



BOROUGH OF ROSELLE

210 CHESTNUT STREET • ROSELLE, NEW JERSEY 07203
TELEPHONE (908) 245-5600

Insurance Information: _____ Policy #: _____
Company and/or Agent

Check applicable condition(s) & attach applicable permit application(s) and information.

Related Conditions:	Yes	No
Certification of Insurance Submitted		
Hold Harmless Agreement Submitted (<i>A hold harmless Agreement must be signed for all outside activities held on Borough property.</i>)		
Police Security/Traffic Control Required		
Sanitation Facilities Plan Attached (if required)		
Third Party Operating Agreements Attached (if applicable)		
Street Closing required		
Fire Inspection Required		

I certify that the information herein is true and accurate to the best of my knowledge:

Signature: _____ Date: _____

The following Department Heads have conditionally approved your application for permission to film within the Borough of Roselle.

Police Chief

Date

Fire Chief

Date

Health Official

Date

Code Enforcement

Date

Borough Administrator

Date

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2431-12

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ROSELLE CREATING CHAPTER 108A, "FILMING IN THE BOROUGH"

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Borough Council of the Borough of Roselle, County of Union, New Jersey, as follows:

SECTION 1. The Code of the Borough of Roselle is hereby amended by the addition of Chapter 108A – "Filming in the Borough" to read as follows:

- §108A-1. Definitions.
- §108A-2. Permit required.
- §108A-3. Issuance of Permits.
- §108A-4. Fees.
- §108A-5. Violations and penalties.

Sec. 108A-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 Borough of Roselle and shall not include filming by local Borough of Roselle access television, presently Channel 34 and Channel 37 (FIOS).

Major motion picture - A "major motion picture" shall be defined as:

- (i) Any film which is financial and/or distributed by a motion picture studio, including but not limited to, the following:
 - (a) Universal Pictures;
 - (b) Warner Brothers, including New Line Camera, Castle Rock Cinema and Turner Production Company;
 - (c) Paramount;
 - (d) 20th Century Fox;
 - (e) Columbia/Tri-Star;
 - (f) Disney;
 - (g) MGM - United Artists; or
- (ii) Any film for which the budget is at least five million dollars.

Public lands - Any and every public street, highway, sidewalk, square, Public Park or playground or any other public place within the Borough which is within the jurisdiction and control of the Borough of Roselle.

Sec. 108A-2. Permit Required.

(a) No person or organization shall film or permit filming on public property within the Borough of Roselle without first having obtained a permit from the office of the Borough Administrator, which permit shall set forth the approved location of such filming and the approved duration of such filming b specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one location, and in no event shall filming at one location within the Borough exceed a total of six (6) days in any one (1) calendar year, regardless of the number of permits utilized in reaching this six-day maximum. This six-day limitation may be extended under the conditions set forth in section 108A-3(k) of this chapter for a major motion picture. The permit must be readily available for inspection by the Borough officials at all times at the site of the filming.

(b) All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough and shall be accompanied by a permit fee in the amount established by this chapter.

(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 Borough Administrator 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.

Sec.108A-3. Issuance of permits.

(a) No permits will be issued by the Borough Administrator unless applied for on or before seven (7) days before the requested shooting date, provided, however, that the Borough Administrator may waive the seven (7) day period if, in the Administrator'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 Borough the satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of one million dollars and any occurrence in the aggregate amount of five million dollars.

b. For property damage for each occurrence in the aggregate amount of one million dollars.

(2) An agreement in writing pursuant to which the applicant agrees to indemnify and save harmless the Borough of Roselle from any and all liability, expense, claims or damages for personal injury and property damage resulting from the use of public lands.

(3) The posting of a cash bond or one-thousand dollars or a maintenance bonds of one-thousand dollars running in favor of the Borough and protecting and insuring that the location utilized will be left after filming in satisfactory condition free of debts, rubbish and equipment, and that all town ordinances, laws and regulations will be followed. Within seven (7)

days of completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.

(4) The hiring of an off-duty Roselle 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 Roselle police department with respect thereto.

(d) The holder of a permit shall conduct filming in such 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 part vehicles associated with such filing off the public streets. The permit 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 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 seven days prior to the requested shooting date and be informed that objections may be filed with the Borough Administrator, said objections to form a part of the applicant's application and be considered in the review of the application. Proof of service of notification to adjacent owners shall be submitted to the Borough clerk at the time the permit application is submitted.

(e) 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 subsection (h) hereof, The set-up, production and break-down required by all filming shall be included in the hours set forth herein.

