

TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NJ 07481

ORDINANCE #2085

AN ORDINANCE AMENDING CHAPTER 114A, "FILMING," CHAPTER 115, "FIRE PREVENTION," AND CHAPTER 113, "FEES," OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO CONSOLIDATE FILMING-RELATED FEES IN CHAPTER 113 AND CLARIFY FILMING PERMIT, INSURANCE, PUBLIC SAFETY, AND FIRE PREVENTION REQUIREMENTS

Note: Matters enclosed in bold-faced brackets [thus] are intended to be omitted. Matters **bolded and underlined thus** are new matters.

WHEREAS, the Township Committee desires to update the Township's filming permit regulations to reflect current administrative practices, clarify insurance, indemnification, public safety, and intergovernmental coordination requirements, and coordinate filming permits with Fire Prevention Bureau review where appropriate; and

WHEREAS, the Township Committee further desires to consolidate filming-related fees in Chapter 113, "Fees," so that the Township Code remains consistent and clear.

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 114A, "Filming," Section 114A-1, "Definitions," definition of "Filming," is hereby amended as follows:

FILMING

The taking of still or motion pictures, either on film or videotape or similar recording medium, **including by use of an unmanned aircraft system or drone**, 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 Township of Wyckoff.

SECTION 2. Chapter 114A, "Filming," Section 114A-2, "Permit required," is hereby amended to add a new Subsection D as follows:

D. No permit shall be required for filming conducted by or on behalf of the Township of Wyckoff, the County of Bergen, the State of New Jersey, the United States government, or any agency or instrumentality thereof, when such filming is conducted for official

governmental, public information, educational, training, emergency management, law enforcement, or public safety purposes; provided, however, that such filming shall remain subject to reasonable coordination with the Township Clerk, Police Department, Fire Prevention Bureau, Department of Public Works, or other Township officials where municipal services, public property, public rights-of-way, public safety, fire safety, traffic control, or emergency access may be affected.

SECTION 3. Chapter 114A, "Filming," Section 114A-2, "Permit required," Subsection B, is hereby amended as follows:

B. All permits shall be applied for and obtained from the Township Clerk during normal business hours. Applications for such permits shall be in a form approved by the Township Clerk and be accompanied by a permit fee in the amount set forth **[hereinbelow] in Chapter 113, Fees.**

SECTION 4. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection B(1), is hereby amended as follows:

- (1) A certificate of insurance, **together with all required endorsements,** specifically designating the Township of Wyckoff as an additional insured, providing **commercial** general liability, bodily injury and property damage coverage with minimum limits of liability not less than **[\$1,000,000 combined single limit. Said certificate shall state that "the issuing company shall mail 30 days' written notice to the certificate holder named, certified mail, return receipt."]** **\$1,000,000 per occurrence and \$2,000,000 aggregate.** **The applicant shall also provide proof of motor vehicle liability insurance for all owned, hired and non-owned vehicles used in connection with the filming activity, and workers' compensation and employer's liability insurance in accordance with applicable State law. The Township of Wyckoff, its officers, officials, employees, agents and volunteers shall be named as additional insureds on a primary and noncontributory basis where applicable. When filming occurs on, in, or affects any county road, state road, public right-of-way, public easement, public property, or property under the jurisdiction or control of another governmental entity, such county, the State of New Jersey, or other governmental entity may also be required to be named as an additional insured and certificate holder, as applicable. All certificates of insurance and endorsements shall be in form acceptable to the Township. Notice of cancellation or material change in coverage shall be provided in accordance with the terms of the applicable policy and endorsements.**

SECTION 5. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection B(2), is hereby amended as follows:

- (1) An agreement, in writing, whereby the applicant agrees to indemnify, **defend** and save **and hold** harmless the Township of Wyckoff, **its officers, officials, employees, agents and volunteers** from **and against** any and all liability, expense, claim, **demand**, or damages resulting from the use of public lands **or otherwise arising out of or related to the filming activity, including but not limited to the use of public lands, public streets, public rights-of-way, public easements, sidewalks, parks, municipal property, county roads, state roads, or property under the jurisdiction or control of another governmental entity, except to the extent caused by the sole negligence or willful misconduct of the Township.**

SECTION 6. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection B(3), is hereby amended as follows:

- (2) The posting of a cash or surety bond of \$2,000 in favor of the Township to insure 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 ordinances, laws and regulations will be followed. Within seven days of the completion of the filming, the Township will return the bond if there has been no damage to public property or public expense caused by the filming. **The Township Clerk, in consultation with the Township Administrator, may require a higher cash or surety bond where the scope, location, duration, or nature of the filming activity reasonably warrants additional financial security.**

SECTION 7. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection B(4), is hereby amended as follows:

- (3) The hiring of one or more off-duty Wyckoff police officers for the times indicated on the permit, to ensure the safe and efficient flow of vehicular and pedestrian traffic **and to provide security where required by the Chief of Police or their designee. The Chief of Police or their designee may require the hiring of police officers for traffic control, security, or other public safety purposes, which may be in addition to any on-site private security retained by the applicant. Police services required in connection with filming shall be arranged, paid, and administered in accordance with Chapter 54, Article V, Private Employment.**

SECTION 8. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection C, is hereby amended as follows:

C. The holder of the permit shall take all reasonable steps to minimize interference with the passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Wyckoff Police Department with respect thereto. **The applicant shall maintain adequate emergency access for police, fire, emergency medical services, and other emergency vehicles at all times.**

SECTION 9. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection F, is hereby amended as follows:

F. The Township Clerk may refuse to issue a permit whenever the Township Clerk 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 Township 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 the adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further the Township reserves the right to require one or more on-site **[patrolmen] police officers** in situations where the proposed production may impede the proper flow of traffic, the cost of said **[patrolman] police officer** to be borne by the applicant as a cost of production **and administered in accordance with Chapter 54, Article V, Private Employment.** 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. The Township may also require on site any other professional which the Township deems necessary to ensure the health, safety and welfare of the public, the cost of which shall be paid by the applicant.

