**CITY COUNCIL** **The City of Orange Township, New Jersey**

**DATE** _____ **NUMBER** 48-2023

**TITLE:** **AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY, AMENDING THE MUNICIPAL CODE OF THE CITY OF ORANGE TOWNSHIP, TO UPDATE CURRENT REGULATIONS GOVERNING FILM AND DIGITAL ENTERTAINMENT PRODUCTION ACTIVITIES IN THE CITY AND TO ESTABLISH A NEW CHAPTER OF THE MUNICIPAL CODE TO BE DESIGNATED AS CHAPTER 90 AND TITLED "FILM AND DIGITAL ENTERTAINMENT PRODUCTION" FOR PURPOSES OF REORGANIZING SAME.**

**WHEREAS,** the City of Orange Township ("City") is experiencing increased use as a filming location for various motion picture and television productions; and,

**WHEREAS,** the City's current filming regulations, set forth in Chapter 54 (Amusements and Entertainment), Article VI (Filming) of the Municipal Code ("Current Filming Regulations"), require all motion picture and television productions to apply to a Local Film Commission that hears applications for and issues filming permits, as well as collects daily fees and other costs due to the City for film production activities; and,

**WHEREAS,** the Current Filming Regulations create an impractical and inefficient system for reviewing and evaluating filming permit applications, resulting in a lack of enforcement and a lack of viable enforcement mechanisms; and,

**WHEREAS,** deficiencies in the Current Filming Regulations can be addressed only through a comprehensive reorganization that also includes updates to achieve consistency with film permitting procedures and fee structures in neighboring municipalities; and,

**WHEREAS,** the Municipal Council now wishes to amend the Municipal Code to update and restructure the Current Filming Regulations to accomplish the goals outlined herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY** as follows:

**SECTION 1 Amendment to Municipal Code.**

Part II (General Legislation) of the Municipal Code, as amended, is hereby further amended as follows:

Chapter 54 Amusements and Entertainment

. . . .

Article VI ~~{Filming}~~[Reorganized Under Chapter 90 (Film and Digital Entertainment Production)]

~~{§ 54-103 Local Film Commission.~~

~~A. There shall be and is hereby established the Orange Local Film Commission. The Commission shall consist of the Police Director or his/her designee, the City Attorney or his/her designee, the Fire Director or his/her designee, the Public Works Director or his/her designee, the Municipal Engineer, one (1) person appointed by the Mayor and one (1) appointed by the Municipal Council.~~

~~B. The Commission shall have jurisdiction to grant filming permits pursuant to this Article and to hear any objections to an applicant's request for filming.~~

~~C. The Commission shall have the absolute right to reject any application for filming if it finds any of the following:~~

~~(1) Unreasonable interference with traffic flow that can not be remediated.~~
~~(2) Unreasonable interference with the property owners use and enjoyment of their property.~~
~~(3) Such filming is not in the best interest of the health, safety and welfare of its citizens.~~

(UNDERSCORES ARE ADDITIONS, ~~{BRACED STRIKEOUTS}~~ ARE DELETIONS)

**APPROVED AS TO FORM, SUFFICIENCY AND LEGALITY**

A. MIZRAHI

AIO ATTORNEY

~~§ 54-104 Permit required.~~

~~Any person, company, corporation or other entity that desires to use the public streets, walkways or other property of the City of Orange Township for filming movies, video, commercials or other productions shall first obtain a permit to conduct such business pursuant to this Ordinance. Permits are not required for persons videotaping personal family events including weddings, proms and/or other personal affairs that do not require municipal services. Permits must be obtained at least fourteen (14) days in advance of the filming project.~~

~~§ 54-105 Insurance required.~~

~~All film companies or persons engaging in the commercial filming of movies, commercials, videos or other productions must provide proof of insurance to the city, that names the city as an additional insured and loss payee and provides thirty (30) days prior written notice of cancellation and which meet the following:~~

~~A. One million dollars ($1,000,000.) - liability.~~

~~B. Three hundred thousand dollars ($300,000.) - property damage.~~

~~Only the Orange Insurance Commission has jurisdiction to modify the amount of coverage by unanimous vote of the body.~~

