

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #03-25

AN ORDINANCE AMENDING CHAPTER 24 FILMING

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of Guttenberg is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, New Jersey Motion Picture and Television Commission (“NJMPTVC”) requires that municipalities be certified as Film Ready if, for the purpose of maintaining consistency throughout the State, the municipality agrees to abide by all of the Film Ready program requirements as provided by NJMPTVC (the “Requirements”).

WHEREAS, there exists a need for the Town to amend certain Chapter 24 of the Code – Filming (the “Ordinance”) to come into compliance with the Requirements; and

WHEREAS, the Mayor and Council have determined that amendments to the Ordinance will promote the general welfare, health, and safety of the Town of Guttenberg residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Guttenberg do hereby amend the Ordinance to abide by all of the Film Ready program Requirements as provided by NJMPTVC:

SECTION ONE

§ 24-1. DEFINITIONS.

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

FILMING — Shall mean the taking of still or motion pictures, either on film videotape or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes.

PUBLIC LANDS — Shall mean any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction and control of the Town.

§ 24-2. PERMIT REQUIRED; APPLICATION.

- a. No person, firm or corporation shall film or permit filming with the Town of Guttenberg without first obtaining a permit therefor, which permit shall set forth the location of such filming and the date or dates when filming shall take place.
- b. Permits shall be obtained in the office of the Town Clerk during normal business hours.

Applications for such permits shall be in a form approved by the Town Clerk and shall be accompanied by a permit fee as set forth in Section 24-14. Incidental use of a public sidewalk or street which does not result in the closing of the street or sidewalk to public use shall not be considered filming on public land.

- c. Where filming takes place on private property, permission of the owner must be obtained in writing.
- d. One permit shall be required for each location.
- e. For each approved permit, the Town shall notify the New Jersey Motion Picture and Television Commission (at the Film Ready inbox at filmreadynj@njeda.gov), within ten (10) business days of the approved permit with the following information:
 - i. Name of the Project and production company.
 - ii. Start and stop dates of physical production.
 - iii. Total number of filming days.
 - iv. Addresses of filming location(s).

~~§ 24-3. FREQUENCY RESTRICTED.~~

~~No permit shall be issued for filming at a particular location in a residential zone within the Town of Guttenberg to permit filming at said location on more than four days during any one calendar year.~~

§ 24-3. INSURANCE; INDEMNIFICATION.

No permit shall be issued for filming upon public lands within the Town of Guttenberg unless the applicant for such permit:

- a. Provides proof of insurance coverage as follows: for bodily injury for any one person, in the amount of \$500,000; and for any aggregate occurrence, in the amount of \$1,000,000.
- b. Agrees, in writing, to indemnify and save harmless the Town of Guttenberg from any and all liability or damages from the use of such public lands.

§ 24-4. INTERFERENCE WITH PEDESTRIANS AND TRAFFIC.

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 the Guttenberg Police Department with respect thereto.

§ 24-5. INCONVENIENCE TO PROPERTY OWNERS; NOISE; PARKING.

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.

§ 24-6. INTERFERENCE WITH OTHER ACTIVITIES.

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.

§ 24-7. MINIMIZATION AND REMOVAL OF DEBRIS, TEMPORARY STRUCTURE OR TEMPORARY SETS.

The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris, rubbish, temporary sets and/or temporary structure during filming and shall be responsible for removing all equipment, debris, temporary sets, temporary structure and/or other rubbish from the filming location upon the completion of filming or the expiration of the filming location upon the completion of filming or the expiration of the permit, whichever comes first.

§ 24-8. PERMITTED DAYS AND HOURS.

Filming shall be permitted only Monday through Sunday ~~Friday~~ between the hours of 7:00 a.m. and 9:00 p.m. (camera wrap) and crew wrap at 10:00 p.m. ~~or sundown, whichever is earlier~~, in residential zones.

§ 24-9. DENIAL OF PERMIT; APPEALS.

- a. The Town Clerk 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 by other Town 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 public's use of public lands, unreasonably interfere with the use and enjoyment or adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- b. Any person aggrieved by a decision of the Town Clerk 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 Town Clerk. An appeal from the decision of the Town Clerk shall be filed within 10 days of the Town Clerk's decision. The Mayor and 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 Mayor and Council shall be in the form of a resolution. A resolution supporting the decision of the Town Clerk or granting relief shall be approved by the Mayor and Council at the first regularly scheduled public meeting of the Mayor and 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 in the time required, the decision of the Town Clerk shall be deemed to be reversed and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

§ 24-10. WAIVER OF REQUIREMENTS.

The Town Clerk may authorize a waiver of any of the requirements or limitations of this chapter and may authorize filming other than during the hours herein described or may permit filming at a particular location in a residential zone on more than four days during any one calendar year or may waive any other limitation or requirement of this chapter whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety or welfare.

§ 24-11. NOTIFICATION TO FIRE INSPECTIONS BUREAU.

The applicant shall notify the Fire Inspections Bureau 24 hours before filming takes place and permit the Fire Inspectors to inspect the site and the equipment to be used. The applicant shall comply with all fire safety instructions issued by the Fire Inspector.

§ 24-12. PROVISION OF OFF-DUTY POLICE OFFICERS.

The applicant will be required to hire one or more off-duty police officers when deemed necessary by the Police Chief.

§ 24-13. PERMIT FEES.

Permit fees shall be as follows:

CATEGORY	FEE (not to exceed)
Basic filming permit (one-time; with 4 or more days advance notice of the first day of filming)	\$100
Expedited basic filming permit (one-time; with 3 or less days advance notice of the first day of filming)	\$250
Basic filming permit for nonprofits, including student films (one-time; no daily rate required)	\$25
Daily filming on public property	
<i>Film and television projects with a budget under \$20mm</i>	\$150
<i>Film and television projects with a budget over \$20mm</i>	\$500
Daily filming on private property (unobstructed)	NO FEE CHARGED BY MUNICIPALITY
Public Safety	
<i>Hiring of off-duty police and fire inspections, according to agreed upon public safety plan</i>	The Town's standard hourly rates for police and fire
Inconvenience fees	
<i>Street closures - less than 10,000 residents</i>	\$1,000
<i>Street closures - more than 10,000 residents</i>	\$5,000

<i>Properties in background - or used - in shot</i>	Fee is negotiated between a production company and a private business or residence
<i>Daily prep of business that is being “dressed”</i>	Fee is negotiated between a production company and a private business
<i>Daily filming of business that is “dressed”</i>	Fee is negotiated between a production company and a private business
Parking fees	Same rates that are charged to the public

§ 24-14. VIOLATIONS AND PENALTIES.

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$750 or imprisonment for a term not to exceed 90 days, or both.

§ 24-15. EXCEPTIONS.

The provisions of this chapter shall not apply to the filming of news stories within the Town of Guttenberg.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town Clerk and Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

When Effective. This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 24 of the Code – Filming to come into compliance with the New Jersey Motion Picture and Television Commission Requirements.

Introduced: January 29, 2025

Adopted: