

**Town of West New York
County of Hudson**

Ordinance No. 4/96

**An Ordinance to regulate certain commercial
filming and photography within the Town of West New York
and to establish fees and procedures therefore**

WHEREAS, the Town of West New has been the site of occasional television, movie and other commercial still and motion filming; and

WHEREAS, said filming has created certain problems which require special regulation; and

WHEREAS, such regulation is necessary to preserve the public, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson and the State of New Jersey as follows:

SECTION 1. DEFINITIONS:

Filming - The taking of still or motion pictures, either on film, videotape or similar recording equipment, for any purpose.

Public Lands - Any and every public street, highway, sidewalk, square, park or playground and all other public places within the Town of West New York which are within the jurisdiction and control of the Town.

SECTION 2. PERMIT REQUIRED:

a. No person, firm, corporation or other entity shall commence filming within the Town of West New York without first obtaining a permit from the Town of West New York therefor. The permit shall set forth the location of the filming and the date or dates when filming shall take place and must be readily available for inspection by the Town officials at all times at the site of the filming.

b. Application for permits shall be obtained from the office of the Town Clerk during normal business hours. Completed applications must be submitted to the Town Clerk at least ten (10) days prior to the requested filming date and must be accompanied by a permit fee in the amount established by this ordinance. With each application, the applicant shall provide the following information:

- i. The number of actors, extras, crew and all other persons who will participate in the filming;
- ii. The estimated number and description of types of vehicles to be used by the crew, including vehicles used for transportation;

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- iii. A description of arrangements for parking for crew and work vehicles;
 - iv. A description of sanitary arrangements to be made for crew and bystanders;
 - v. A description of crowd control measures;
 - vi. A description of all location areas for filming or incidental activities;
 - vii. A description of cleanup methods to be used;
 - viii. A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required;
 - ix. Such other information as required by the Town to protect the health, safety and welfare of residents of the Town.
- c. All applications for filming within the Town of West New York shall be reviewed and acted upon by the Town Administrator or his designee.
- d. One (1) permit shall be required for each location.
- e. Permits must be obtained no more than ninety (90) days in advance of the first scheduled filming date and shall be valid for a period of no more than four (4) days of filming.

SECTION 3

RULES AND REGULATIONS GOVERNING ISSUANCE OF PERMITS:

- a. Filming shall be permitted only Monday through Friday. In no event shall filming be permitted in a residential area after 11:00 p.m.
- b. No permit shall be issued for filming unless the applicant provides to the Town of West New York:
- i. A certificate of insurance naming the Town of West New York the assured under a policy of insurance providing coverage as follows:
 - (1) for bodily injury to any one person in the amount of \$1,000,000 and any one occurrence in the aggregate amount of \$3,000,000; and
 - (2) for property damage, each occurrence in the aggregate amount of \$500,000; and

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- ii. A written agreement to indemnify and save harmless the Town of West New York from any and all liability, expenses (including but not limited to attorneys fees and other costs of litigation), claims and damages resulting in any way from the applicant's filming activities.

- c. Where the applicant's activities, by reason of location or otherwise, will directly involve or affect any business, merchant or resident, the applicant shall, within three (3) days after the filing of the application, give written notice to all those affected describing the activities and informing them that objections thereto may be filed with the Town Clerk. Any objections received will be considered by the Town Administrator or his designee in connection with the application.

- d. 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 West New York Police Department with respect thereto.

- e. 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 the filming and shall, to the extent practicable, abate noise and park vehicles associated with the filming off the public streets. The holder shall avoid any interference with previously scheduled activities on public lands and limit, to the extent possible, any interference with normal activity on public lands.

- f. The applicant shall make every effort to cooperate with residents to minimize the inconvenience caused by filming in (3) days notice of parking restrictions and all other inconveniences, such as may be allowed by the Town pursuant to the permit.

- g. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris during filming and shall be responsible, immediately upon the completion of filming or the expiration of the permit, whichever occurs first, for removing all equipment and debris from the filming location and restoring all affected lands to the same condition as existed prior to the filming activities.