~~§ 54-106 Notice of film project.~~

~~Notice of the filming project must be given to residents and businesses directly affected by the filming fourteen (14) days prior to the shooting of such project.~~

~~§ 54-107 Objections.~~

~~Any person or persons objecting to such filming may register their protest by filing with the Municipal Clerk's office their objection to the project. The Municipal Clerk will then forward the objection to the Local Film Commission for their determination.~~

~~§ 54-108 On-site personnel.~~

~~A. The filming person or company must have at least one (1) or more on-site police officer(s) present at the filming location. The cost of such personnel shall be borne by the applicant for filming.~~

~~B. The City of Orange Township may in its discretion require other on-site personnel as determined by the Local Film Commission, all cost of such personnel is to be borne by the applicant.~~

~~C. All charges are payable to the City of Orange Township and paid to the office of the Municipal Clerk.~~

~~§ 54-109 Inspections.~~

~~The Orange Fire Prevention Bureau and any other department designee designated by the Local Film Commission must at all times be permitted to inspect the filming site before, during and after such filming takes place.~~

~~§ 54-110 Permit fees.~~

~~[Amended 3-20-2007 by Ord. No. 5-2007; 9-3-2013 by Ord. No. 36-2013]~~

~~A. Any applicant desiring to film a movie within the limits of the City of Orange Township in addition to the application requirements shall pay a daily fee for filming. The Local Film Commission shall apply the fee as follows:~~

~~(1) Film permits where the filming is a student production, associated, or in coordination with a film or theatre department with an accredited college or university shall be exempt from the permit fee;~~

~~(2) Five hundred dollars ($500.) per day where the budget of the film does not exceed ten thousand dollars ($10,000.); and,~~

~~(3) One thousand dollars ($1,000.) per day where the budget of the film exceeds ten thousand dollars ($10,000.).~~

~~This includes the filming of commercials and music videos. Payments are made through the Municipal Clerk's office.~~

~~B. There shall also be a fee of ten dollars ($10.) per day for each commercial vehicle used by the filming company or in connection with the filming.~~

~~§ 54-111 Hearing.~~
~~The Local Film Commission may schedule a hearing to determine the validity of any objection and to provide the applicant with an opportunity to be heard. Reasons for denial may be from among those set forth in Section 54-103C of this Article.~~

~~§ 54-112 Violations.~~
~~Any person(s) or company who violates the provisions of this Article shall be subject to a fine not to exceed one thousand dollars ($1,000.). Each day the person is in violation can be considered a repeat offense for purposes of imposing penalty.}~~

. . . .

Chapter 90 Film and Digital Entertainment Production

§ 90-1 Purpose
The purpose of this Chapter is to insure the safety, health and welfare of all persons when activities relating to production of film and/or digital entertainment are sought to occur within the City. The City desires to encourage such activities within the City in an organized, efficient and controlled manner.

§ 90-2 Definitions
For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings set forth below:

BASIC PRODUCTION
The term "basic production" shall mean any production that is not financed at all or distributed by a major studio, has a budget of $5,000,000.00 or less, and is not related to a recurring video or audio series.

PRODUCTION or PRODUCTION ACTIVITY
The terms "production" and "production activity" shall be interchangeable and shall each mean the taking of still or motion pictures, or the recording of audio within the City, using any medium, for commercial, institutional or educational distribution through theater, television, streaming service, radio, Internet, or other platform. A production or production activities shall also include rehearsals, preparations and 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.

PRODUCTION LOCATION
The term "production location" shall mean a single contiguous location within the City that is not divided by a public right-of-way (*e.g.*, roadway, etc.) or other human-mad or natural boundary (*e.g.*, wall, fence, body of water, etc.), wherein the applicant seeks to conduct any production activities.

MAJOR PRODUCTION
The term "major production" shall mean any production that is financed or distributed by a major studio, has a budget greater than $5,000,000.00, or is for a recurring video or audio series.

PUBLIC LAND
The term "public land" shall refer to any public streets, highways, sidewalks, squares, public parks or playgrounds or any other public places within the City's jurisdiction and control.

