

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

ORDINANCE NO. 23-17

**AN ORDINANCE TO AMEND CHAPTER 8 ADDING SECTION 26 OF THE
CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO THE
REGULATION OF FILMMAKING**

PREAMBLE

This Chapter shall be known and may be cited as the "Filmmaking" Ordinance of the Borough of Woodland Park, and codified within Chapter 8, Section 26: Filmmaking in the Borough's Codified Ordinances.

§28:1-1. Filing of Copies.

Immediately upon adoption of this Chapter, the Borough Clerk shall file a copy of this Chapter with the Office of the County Administration and the New Jersey Motion Picture and Television Commission.

§28:2-1. Establishment & General Provisions.

It is hereby established that all matters relating to filmmaking in the Borough of Woodland Park will be heard and approved, waived and/or denied by the Borough Administrator. Applications will be decided on a case-by-case basis and appeals from the Borough Administrator's decision can be made to the Mayor and Council of the Borough of Woodland Park by formal letter stating the objections to the Administrator's decision. Filmmaking is defined as photography (whether still or motion picture) and/or audio recording, that is recorded to film or any other medium, digital, analog, or otherwise, that has or has not been currently invented." This Chapter does not seek to regulate, control or restrict any personal or family filmmaking, videotaping or still photography. Private wedding and family event productions are exempt, even when made on public property using professional photographers and videographers, so long as the final product is for personal use only. Weddings and events that will be used for any use other than distribution to family and friends (people who personally know the subjects) are not exempt (i.e., reality shows, etc.). Other exemptions on public property include news coverage (newspapers, magazines, and like publications) and student productions. Permanent commercial film production facilities which have met all zoning and building codes requirements for certificates of occupancy are specifically exempt from the provisions of this Ordinance (Chapter 28, et seq.) of the Borough's Codified Ordinances, Filmmaking, unless a specific production will impact outside of the facility (lighting, sound, off-site parking, etc.). In addition, the requisites of the applicability of this Ordinance shall be determined by the size of the production.

§28:3-1. Experts and Staff.

The Borough Administrator or Council may employ or contract for the services of experts and utilize other staff and services as it may deem necessary to assist with the review, approval of and administration of permits that are submitted for review and consideration.

§28:4-1. Rules and Regulations: Powers and Duties.

The Borough Council shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purpose of this Chapter. Filmmaking on public property and filmmaking on private property that will be disruptive to the Borough residents and businesses that are not part of the production shall be delineated herein. The determination between whether a production needs approval or permits will not be determined on a private vs professional basis but will be based on the size of the production, as addressed herein. In addition, the applicant must obtain a listing of property owners within a 100' radius of the proposed filming site and must be included within the said application. This listing can be obtained from the Borough's Tax Assessor's office.

§28:5-1. Application Required.

Anyone desiring to conduct filmmaking on public property or a large production on private property shall submit an application to the Borough Administrator. The instructions for the application are set forth on the application document. The application is available through the office of the Borough Clerk and further explained and defined, herein. In addition, the completed application with all required information/attachments must be submitted to the Borough's Clerk.

§28:6-1. Time for Final Approval.

- A Application for final approval shall be granted or denied within five (5) days of the submission of a complete application or within such further time as may be consented by the applicant.
- B Final approval shall expire seven days from the designated start date established by the Borough at the time of approval.
- C. Extensions will be considered based upon need and will not be unreasonably withheld.
- D. An emergent application, which intends to bypass the timelines established herein, may be filed by an applicant. Wherein, the applicant will be required to pay an additional fee based upon the extra resources that are required to process the emergent application, as well as any/all additional costs that are attributable to an expedited request.

§28:7-1. Application Procedure.

