

ORDINANCE 2020-05
ORDINANCE OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CREATE CHAPTER
185 “FILMING,” OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO
REGULATE FILMING IN THE TOWNSHIP.

WHEREAS, the Township Committee wishes to create an ordinance to regulate filming activity in the Township of Franklin.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin that Chapter 185 “Filming,” shall be amended as follows:

Section 1:

Chapter 75. Filming

§185-1. Definitions.

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

CREW

Actors, extras, crew and all other persons who will participate in the filming.

FILMING

The taking of still or motion pictures, or any incidental activities in connection therewith, using 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, any portion of which activity occurs on public lands.

PUBLIC LANDS

Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Township which is within the jurisdiction and control of the Township.

§185-2. Film Commission.

There shall be a three-member Film Commission established, consisting of the Mayor, the Officer in Charge of the Franklin Township Police Department and one Committeeperson appointed by the Mayor, or their designees, which is hereby authorized to issue permits for filming or performing incidental activities in connection therewith on public lands.

§185-3. Permit required; applications; information.

- A. No person, firm or corporation shall film or permit filming or any activity in connection therewith within the Township of Franklin on public land without first obtaining a permit therefor from the Film Commission, which permit shall set forth the location of such filming and the date or dates when filming shall take place.
- B. Permit forms shall be obtained from the office of the Township Clerk during normal business hours. Applications for such permits shall be in a form approved by the Township Clerk and shall be accompanied by a permit fee as set forth in Chapter 182, Fees.
- C. With each permit, the applicant shall provide the following information:
 - (1) The number of members of the filming crew.
 - (2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.
 - (3) A description of arrangements for parking for crew and work vehicles.
 - (4) A description of sanitary arrangements to be made for crew and bystanders.
 - (5) A description of crowd control measures.
 - (6) A description of all location areas for filming or incidental activities.
 - (7) A description of cleanup methods to be used.
 - (8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
 - (9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth in § 185-4 hereof.
 - (10) Proof of insurance coverage as follows: combined single limit liability limits of \$1,000,000 and aggregate coverage in the amount of \$2,000,000. The Township of Franklin shall be named as an additional insured under the applicant's policy.
 - (11) An agreement in writing to indemnify and save harmless the Township of Franklin from any and all liability or damages from the use of such public lands for such filming.
 - (12) Such other information as required by the Film Commission necessary to protect the health, safety and welfare of the residents of the Township.

§185-3.1. Bond.

Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of \$2,000 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Township for property damage. The posting of the bond shall not be in lieu of providing liability insurance. The cash bond will be returned to the applicant, without interest, within 30 days after the applicant has notified the Township, in writing, that it has completed filming, unless the Township has unsatisfied claims against the applicant, in which case the Township will hold the bond, or a part thereof, until all claims against the applicant are satisfied.

§185-4. General regulations.

- A. 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 Township of Franklin Police Department with respect thereto.
- B. The holder of a permit shall conduct filming in such a manner so 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. 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.
- C. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first. The Township will require the posting of a letter of credit, bond or other performance guaranty in the amount of \$1,000 to cover possible costs incurred.
- D. Filming shall take place within the hours agreed upon by the Township Film Commission and the film company.
- E. Each film location shall have an off-duty Township of Franklin police officer, or a police officer approved by the Township of Franklin Police Chief, at the film location, the cost of which shall be paid by the film company, unless the Chief shall determine that no officer is necessary.
- F. No public street in the Township may be closed without the express permission of the Township Committee.
- G. If any inspections such as fire, electrical, building or plumbing are required, the costs shall be paid by the film company.

§185-5. Issuance of permit.

- A. The Film Commission will authorize the issuance of a permit to the applicant if it determines, based on the information supplied, that the applicant can provide adequate measures for parking, sanitary facilities, crowd control and cleanup; that the applicant will comply with the rules and regulations set forth in §185-4 hereof; and that the filming will not unduly interfere with the use and enjoyment of private property or the public facilities of the Township and will not endanger the public's health, safety and welfare.
- B. The Township Film Commission may refuse to issue a permit whenever, in its judgment, based on the information submitted, it determines that:
 - (1) 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.
 - (2) The applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup.
 - (3) The applicant has failed to establish that the filming would not 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.
 - (4) The applicant has not shown that it can comply with the rules and regulations set forth in §185-4 hereof.

§185-6. Violations and penalties.

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$1,000 or imprisonment for a term not to exceed 90 days, or both.

§185-7. Exceptions.

The provisions of this chapter shall not apply to the filming of news stories or filming with a crew of four or fewer members.

BE IT FURTHER ORDAINED, by the Township Committee of the Township of Franklin that Chapter 182 "Fees," shall be amended to create Section 28 as follows:

Section 2:

182-28. Filming

Filming permit (includes first day of filming and includes nonrefundable filing fee of \$100)	\$500.00
Every day thereafter	\$300.00
Plus, additional bond as referenced in §185-3.1 of the Filming Ordinance	

Section 3:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4:


Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on April 9, 2020 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on May 7, 2020 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance Online at <https://zoom.us/j/91671323476> and/or at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.


Christine Burke
Township Clerk



ADDITIONAL MEETING INFORMATION:

Topic: Town Committee

Time: May 7, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91671323476>

Meeting ID: 916 7132 3476

One tap mobile

+13126266799,,91671323476# US (Chicago)

+16465588656,,91671323476# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 916 7132 3476

Find your local number: <https://zoom.us/u/aeAt9ypOHy>

I, Christine Burke, Clerk for the Township of Franklin, hereby certify that Ordinance #2020-05 was introduced on first reading by the governing body of the Township of Franklin, County of Hunterdon, on April 9, 2020.

Public hearing and consideration for adoption was held on May 7, 2020, at which time the Ordinance was finally adopted.


Christine Burke, Township Clerk



Introduction : April 9, 2020
Published : April 16, 2020
Public Hearing : May 7, 2020
Adopted : May 7, 2020
Published : May 14, 2020