

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **24-035**

1ST READING _____ SEPTEMBER 17, 2024

DATE TO MAYOR OCTOBER 16, 2024

2ND READING & PUBLIC HEARING OCTOBER 15, 2024

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE ESTABLISHING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 160, COMMERCIAL FILMING AND/OR STILL PHOTOGRAPHY PERMITS

Whereas the Council of the Township of Hamilton recognizes that there is a growing interest in using the Township of Hamilton as a filming location by film, TV and digital platforms, and that it is necessary to regulate licensing of commercial filming and/or still photography permits; therefore

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Part II, General Legislation, Chapter 160, Commercial Filming and/or Still Photography Permits* is hereby established as follows:

Chapter 160

COMMERCIAL FILMING AND/OR STILL PHOTOGRAPHY PERMITS

§ 160-1 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, via streaming, or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

MOTION PICTURE

Any film which is financed and/or distributed by a motion picture studio or streaming service.

TELEVISION PROJECTS

Any project which is financed and/or distributed by a linear broadcast network, streamer, or OTT Network.

PUBLIC LANDS

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

§ 160-2 Special Events Film Permit required.

- A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Municipal

EXPLANATION: Matter underlined thus in this legislation is new matter.
Matter contained in brackets [thus] is to be omitted from the law.

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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. Said permit must be readily available for inspection by township officials at all times at the site of the filming.

- B. All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established in Chapter 215, Fees, § 215-1, Municipal Clerk, of the Township Code.
- 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 Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.
- D. Exceptions to permit requirements.

No permit shall be required for:

- (1) Filming by news media for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.
- (2) Filming for private social activities, including weddings, unless the filming or photographing of such events is sold, leased, rented or used for any commercial purposes, including reality television, in which case, a permit shall be obtained and all fees paid.
- (3) Filming activities or still photography conducted for use in a criminal investigation or civil or criminal court proceeding, but not including films or photographs which are sold, leased or used for any commercial purpose.
- (4) Filming or still photography conducted solely for private non-profit, personal or family use, including real estate sales purposes of selling an individual residence.
- (5) Filming activities or still photography conducted by or for the Township of Hamilton.
- (6) A student film, provided that the makers and the school shall agree in writing that if the student film is ever released for commercial purposes, all permit costs and fees shall be due and payable as provided for in Chapter 215, Fees, § 215-1, Municipal Clerk, of the Township Code. All fees other than the permit fee, set forth in Chapter 215, Fees, § 215-1, Municipal Clerk, of the Township Code, shall apply.

§ 160-3 Issuance of permits.

- A. No permits will be issued by the Municipal Clerk unless applied for prior to three days before the requested shooting date; provided, however, that the Township Business Administrator may waive the three-day period if, in their 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 municipality with satisfactory proof of the following:
- (1) Proof of insurance coverage as follows:

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- (a) For bodily injury to any one 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 save harmless the municipality from any and all liability, expense, claim or damages resulting from the use of public lands.
- (3) The hiring of an off-duty 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 pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Hamilton Township Police Division with respect thereto.

§ 160-4 Interference with public activity; notice of filming.

- A. 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.
- B. 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. 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 days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.

§ 160-5 Refusal to issue permit; employment of patrolmen and electrician.

- A. The Township Clerk may refuse to issue a permit whenever the Clerk determines, on the basis of objective facts and after a review of the application and a report thereon by the Hamilton Township Police Division 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 adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. Further, the Township reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman 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 company does not have a licensed electrician on staff.

§ 160-6 Appeals.

- A. Any person aggrieved by a decision of the Municipal Clerk denying or revoking a permit or a person requesting relief may appeal to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk.

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B. An appeal from the decision of the Business Administrator shall be filed within 10 days of the Business Administrator's decision. The Township 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 Township Council shall be in the form of a resolution supporting the decision of the Business Administrator at the first regularly scheduled public meeting of the Township 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 within the time required, the decision of the Business Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

§ 160-7 Waiver of requirements of chapter by Business Administrator.

The Business Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Business Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Business Administrator shall consider the following factors:

- (1) Potential traffic congestion at the location.
- (2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.
- (3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.
- (4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.
- (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.
- (6) The Township's prior experience with the applicant, if any.

§ 160-8 Copies of permit; inspections.

Copies of the approved permit will be sent to the Hamilton Township Police and Fire Divisions before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Marshall or other Township inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instruction issued by the Fire Marshall or other Township Inspectors.

§ 160-9 Reimbursement of certain costs.

In addition to any other fees or costs mentioned in Chapter 215, Fees, § 215-1, Municipal Clerk, of the Township Code, the applicant shall reimburse the Township for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Township was prevented from earning because of filming.

§ 160-10 Violations and penalties.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties in Chapter 1, General Provisions, § 1-2, Violation; penalties, of the Township Code, per violation.

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Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
PASQUALE "PAT" PAPER, JR.				✓			PASQUALE "PAT" PAPER, JR.						
NANCY PHILLIPS	✓						NANCY PHILLIPS						
CHARLES F. WHALEN	✓				✓		CHARLES F. WHALEN						
RICHARD L. TIGHE, JR.	✓					✓	RICHARD L. TIGHE, JR.						
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting RES. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____