- A. Applications for filmmaking within the Borough of Woodland Park shall be filed with the Borough Administrator's office five (5) days prior to the proposed filming date.
- B. The following shall be delivered to the Borough Clerk for all productions, with a gross budget in excess of \$75,000.00 (seventy-five thousand dollars), and is determined a "large project".
 - (1) The original application document and ten (10) copies of an application in a form for approval by the Borough Administrator.
 - (2) A location map, including the nearest cross streets and ten (10) copies of the location map.
 - (3) An administrative review of the application is to be completed by the Mayor, Administrator, Police Department, Fire Department, Zoning Officer and Emergency Management Coordinator, upon completion of the review the Borough Administrator shall approve or deny the application within the time prescribed herein.
 - (a) The report shall contain, but not be limited to, the following:
 - 1. Traffic issues.
 - 2. Environmental issues.
 - 3. Use of Borough resources.
 - 4. Related zoning issues.
 - 5. Fire related issues.
 - 6. On-site emergency medical issues.
 - 7. Other Borough operational matters.
 - 8. Other community impacts.
 - (b) Said report shall be used as a basis to determine the need for Borough involvement in the filmmaking operation. All costs incurred by the Borough of Woodland Park for the health, safety, and welfare of residents and visitors will be borne by the applicant.
 - (4) Permit fees.
 - (a) On public property:
 - 1. Small production, less than five (5) people on-site involved in production: \$500.
 - 2. Medium production, five (5) to (20) people on-site involved in production: \$1,500.
 - [a] Small or medium sized productions on private property, whether personal or professional, that do not disrupt the surrounding area will not require a permit fee and no location fees will be charged. However, a disruption, including but not be limited to, excess parking of vehicles in the area, visible lighting from inside that is greater than what is customary for a business or residence, external lighting that disrupts traffic, external lighting at night, public visibility of the action being filmed, loud or frequent noises related to the production,

generators, etc. In cases where disruptions occur, location fees will be charged to mitigate those impacts.

3. Large production, more than 20 people on-site involved in production: \$2,000.

[a] All large productions, even on private property, are required to apply for a permit and will be subject to applicable location fees.

(b) Note: People involved in a production include all individuals involved in the production whether paid or unpaid, including, but not limited to, crew, talent, interview subjects, craft services, medical personnel, publicists, production staff, media coverage of the production itself, interns, observers, guests, and onlookers. Permits do not include exclusive access to an area unless expressed in the permit. Exclusive access requires a police presence and therefore, a location fee.

(5) Location fees.

(a) Location fees may be applied to any size production noted above and whether they will take place on public or private land. Location fees shall be paid to the Borough prior to the commencing any filming or production work, as well as any additional costs that may be applicable.

(b) The Business Administrator shall consult with all of the Borough's Department heads as necessary to determine the impact to the Borough. Location fees will include, but not be limited to costs incurred by the Borough because of the production such as police, fire, or EMS personnel required on set, closing of streets, traffic concerns due to vehicles, infrastructure concerns, required presence of a utility, protection of neighboring properties. The Business Administrator may waive, increase or decrease fees on a case-by-case basis, as dictated by the depth/complexity of the said application.

(c) The charge for the use of the Borough owned property if requested, will be determined by the Business Administrator and will be dependent upon the parameters of the request (i.e.: location, length of use, services required, etc.), and is not part of this application process.

(5) Insurance.

(a) Prior to the issuance of permit for filming on Borough property, facilities, or with use of Borough employees, the applicant shall provide the Borough with satisfactory proof of the following:

1. Proof of insurance coverage listing the Borough of Woodland Park as an insured or additional insured which coverage shall provide as a minimum:

- a. For bodily injury/property damage in the amount of one million (\$1,000,000) dollars per occurrence and in the aggregate amount of two million (\$2,000,000) dollars.
 - b. For personal/advertising injury one million (\$1,000,000) dollars for each occurrence.
2. A written hold harmless and indemnification agreement acceptable to the Office of the Borough Administrator. The holder of a permit shall not harm the area in which filming takes place and holder of a permit shall not assign its rights under a permit to any other individual or entity. This section shall not create any liability to the Borough of Woodland Park with respect to any adjoining property owners. The applicant shall agree to indemnity and hold harmless the Borough of Woodland Park from any and all liability, expense, claim, or damages resulting from the use of Borough Public Lands and Borough Facilities.
3. The Borough may require a performance bond, depending on the nature of the filming.
4. The holder of a 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 Municipal law enforcement, the Borough's Fire Code Official, and the Borough's Building Code Official, and with respect thereto.
5. The permit holder 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 off of public thoroughfares so that they will have a minimal effect on traffic. Permit holders must obey County and Municipal noise ordinances and any all vehicles parked on public rights of way shall be done so in accordance with all applicable state, county, and municipal regulations.
6. The permit holder shall not interfere with previously scheduled activities upon Borough Public Lands and in Borough Facilities and shall limit, to the extent possible, any interference with normal public activity on such Borough Public Lands and normal operations in Borough Facilities.
7. If the holder of the permit shall fail to comply with the provisions outlined herein, the Borough Administrator shall revoke the permit and the applicant must immediately cease and vacate its operations from the Borough's Public Lands and/or Facilities.
8. It is requested that the holder of a permit consider adding a credit to the completed film noting that it was "filmed in the Borough of Woodland Park", New Jersey, with the cooperation of the Mayor and Council of the Borough of Woodland Park.