- h. As a condition of the issuance of any permit hereunder, the applicant shall provide to the Town a certified check in the amount of one thousand dollars (\$1,000), or such higher amount as may be deemed appropriate by the Town Administrator or his designee, to ensure the performance of all obligations of the applicant under this ordinance and the permit issued hereunder. Any money remaining after full performance of all obligations shall be returned to applicant.

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- i. Each film location shall have such number of off-duty, West New York police officers (or other officers approved by the Director of Public Safety) as may be determined by the Director of Public Safety, the cost for which shall be paid by the applicant, in advance.
- j. When it is deemed appropriate by the Town Administrator or his designee, an on-site licensed electrician may be required, at the applicant's expense.
- k. No public street in the Town may be closed in connection with the filming activities without the permission of the Mayor and the Board of Commissioners.
- l. The Town Administrator or his designee may require any fire, electrical, building, plumbing or other inspections of the filming location and equipment as he deems appropriate, at the applicant's expense.
- m. If a permit is issued and, due to adverse weather or for other good cause, filming does not take place on the dates specified in the permit, the Town Administrator or his designee may, at the request of the applicant, issue a revised permit for filming on alternate dates, without an additional permit fee.
- n. The Town Administrator or his designee may refuse to issue a permit, and may revoke a permit already issued, whenever, in his judgment, he determines that:
 - (i) the applicant has not complied with the requirements for a permit as set forth herein; or
 - (ii) filming at the location or during the time set forth in the application would:
 - (A) violate any law or ordinance;
 - (B) unreasonably interfere with the use and enjoyment of adjoining properties;
 - (C) unreasonably impede the free flow of vehicular or pedestrian traffic; or
 - (D) otherwise not be in the best interests of the public health, safety or welfare; or
 - (iii) the applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup.

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o. Any person aggrieved by a decision of the Town Administrator or his designee denying or revoking a permit may appeal to the Mayor and Board of Commissioners. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Town Clerk within ten (10) days of the decision in question. The Mayor and Board of Commissioners shall set the matter down for a hearing within thirty (30) days of the day on which the notice of appeal was filed. In the event that the Mayor and Board of Commissioners does not hold a hearing on the appeal within that time, the decision of the Town Administrator or his designee shall be deemed affirmed by the Mayor and Board of Commissioners.

p. A copy of the permit shall be sent to the Director of Public Safety at least three (3) days before filming is permitted to commence. The applicant shall allow any and all inspections of the site and the equipment to be used, as may be deemed appropriate by the Town Administrator or his designee. The holder of a permit shall comply with all safety instructions issued by the Director of Public Safety and any Town inspectors.

SECTION 4

FEES:

Fees shall be as follows:

- a. Permit application fee, which shall accompany the application: twenty-five dollars (\$25.00);
- b. Filming permit for filming on public land: five hundred dollars (\$500.00); and
- c. Filming permit for non-profit applicants filming for educational purposes on public land: twenty-five dollars (\$25.00).

ALL FEES ARE NON-REFUNDABLE.

SECTION 5

PENALTIES:

Any person violating this ordinance or the provisions of a permit issued hereunder shall be subject to a fine not to exceed \$500.00 or imprisonment for a term not to exceed 30 days, or both.

SECTION 6

EXEMPTIONS:

1. Filming of news stories;
2. Filming intended solely for private, non-commercial use involving two (2) or fewer crew members;
3. Filming in connection with weddings provided that the applicant provides to the Town of West New York the following:

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(i) Proof of insurance coverage for bodily injury to any one person in the amount of \$500,000.00 and any one occurrence in the aggregate amount of \$1,000,000.00 and for property damage, each occurrence in the aggregate amount of \$300,000.00; and

(ii) Completed short form application and application fee in the amount of \$50.00.

SECTION 7

SEVERABILITY:

If any portion of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid or unenforceable, that portion shall be deemed severed from, and shall not impair the validity or enforceability of, the balance of this ordinance.

SECTION 8

EFFECTIVE DATE:

This ordinance shall take effect immediately upon passage and publication as required by law.