SECTION 10. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection I, is hereby amended as follows:

I. Copies of the approved permit shall be sent to the Police **[and Fire Departments] Department, Fire Prevention Bureau, and any other Township departments or officials deemed necessary by the Township Clerk** before filming takes place. **Copies of the approved permit shall also be sent to the New Jersey Motion Picture and Television Commission. Where filming occurs on, in, or affects any**

county road, state road, public right-of-way, public easement, or property under the jurisdiction or control of another governmental entity, copies of the approved permit may be transmitted to such county, the State of New Jersey, or other governmental entity, and the applicant shall be responsible for obtaining any additional approvals required by such governmental entity. The applicant shall permit members of the Police Department, **[Fire Department,]** Fire Prevention Bureau, Department of Public Works or other Township officers or inspectors to access the site for such purposes as may be necessary or appropriate. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Township inspectors. **Where filming activities require review, approval, permit, fire watch, standby, inspection, or other fire safety measures from the Fire Prevention Bureau pursuant to Chapter 115, including but not limited to § 115-19, the applicant shall obtain such approval and comply with such requirements prior to and during filming.**

SECTION 11. Chapter 114A, "Filming," Section 114A-3, "Criteria for issuance of permits; appeals; conduct during filming," Subsection J, is hereby amended as follows:

J. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue that the Township was prevented from earning because of filming, **including but not limited to parking, facility use, recreation, permit, or other municipal revenue.**

SECTION 12. Chapter 114A, "Filming," Section 114A-4, "Fees," is hereby amended as follows:

§ 114A-4. Fees.

[A. Basic filming permit: \$300. Where an applicant requests a waiver of the provision of § 114A-3A, requiring expedited processing of the permit application, the basic filming permit shall be \$600.]

[B. Daily filming fee payable in addition to the basic filming permit: \$500 per day.]

[C. Daily filming fee payable for major motion picture or television series: \$1,500 per day.]

[D. Filming permit for nonprofit applications for educational purposes (no daily rate required): \$25.]

Fees for filming permits and related filming approvals shall be as provided in Chapter 113, Fees.

SECTION 13. Chapter 115, "Fire Prevention," Section 115-19, "Filming permit," Subsection A(4), is hereby amended as follows:

- (4) The filming employs the use of an aircraft **, unmanned aircraft system, or drone** of any type.

SECTION 14. Chapter 115, "Fire Prevention," Section 115-19, Subsection B(2), is hereby amended as follows:

- (2) The permit fee **[of \$200 is payable to the Fire Prevention Bureau Account and]** shall be **as provided in Chapter 113, Fees, and the permit shall be** valid for 30 days from the date of issuance.

SECTION 15. Chapter 115, "Fire Prevention," Section 115-19, is hereby amended to add new Subsections B(4) and B(5), as follows:

- (4) **Nothing herein shall relieve an applicant from obtaining any filming permit required pursuant to Chapter 114A.**
- (5) **The Fire Official or their designee may require a fire watch, Fire Prevention Bureau standby, Fire Department standby, inspection, or other fire safety measures when, in the judgment of the Fire Official or their designee, the filming activity involves or may involve fire safety, life safety, access, egress, hazardous materials, temporary wiring, generators, open flame, smoke/fog machines, pyrotechnics, tents, cooking operations, blocked fire lanes, impaired fire protection systems, or other similar conditions. The applicant shall be responsible for all costs associated with such fire watch, standby, inspection, or other required fire safety measures, in amounts established by Chapter 113, Fees, or, where no fee is specifically established, in an amount determined by the Township based upon actual costs incurred.**

SECTION 16. Chapter 113, "Fees," Section 113-1, "Designation of fees," is hereby amended to add filming fees as follows:

Services of the Township Clerk related to filming permits under Chapter 114A:

- (1) Basic filming permit: \$300.**

(2) Expedited basic filming permit, where an applicant requests a waiver of the five-day application period pursuant to § 114A-3A: \$600.

(3) Daily filming fee payable in addition to the basic filming permit: \$500 per day.

(4) Daily filming fee for a major motion picture or television series: \$1,500 per day.

(5) Filming permit for nonprofit applications for educational purposes, no daily rate required: \$25.

SECTION 17. Chapter 113, "Fees," Article III, "Fire Prevention Fees," Section 113-15, "Fee schedule," is hereby amended to add the following fee under Chapter 115, Fire Prevention:

§ 115-19 — Fire Prevention Bureau filming permit: \$200.

SECTION 18. All other provisions of Chapters 113, 114A, and 115 not amended herein shall remain unchanged.

SECTION 19. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 20. This ordinance shall take effect upon final passage and publication as required by law.