9. Permit holders shall not portray the Borough, its departments or agencies, or any officers or employees thereof in a false or negative light or in a manner that would give a false impression of the fact of any of the foregoing in the mind of a reasonable viewer.

(6) Refusal to Issue Permit, Employment of Law Enforcement and Alterations to Facilities.

- (a) The Borough of Woodland Park may refuse to issue a permit wherever it determines on the basis of objective facts and after a review of the application by the Borough's Administrator and by other County agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate a 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, unreasonably interfere with Borough business, or otherwise endanger the public's health, safety and welfare.
- (b) The Borough of Woodland Park reserves the right to require one or more sworn Municipal Law Enforcement officers, security personnel, fire/EMS personnel or any other such specialized Borough officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as cost of production.
- (c) Any and all modifications to Borough property, including but not limited to electrical power lines, facility modifications, or temporary structures must be requested in writing to County Administration for review prior to engaging the services of any tradesman or craftsman. When existing electrical power lines are to be utilized by production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§28:8-1. Hearings.

- A. Rules. Appeals from the Borough Administrator's decision. The Borough Council shall make rules governing the conduct of the hearings before it. A hearing shall be held for each application appeal submitted.
- B. Testimony. The testimony of all witnesses relating to the application for filmmaking shall be taken by the Borough Attorney, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly if not represented, subject to the discretion of the Borough Attorney and to reasonable limitations as to time and number of witnesses.
- C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Borough Council may exclude irrelevant, immaterial or unduly repetitious evidence.

§28:9-1. Notice of Hearing.

- A. The applicant shall give notice of the hearing as follows:
 - (1) Public notice shall be given by publication in the official newspaper of Borough of Woodland Park at least ten (10) days prior to the date of the hearing.
 - (2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 500 feet in all directions of the property which is the subject of such hearing and whether located within or without the Borough of Woodland Park in which the applicant wishes to conduct filmmaking in accordance with this Chapter. Such notice shall be given by serving a copy of the application on the owner as shown on said current tax duplicate, or his agent in charge of the property by mailing a copy thereof by certified mail to the property owner at the address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.
 - (3) Notice shall be given by personal service or by certified mail to the Passaic County Commissioners and the New Jersey Motion Picture and Television Commission.
- B. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for bearing, and the applicant shall file an affidavit of proof of service with the Borough Council.
- C. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing and the filing of domestic return receipt documents (PS Form 381 1) with the Borough Clerk.
- D. Form of notice. All notices required to be given pursuant to the terms of this Chapter shall state the date, time and place of the hearing, the nature of the matter to be considered and identification of the property proposed to conduct filmmaking by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by this Chapter.

§28:10-1. List of Property Owners.

The Tax Assessor of the Borough of Woodland Park shall, within seven days after receipt of request therefore and upon receipt of payment of a fee of \$100 make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to, as required by this Ordinance. This will include all property owners located within 100' feet of the proposed filming site.

§28:11-1. Decisions.

- A. Each decision on any application appeal for filmmaking shall be set forth in writing as a resolution of the Borough Council.
- B. A copy of the decision shall be mailed by the Borough Clerk within 10 days of the date of decision to the applicant or, if represented, then to the attorney of record without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee of \$5 to the Borough Clerk in advance of the decision. A copy of the decision shall also be filed with the Passaic County Administrator and the New Jersey Motion Picture and Television Commission.

§28:12-1. Enforcement.

- A. The requirements of this Chapter shall be enforced by the Woodland Park Police Department. If the Police Department finds filmmaking being conducted in the Borough of Woodland Park without the appropriate approval by the Borough Administrator or Borough Council, all activities relating to and in support of filmmaking will cease immediately and summonses will be issued to the property owner and the filmmaking company. Both the property owner and the filmmaking company shall appear in the Borough of Woodland Park Municipal Court.
- B. Upon notice to cease, from the Woodland Park Police Department, should filmmaking activities continue both the property owner and the filmmaking company shall be subject to per diem fines in accordance with this Chapter, in an amount not to exceed \$5,000.

§28:13-1. Violations and Penalties.

Violations of the provisions of this Chapter shall be punishable as follows:

- A. Filmmaking being conducted in the Borough of Woodland Park without the appropriate approval by the Borough Administrator:
 - (1) Property owner: up to \$5,000.
 - (2) Filmmaking company: up to \$5,000.
- B. Failure to cease filmmaking activities after being noticed by the Police Department:
 - (1) Property owner, for each day of violation: up to \$5,000.
 - (2) Filmmaking company, for each day of violation: up to \$5,000.

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

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced: August 16, 2023
Adopted: September 6, 2023