INTRODUCED: 2/07/96

ADOPTED: 2/21/96

Carmela Riccio, RMC, Town Clerk
Town of West New York
428 - 60th Street (Room 2)
West New York, N.J. 07093
(201) 295-5090
(201) 861-2576 (fax)

APPLICATION FOR PERMIT TO FILM OR PHOTOGRAPH ON PUBLIC LANDS

NAME OF APPLICANT: _____

ADDRESS: _____

PHONE NO.: _____ FAX NO.: _____

REQUESTED FILMING DATES: _____

EXACT LOCATION OF FILMING: _____

EXACT HOURS OF FILMING: _____

NUMBER OF ACTORS, CREW AND ALL OTHERS WHO WILL PARTICIPATE IN
THE FILMING: _____

ESTIMATED NUMBER & DESCRIPTION OF TYPES OF VEHICLES TO BE USED
BY THE CREW INCLUDING VEHICLES USED FOR TRANSPORTATION:

DESCRIPTION OF ARRANGEMENT FOR PARKING FOR CREW AND WORK
VEHICLES: _____

DESCRIPTION OF SANITARY ARRANGEMENTS TO BE MADE FOR CREW AND
BYSTANDERS: _____

DESCRIPTION OF ALL LOCATION AREAS FOR FILMING OR INCIDENTAL
ACTIVITIES: _____

DESCRIPTION OF CROWD CONTROL MEASURES: _____

DESCRIPTION OF CLEAN-UP METHODS TO BE USED: _____

DESCRIPTION OF ANY SPECIAL ELECTRICAL REQUIREMENTS AND THE METHODS OF SATISFYING THOSE REQUIREMENTS, INCLUDING ALL ELECTRICAL PERMITS REQUIRED: _____

Print Name & Title

Signature of Applicant
or Authorized Agent

**APPLICATION FOR PERMIT TO FILM OR PHOTOGRAPH
ON PUBLIC LANDS**

Town of West New York

AGREEMENT BY APPLICANT TO INDEMNIFY TOWN OF WEST NEW YORK
PURSUANT TO SECTION 3 (b) (ii) OF ORDINANCE #4/96

APPLICANT _____, IN CONSIDERATION OF THE PRIVILEGE OF FILMING ON PUBLIC LANDS WITHIN THE TOWN OF WEST NEW YORK, DOES HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS THE TOWN OF WEST NEW YORK, ITS BOARDS, AGENCIES, DEPARTMENTS, OFFICERS, AGENTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, DAMAGES AND EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEYS FEES AND OTHER COSTS OF LITIGATION, ARISING OR RESULTING IN ANY WAY FROM APPLICANTS FILMING ACTIVITIES:

Dated: _____

 Print Name & Title

 Signature of Applicant
 or Authorized Agent

DO NOT COMBINE FEES - THREE SEPARATE CHECKS MUST BE SUBMITTED

TO ACCOMPANY APPLICATION

NON-REFUNDABLE PERMIT APPLICATION FEE:
\$25.00 Section 4a

NON-REFUNDABLE FILMING PERMIT FEE FOR FILMING ON PUBLIC LAND:
\$500.00 Section 4b

or

NON-REFUNDABLE FILMING PERMIT FEE FOR NON-PROFIT APPLICANTS:
\$25.00 Section 4c

CERTIFIED CHECK IN THE AMOUNT OF \$1,000.00 AS MINIMUM
PERFORMANCE DEPOSIT:
Section 3h,i

CERTIFICATE OF INSURANCE NAMING TOWN OF WEST NEW YORK AS
ASSURED:
Section 3b (i)

	<u>CASH</u>	<u>CHECK#</u>
PERMIT APPLICATION FEE	_____	_____
FILMING PERMIT	_____	_____
\$1,000 MINIMUM PERFORMANCE DEPOSIT	_____	_____
CERTIFICATE OF INSURANCE	_____	(received)
DATE APPLICATION COMPLETE	_____	

ALL CHECKS MUST BE MADE PAYABLE TO TOWN OF WEST NEW YORK