

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #2/24

**AN ORDINANCE AMENDING CHAPTER 189 OF THE TOWN OF WEST NEW YORK
CODE ENTITLED "FILMING"**

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

WHEREAS, the motion picture and television industries provide economic and employment opportunities for Town residents and businesses, as well as an improvement in the Town's positive image and notoriety; and

WHEREAS, the Town of West New York aims to enhance these opportunities by encouraging and cultivating constructive relationships with individuals wishing to produce films, television shows, and motion pictures in the Town of West New York; and

WHEREAS, in order to build connections with the motion picture and television industries and encourage production, uniform procedures for obtaining filming permits are required, and such regulation is required to protect the public's 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 hereby set forth the procedures and policies for film permits as follows:

SECTION ONE

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 current technology 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 Town of West New York.

MOTION PICTURE

Includes, but is not limited to, any film which is financed and/or distributed by a motion-picture studio, independent film maker, cable or network television for the purpose of documentaries, commercial advertising, movies, music videos or television series.

PUBLIC LANDS

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

SECTION TWO

Permit Required; Fees:

- A. Permit required. No person or organization shall film or permit filming on public property within the Town without first having obtained a permit from the office of the Town 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, not to exceed three (3) days. Such permit must be readily available for inspection by Town officials at all times at the site of filming.

The three-day limitation may be extended only if the filming requested constitutes a major motion picture considering the following factors:

1. Traffic Congestion at the filming site caused by vehicles parked on public streets
2. Applicant's ability to remove film related vehicles off public streets
3. Applicant's request for restrictions in the use of public parking during the course of the filming
4. The accommodation of the film shoot itself – whether it's indoors, outdoors, day, or night
5. Prior filming history with the production company within the Town, if any.

- B. All permits shall be applied for from the Town Clerk during normal business hours. Applications for such permits shall be in a form approved by the Town Clerk accompanied by a permit fee in the amount set forth herein below.

- C. Reissuance of permit. 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 Town Clerk, after authorization from the Town Administrator or his/her designee, at the request of the applicant, may issue a new permit for filming on other dates subject to full compliance with all other applicable provisions of this chapter.

D. Fees:

Permit application fee, which shall accompany the application: seventy-five dollars (\$75.00), where the applicant requires expedited processing the fee shall be one hundred twenty-five dollars (\$125.00);

Permit for filming on public land: seven hundred fifty dollars (\$750.00); and

Permit for non-profit applicants filming for educational purposes on public land: fifty- dollars (\$50.00).

ALL FEES ARE NON-REFUNDABLE.

SECTION THREE

Issuance of permit; insurance and bonds:

- A. Time needed for issuance. No permit will be issued by the Town Clerk unless applied for at least ten (10) days in advance of the day of shooting and approved by the Town Administrator or his/her designee. The ten-day period may be waived by the Town Administrator or his/her designee if it is determined that sufficient cause is warranted and there will not be any undue interference with any property owners or tenants, be they residential, commercial or otherwise.
- B. No permit shall be issued for filming upon public lands unless the applicant provides the Town with satisfactory proof of the following:
- (1) A certificate of insurance naming the Town of West New York the assured under a policy of insurance providing coverage as follows: 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 for property damage, each occurrence in the aggregate amount of \$500,000.
 - (2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Town of West New York from any and all liability, expense, claim or damages resulting from the use of public lands.
 - (3) The posting of a cash or surety bond of **\$500 or a maintenance bond of \$1,000** in favor of the Town, thereby protecting and insuring that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment or materials, and that due observance of all Town ordinances, rules and regulations will be followed. **Within seven days of the completion of the filming, the Town will return the bond if there has been no damage to public property or public expense caused by the filming.** If the cost of rectifying the condition of the public property

exceeds the bond, the applicant/permit holder shall be responsible for all additional amount, and this shall be agreed to by the applicant as part of the application.

SECTION FOUR

Rules and Regulations:

- A. The Chief of Police shall be responsible for reviewing and advising each application, including determining whether police presence at the filming is required due to the impact on vehicle and pedestrian traffic and movement. **It is the applicant's responsibility to hire an off-duty West New York police officer in this regard so the Town does not incur additional staffing costs.**
- B. If determined that filming will directly impact merchants, businesses, and residents, the applicant must notice all affected within three days of filming and all objections must be filed with the Town Clerk.
- C. The Town Administrator or his designee may require any fire, electrical, building, plumbing or other inspections of the filming location and equipment as he/she deems appropriate, at the applicant's expense.
- D. The applicant, once the permit is issued, 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.
- E. 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.
- F. The Town Administrator or his designee may refuse to issue a permit, and may revoke a permit already issued, whenever, in his/her judgment, he/she determines that:
 - a. the applicant has not complied with the requirements for a permit as set forth herein; or
 - b. filming at the location or during the time set forth in the application would violate any law or ordinance;
 - c. unreasonably interfere with the use and enjoyment of adjoining properties;
 - d. unreasonably impede the free flow of vehicular or pedestrian traffic; or
 - e. otherwise not be in the best interests of the public health, safety or welfare; or
 - f. the applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup.
- G. 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 shall be filed with the Town Clerk setting forth the reasons for the appeal 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/her designee shall be deemed affirmed by the Mayor and Board of Commissioners.

- H. 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/her designee. The holder of a permit shall comply with all safety instructions issued by the Director of Public Safety and any Town inspectors.

SECTION FIVE

Hours Permitted:

- A. Filming shall not commence before 7:00 a.m. or continue after 11:00 p.m. without the expressed approval of the Director of Public Safety after receiving assurances from the Chief of Police that there will be no adverse impact to any resident or business as a result of this filming. Filming will take place Monday through Friday only unless otherwise approved by the Director of Public Safety.

SECTION SEVEN

Penalties:

- A. 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 EIGHT

Exemptions:

- A. Filming of news stories;
B. Filming intended solely for private, non-commercial use involving two (2) or fewer crew members;
C. Filming in connection with weddings providing that the applicant adheres to section 3B

SECTION NINE

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION TEN

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION ELEVEN

Codification. It is the intention of the Mayor and Board of Commissioners of the Town of West New York that the provisions of this article shall become and be made a part of the Town Code of Ordinances, and that the sections of this article may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION TWELVE

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 189 entitled "Filming" within the Town of West New York Code to include additional filming permit requirements and fees.

Introduced: February 7, 2024

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **February 7, 2024** and ordered published, for consideration before final passage at a public hearing on **February 21, 2024 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org/>. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.