§ 90-3 Office of Film and Digital Entertainment
There is hereby established, within the Department of Planning and Economic Development, an Office of Film and Digital Entertainment charged with oversight, management and enforcement of the rules and regulations as set forth in and authorized by this Chapter. The Office of Film and Digital Entertainment shall be overseen by the Director of Planning and Economic Development or his/her designee, as Administrator, and may employ such other support staff as deemed necessary and authorized by the Mayor.

§ 90-4 Production Permits Required

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 Office of Film and Digital Entertainment. No applicant shall be entitled to receive a production permit "as-of-right".

B. Production activities in residential areas shall be allowed Monday through Friday only, and only between the hours of 7:00AM and 9:00PM. Permission to conduct such activities between 9:00PM and 7:00AM, or on Saturday or Sunday, may be granted by the Administrator on 5 calendar days' written notice by the applicant to all property owners and tenants within 200 feet in any direction of the proposed production location.

C. A production permit shall be required for each separate period of production at each separate location within the City. 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 in the City 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 in the City 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 Administrator 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.

§ 90-5 Production Permit Applications

A. Production permit application packages shall be obtained from and, upon completion, submitted to the Office of Film and Digital Entertainment during normal business hours. Submitted applications shall comply with the form and supporting document requirements as established and approved by the Director of Planning and Economic Development, and must be accompanied by all required documentation, as well as certified funds for all application and permit fees as set forth in § 90-8 below.

B. Complete production permit applications submitted to the Office of Film and Digital Entertainment less than 30 calendar days prior to the first proposed production date may be subject to a surcharge for expedited processing as provided in § 90-8 below. No permit application will be accepted less than 10 calendar days prior to the first proposed production date unless accompanied by a written waiver from the Mayor stating that, in his/her judgment, the applicant obtained all related approvals and adequately noticed adjacent property owners and/or tenants.

C. Each permit application shall be evaluated and approved or denied by the Administrator after considering all objective facts presented by the applicant and all comments/reports provided by members of an interdepartmental advisory panel, led by the Administrator, that comprises: the Mayor or his/her designee; a Council Member designated annually by the Municipal Council; the Business Administrator or his/her designee; the City Attorney or his/her designee; the Director of Police or his/her designee; the Director of Fire or his/her designee; the Director of Public Works or his/her designee; and, the Executive Director of the Parking Authority or his/her designee. To the extent a proposed production location includes a public park or other public recreation space, comments/reports may also be solicited as deemed necessary from the Director of Community Services or his/her designee. Factors that may be considered in evaluating each application include, without limitation:

(1) the nature of the production itself;
(2) the City's prior experience with the applicant, if any;
(3) traffic congestion at the proposed location that would be caused by the production;
(4) the applicant's ability to remove production-related vehicles from public rights-of-way; and,
(5) any requested restrictions on use of public streets or public parking during the production.

(6) At least 10 calendar days prior to the proposed production start date, the applicant shall serve written notice of the application to all property owners and tenants within 200 feet in any direction of the proposed production location. The notice shall advise those parties of the production location and dates, and shall inform them that objections may be filed with the Administrator not later than 5 calendar days prior to the proposed production start date. The applicant shall submit proof of service and notification of adjacent owners shall be submitted to the Administrator at least 5 calendar days prior to the proposed production start date. Objections submitted to the Administrator shall become a part of the production permit application and shall be considered in the review of same. The Administrator may impose any necessary or appropriate restrictions on the time, date, and process of production to address and/or resolve any such objections.

(7) The Administrator 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; or otherwise endanger public health, safety or welfare.

(8) The Administrator may revoke a production permit that is already approved if he/she determines, on the basis of the objective facts, that the production activities has: violated any law or ordinance; unreasonably interfered with the use and enjoyment of adjoining properties; unreasonably impeded the free flow vehicular or pedestrian traffic; or otherwise endangered public health, safety or welfare.

(9) Any person aggrieved by a decision to deny or revoke a production permit may appeal to the Mayor within 10 calendar days of the decision by filing a written notice of appeal with his/her office. The Mayor shall issue a decision regarding the appeal within 30 calendar days of the date it was filed, which shall be final and unappealable.

