

Chapter 46A

FILMING

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 7-1-2004 as Ord. No. 012-2004. Amendments noted where applicable.]

§ 46A-1. Definitions.

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

FILMING — The taking of still or motion pictures either on film or videotape or similar recording medium 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 City of Gloucester City.

MAJOR MOTION PICTURE/TELEVISION SERIES.

- A. Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:
- (1) Universal Pictures;
 - (2) Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Air;
 - (3) Paramount, including MTV films and Nickelodeon Movie;
 - (4) 20th Century Fox, including Fox Searchlight;
 - (5) Sony/Columbia;
 - (6) Disney/Miramax;
 - (7) MGM – United Artists;
 - (8) Dreamworks;
 - (9) Any film for which the budget is at least \$5,000,000;
 - (10) Recurrent weekly television series programming.

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

§ 46A-2. Permit required.

- A. No person or organization shall film or permit filming on public or private land within the City of Gloucester City without first having obtained a permit from the office of the City Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one (1) location, and in no event shall filming at one (1) location within the city exceed a total of six (6) days in any one (1) calendar year, regardless of the number of permits utilized in each of the six (6) day maximum. Either or both of the three (3) consecutive day and six (6) day limitations may be extended only if the filming requested constitutes a "major motion picture" as defined by Section 46A-1. This permit must be readily available for inspection by city officials at all times at the site of the filming.
- B. All permits shall be applied for and obtained from the office of the City Clerk during normal business hours. Applications for such permits shall be in a form approved by the City Clerk and shall be accompanied by a permit fee in the amount established by Section 46A-12.
- C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the City Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all of the provisions of this chapter. No additional fee shall be paid for this permit.

§ 46A-3. Issuance of permits.

- A. No permits will be issued by the City Clerk unless applied for prior to five (5) days before their requested filming date. Provided, however, that the City Clerk may waive the five (5) day period if, in the Clerk's judgment,

the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

- B. No permit shall be issued for filming upon public lands unless the applicant shall provide the City with satisfactory proof of the following:
- (1) Proof of insurance coverage as follows:
 - (a) For bodily injury to any one (1) person in the amount of \$500,000. and any occurrence in the aggregate amount of \$1,000,000.
 - (b) For property damage for each occurrence in the aggregate amount of \$300,000.
 - (2) An agreement, in writing, whereby the applicant agrees to indemnify and hold harmless the City of Gloucester City from any and all liability, expense, claim or damages resulting from the use of public lands.
 - (3) The posting of cash of \$500. or a maintenance bond of \$500. established in the favor of the City of Gloucester City and protecting and insuring that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment and returning the property to its condition before the filming. Further, this maintenance bond shall also be posted in the favor of the City of Gloucester City in order to ensure that due observance of all city ordinances, laws and regulations will be followed. Within seven (7) days of the completion of the filming, the city will return the bond if there has been no damage to the property or public expense caused by the filming.
 - (4) The hiring of an off-duty City of Gloucester City police officer for the times indicated on the permit.
- C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of the pedestrians and traffic over public lands and shall

comply with all lawful directives issued by the City of Gloucester City Police Department.

§ 46A-4. Interference with public activity; notice of filming.

- A. The holder of a permit shall conduct filming in a manner as to minimize the inconvenience or discomfort of adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and shall park vehicles associated with such filming off the public streets.
- B. The holder shall avoid any interference of previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three (3) days prior to the requested filming date and be informed that objections may be filed with the City Clerk. Any objections received by the City Clerk, as described above, shall be made a part of the applicant's application and be considered in the review of that application. Proof of service of notification to adjacent property owners shall be submitted to the City Clerk within two (2) days of the requested filming date.

§ 46A-5. Filming in residential zones.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with Section 46A-8. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 46A-6. Refusal to issue permit; employment of patrolman and electrician.

- A. The City Administrator may refuse to issue a permit whenever he/she determines, on the basis of objective facts and a review of the application and a report thereon by the City Police Department and other city agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application will 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.
- B. The City reserves the right to require one (1) or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic. The cost of the patrolman is to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production does not have a licensed electrician on staff.

§ 46A-7. Appeals.

- A. Any person aggrieved by a decision of the City Administrator denying or evoking a permit or a person requesting leave pursuant to Section 46A-8 may appeal to the Mayor and Common Council of the City of Gloucester City. A written Notice of Appeal setting forth the reasons for the appeal shall be filed with the Administrator.
- B. An appeal from the decision of the Administrator shall be filed within ten (10) days of the Administrator's decision. The Mayor and Common Council shall set the matter down for a hearing within thirty (30) days of the date on which the Notice of Appeal is filed. The decision of the Mayor and Common Council shall be in the form of a resolution supporting the decision of the City

Administrator at the first regularly scheduled public meeting of the Mayor and Common Council after hearing the appeal (unless the appellant agrees in writing to a later date for the decision). If a resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief pursuant to Section 46A-8, so be deemed denied.

§ 46A-8. Waiver of requirements of chapter by Administrator.

The City Administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Administrator shall consider the following factors:

- A. Traffic congestion at the location used by vehicles to be parked on public streets;
- B. Applicant's ability to remove film-related vehicles off the public streets;
- C. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- D. The nature of the film shoot itself – e.g., indoor or outdoors, day or night, on public or private lands;
- E. Prior experience of the film company/applicant within the city, if any;
- F. Consultation with the Mayor or Common Council regarding the location where the filming is to take place.

§ 46A-9. Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit city

employees, agents or inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Township employees, agents or inspectors.

§ 46A-10. Reimbursement of Certain Costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the city for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the city was prevented from earning due to the filming.

§ 46A-11. Special regulations for major motion pictures.

- A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed three (3) consecutive days and/or may exceed six (6) days in duration, if approved by the Administrator in his or her discretion following a favorable review of the factors set forth in Section 46A-8.
- B. Any days necessary to be used for setup and preparation for major motion picture filming may, in the discretion of the Administrator, be counted as filming days where such setup is anticipated to involve one (1) or more of the factors set forth in Section 46A-8.

§ 46A-12. Fees.

The scheduled fees for the issuance of permits authorized in this Chapter are as follows:

- A. Basic filming permit – \$75. Where any applicant requests a waiver of the provision of Section 46A-3A, requiring expeditor processing of the permit application, the basic filming permit fee shall be \$175.

- B. Daily filming fee payable in addition to the basic filming permit shall be \$500.
- C. Daily filming fee payable for a major motion picture shall be \$1,500.
- D. Filming permit for nonprofit applicants filming for educational purposes – \$25. For permits issued to nonprofit applicants for filming for educational purposes, no daily fee shall be required.

§ 46A-13. Violations and penalties.

Any person violating these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$1,000. per day or imprisonment in the County jail for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.