(f) The Borough Administrator may refuse to issue a permit whenever the Borough Administrator determines on the basis of objective facts and after a review of the application and a report thereon by the police department and by other town 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. Further, the Borough 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 in the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

(g) Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief pursuant to subsection (f) may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Administrator. An appeal from the decision of the Borough Administrator shall be filed within ten days of the Borough Administrator's decision. The Borough Council shall set forth the matter down for a hearing within thirty (30) days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution to be adopted at the first regularly scheduled public meeting of the Borough Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision.

(h) The Borough Administrator may authorize filming other than the hours herein

described. In determining whether to allow an extension of hours under this section, the Borough Administrator shall consider the following factors:

1. Traffic congestion at the location caused by vehicles to parked on the public street;
 2. Applicant's ability to remove film-related vehicles off the public streets;
 3. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
 4. The nature of the film shoot itself, e.g. indoor or outdoor; day or night;
 5. Prior experience of the film company/applicant with the Borough, if any;
- and
6. Consultation with the council ward representatives of the ward in which the filming is to take place.

(i) 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 the fire prevention bureau or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the fire prevention bureau or other Borough inspectors.

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

(k) Special regulations for major motion pictures,

(1) When filming is requested for a major motion picture, the approved location of such filming and the approved duration of such filming by specific reference to day or dates may exceed six (6) days in duration if good cause is shown for a need to film beyond six (6) days.

(2) Any days necessary to be used for set-up and preparation for a major motion picture filming may, in the discretion of the Borough Administrator, be counted as a filming day where such set-up is anticipated to involve one or more of the factors set forth in paragraph (h) above.

Sec. 108A-4. Fees.

The schedule of fees for the issuance of permits authorized by this chapter is as follows:

- A. Basic filming permit; one-hundred dollars (\$100.00). Where an applicant requests a waiver of the provisions of section 108A-3(a) requiring expedited processing of the permit application, the basic filming permit fee shall be two-hundred twenty-five dollars (\$225.00).
- B. Daily filming fee payable in addition to the basic filming permit: one-thousand five hundred dollars (\$1,500.00) per day.
- C. Filming permit for non-profit applicants filming for educational documentary or public television purposes (no daily rate required): twenty-five dollars (\$25.00).
- D. Filming permit for student applicants filming for educational documentary or public television purposes (no daily rate required): none.

Sec. 108A-5. Violations and Penalties.

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner of the private property and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a maximum penalty of imprisonment in the County jail or in any place provided by the Borough for the detention of prisoners for any term not exceeding 90 days or by a fine not exceeding \$2,000 or by a period of community services not exceeding 90 days, or any combination of the forgoing. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 3. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any cause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Conflict. This Ordinance is not meant to repeal any provisions of the Code other than those designated herein, but to add to its requirements, and all Ordinances or parts thereof, or other parts of the Code, inconsistent or in conflict with the provisions of the Ordinance are repealed only to the extent of such inconsistency or conflict.

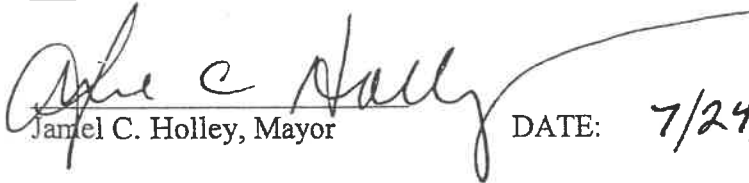
SECTION 5. The remaining provisions of the chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

SECTION 6. This Ordinance shall take effect at the time and in the manner provided at law.

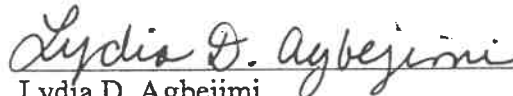
Recorded Vote on Final Passage of Ordinance No. 2431-12

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Dansereau						
Councilwoman Shaw			x			
Councilman Sandifer			x			
Councilwoman Turnage					x	
Councilman Locke	x		x			
Councilman Aubourg		x	x			

Approved
 Vetoed and returned to the Municipal Clerk with the following statement and objections:


 Jamel C. Holley, Mayor DATE: 7/24/12

NOTICE is hereby given that Ordinance Number 2431-12 was passed and adopted on second and final reading at a regular meeting of the Mayor and Council on July 18, 2012, after 7:00 P.M., 210 Chestnut St., Roselle, NJ.


 Lydia D. Agbejimi
 Deputy Municipal Clerk