§ 90-6 Insurance, Indemnification & Bonding Requirements
No production permit shall be issued without the following:

A. proof of insurance coverage for general liability/bodily injury with single occurrence/aggregate limits of $1,000,000.00 and $3,000,000.00 respectively;

B. proof of insurance coverage for property damage with single occurrence/aggregate limits of $1,000,000.00 each;

C. 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 $1,000,000.00 and $3,000,000.00 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.);

D. a written agreement to indemnify and hold the City harmless from all liability, expense, claim or damages resulting from any production activities;

E. a cash escrow or maintenance bond in the amount set forth under § 90-8(C).

§ 90-7 Production Regulations
All production activities shall comply with the following rules and regulations:

A. The production permit shall be conspicuously displayed at the production location, and shall be readily available for inspection by City officials.

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 City.

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 City 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 City 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 City's Fire Prevention Bureau and/or any other City official to inspect the production site and equipment at any time, and shall comply with all instructions issued by any City 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 City for any lost revenue, repairs to public property or other losses the City incurred 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 under § 90-8 below, provided that that such a waiver may be granted without endangering public health, safety or welfare.

§ 90-8 Fees; Escrow/Bond

A. Each application for a production permit must be accompanied by payment of the total applicable fees in accordance with the following schedule:

| | |
|---|---|
| Application Fee - Basic Production | $250.00 |
| Expedited Processing Surcharge | $125.00 |
| Permit Fee - Basic Production | $2,000.00 per day |
| Application Fee - Major Production | $500.00 |
| Expedited Application Surcharge | $250.00 |
| Permit Fee - Major Production | $3,000.00 per day |
| Application Fee - Nonprofit Organization/Student | $100.00 |
| Expedited Application Surcharge | $50.00 |
| Permit Fee - Nonprofit Organization/Student | EXEMPT |

B. The production permit holder (including any nonprofit organization or student) shall also pay a fee of $50.00 per day for each vehicle (stationary or movable) used in connection with the production, also complying with the documentation requirements set forth under § 90-6(C). This fee shall be paid to the City 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 $5,000.00, in favor of the City 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 City 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 set forth under this Section.

D. Each production permit holder shall be responsible for direct reimbursement of all expenses, costs and other losses incurred by the City in connection with the relevant production, which shall be in addition to and not offset by any fees paid to the City in accordance with this Section.

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. Unless authorized by the Municipal Council upon a showing of good cause, fees paid by any applicant and/or production permit holder in connection with a production permit or an application therefor shall be nonrefundable.

§ 90-9 Violations; Penalties.
Violations of this Chapter shall be punishable by a fine of up to $1,000.00 per offense. Each day during which the violation occurs or continues shall be deemed a separate offense. The fines or penalty set forth herein shall be in addition to any other penalties which may be incurred.

**SECTION 2 Severability of Ordinance Provisions.**
Each Section of this Ordinance is an independent Section and any part hereof found unconstitutional, void or ineffective for any cause shall not affect the validity or constitutionality of any other parts hereof.

**SECTION 3 Conflicts and Inconsistencies.**
All other Ordinances and parts of Ordinances that conflict or are inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

**SECTION 4 Effective Date.**
Following final passage, this Ordinance shall take effect upon the expiration of 20 days after publication, unless otherwise provided by the Municipal Council.

**PURPOSE:** To update and reorganize the City of Orange Township's filming regulations.
**FISCAL IMPACT:** None.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved:

Dwayne D. Warren, Esq.
Mayor

(UNDERSCORES ARE ADDITIONS, ~~{BRACED STRIKEOUTS}~~ ARE DELETIONS)

**ORDINANCE NO. 48-2023**

**REGULAR MEETING – August 2, 2023**

**MOTION TO ADOPT: Ross** **SECOND: Coley**

**YEAS: Coley, Hilbert, Montague, III, Ross, Summers-Johnson, Wooten & Council President Eason**
**NAYS: None**
**ABSTENTIONS: None**
**ABSENCES: None**

**PUBLIC HEARING– SECOND READING: September 5, 2023**