

- A. The Borough Administrator may refuse to issue a permit whenever he 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 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 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.

#### **4-17.7 Appeals.**

- A. Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief pursuant to § 140-8 may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Administrator.
- B. An appeal from the decision of the Borough Administrator shall be filed within ten (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 supporting the decision of the Borough Administrator at the first regularly scheduled public meeting of the Borough Council 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 Borough Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief pursuant to § 140-8 shall be deemed denied.

#### **4-17.8 Waiver of requirements of chapter by Borough Administrator.**

The Borough Administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Borough Administrator shall consider the following factors:

- A. Traffic congestion at the location caused by vehicles to be parked on the public street.
- B. Applicant's ability to remove film-related vehicles off the public streets.
- C. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming.
- D. Nature of the film shoot itself; e.g., indoors or outdoors; day or night; on public or private lands.
- E. Prior experience of the film company/applicant with Borough, if any.
- F. Consultation with the Council member wherein the filming is to take place.

#### **4-17.9 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. The applicant shall permit the Fire

Prevention Bureau or other township inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instruction issued by the Roseland Fire Department or other township inspectors.

#### **4-17.10 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 parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

#### **4-17.11 Special regulations for major motion pictures.**

- A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed three consecutive days and/or may exceed six days in duration if approved by the Borough Administrator in his or her discretion following a favorable review of the factors set forth in 4-17.8 herein.
- B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Administrator, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in 4-17.8 hereof.

#### **4-17.12 Fees.**

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

- A. Basic filming permit: \$150. Where an applicant requests a waiver of the provision of 4-17.3(a) 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 \$500.
- B. Daily filming fee payable in addition to the basic filming permit: \$600 per day.
- C. Daily filming fee payable for major motion picture in addition to the basic filming permit: \$1,500 per day.
- D. Filming permit for 501 (c)(3) nonprofit organizations or filming by a student for educational purposes (no daily rate required): \$25.

#### **4-17.13 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 II**

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

## **SECTION III**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

## **SECTION IV**

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: November 4, 2021

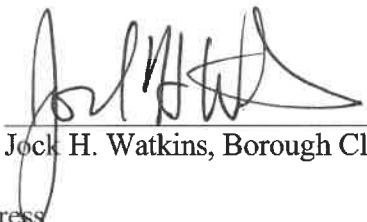
Motion to Introduce by: Councilman Bardi  
Motion Seconded by: Councilman Trillo  
Introduction Approved: 5-0 Voice Vote (Tolli absent)

DATE OF ADOPTION: November 23, 2021

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Council President Fishman							X
Councilman Freda			X				
Councilwoman Perrotti			X				
Councilwoman Tolli	X		X				
Councilman Trillo		X	X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 23<sup>rd</sup> day of November, 2021.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: December 2, 2021, The Progress