



COUNTY OF BERGEN

ONE BERGEN COUNTY PLAZA
HACKENSACK, NJ 07601

Certified Copy

Ordinance: 19-24

Agenda: 10/2/2019

Ordinance 19-24

Meeting Date: 10/2/2019

County Counsel

Reading: Second

Purpose: An Ordinance Establishing Film & Television Permitting Process and Fees

Prepared By: JL/CP

Sponsored by Chairwoman Pro Tempore Voss, seconded by Freeholder Silna Zur, and adopted by the following vote:

Yes: 7 - Chairwoman Ortiz, Vice Chairwoman Amoroso, Chairwoman Pro Tempore Voss, Freeholder Ganz, Freeholder Tanelli, Freeholder Sullivan, and Freeholder Silna Zur

I, Lara Rodriguez, Clerk, Board of Chosen Freeholders, certify that this is a true copy of Ordinance No. 19-24, adopted by the BOARD OF CHOSEN FREEHOLDERS on 10/2/2019.

Attest:



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BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS ORDINANCE

WHEREAS, the film and television industry represents a potential for economic growth and development in Bergen County, economic and employment opportunities for County residents and businesses, and an increase in the County's positive image and publicity; and

WHEREAS, the County of Bergen seeks to expand this economic growth and development by encouraging and fostering a positive relationship with those seeking to produce films, television programs, and motion pictures in Bergen County; and

WHEREAS, to foster new relationships with the film and television industry and encourage production of visual media in Bergen County, there is a need for a uniform process to obtain film permits on County-owned property.

NOW, THEREFORE, BE IT ORDAINED THAT the Bergen County Board of Chosen Freeholders hereby set forth the procedures and policies for film permits as follows:

Section I: Definitions

- A. Commercial Filming** - All activities pertaining to the staging and/or shooting of motion pictures on either film, videotape, or similar recording medium, for sale or any commercial purpose. This term shall not include Private Video Photography or News Media as defined herein.
- B. Commercial Still Photography** - All activities pertaining to the staging and/or shooting of photograph(s) for sale or any commercial purpose. This term shall not include Private Video Photography or News Media as defined herein.
- C. News Media** - Photographic, filming, and/or videotaping for the purpose of spontaneous, unplanned television/web news broadcast or reporting for print media by reporters, photographers, or cameramen.
- D. Student Films** - Filming or still photography produced to satisfy a course or curriculum requirement at an accredited educational institution. The student filmmaker must supply proof that they are currently enrolled in any such educational institution.

- E. Private Videos and Photography** - The filming or videotaping of video or still photography intended and used solely for private use.
- F. County Public Lands** - Any street, highway, square, public park, structure or playground, or any other public place within the County which is within the jurisdiction and control of the County of Bergen.
- G. County Facility** - Any building, structure, or other facility, public or otherwise, under the jurisdiction and control of the County of Bergen, including but not limited to the County Administration Building, County Jail, Bergen County Courthouse and Justice Center complex, and County schools, senior centers, and healthcare facilities.

Section II: Permits

- A.** No person shall film or permit filming of video or still photography on County Public Lands or in County Facilities within Bergen County without first obtaining a permit from the County Administration.
- B.** The permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to days, dates, and hours of the day. Said permits shall be kept on hand by the permit holder and must be readily available for inspection by County officials at all times at the site of filming.
- C.** All permits shall be applied for and obtained from the County Administration during normal business hours. Applications for such permits shall be in a form approved by County Administration and be accompanied by permit fees in the amounts established by this Ordinance.
- D.** If a permit is issued and filming does not take place on the dates specified due to inclement weather or other good cause, the County may, at the request of the applicant, issue a new permit for filming on other dates, without additional charge to the applicant, subject to full compliance with all other provisions of this ordinance.
- E.** The provisions of this section shall not apply to News Media and Private Videos and Photography.

Section III: Issuance of Permits

- A.** Permits shall be issued by the County Administration after review and approval of application. Any such review shall determine whether any additional County services may be reasonably required depending on the nature of the activities proposed. For example, Sheriff's Officers may be needed for assistance with road closures or providing safety measures. If additional

services are required, the application shall be charged the appropriate fee for said services.

- B. Permits shall not be issued for filming upon County Public Lands or in County Facilities unless the applicant shall provide the County with satisfactory proof of the following:
1. Proof of insurance coverage, listing the County of Bergen as an insured or additional insured which coverage shall provide as a minimum:
 - a. For bodily injury/property damage in the amount of one million (\$1,000,000) dollars per occurrence and in the aggregate amount of two million (\$2,000,000) dollars.
 - b. For personal/advertising injury one million (\$1,000,000) dollars for each occurrence.
 2. A written hold harmless and indemnification agreement acceptable to the Office of County Counsel. The holder of a permit shall not harm the area in which filming takes place and shall return the area to the same or better condition in existence prior to filming. The holder of a permit shall not assign its rights under a permit to any other individual or entity. This section shall not create any liability to the County of Bergen with respect to any adjoining property owners. The applicant shall agree to indemnify and hold harmless the County of Bergen from any and all liability, expense, claim, or damages resulting from the use of County Public Lands and County Facilities.
 3. The County may require a performance bond depending on the nature of filming.
 4. 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 County and Municipal law enforcement, the County Fire Marshal, County Administration, and with respect thereto.
 5. The permit holder 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 off of public thoroughfares so that they will have a minimal effect on traffic. Permit holders must obey County and Municipal noise ordinances and any and all vehicles parked on public rights of way shall be done so in accordance with all applicable state, county, and municipal regulations.
 6. The permit holder shall not interfere with previously scheduled activities upon County Public Lands and in County Facilities and shall limit, to the extent possible, any interference with normal public activity on such County Public Lands and normal operations in County facilities.

7. If the holder of a permit shall fail to comply with the provisions outlined in Section III above or any other provisions of this ordinance, County Administration shall revoke the permit and the applicant must immediately cease and vacate its operations from County Public Lands or County Facilities.
8. It is requested that that the holder of a permit consider adding a credit to the completed film noting that it was "Filmed in the County of Bergen, New Jersey, with the cooperation of the Bergen County Executive and Board of Chosen Freeholders."
9. Permit holders shall not portray the County, its departments or agencies, or any officers or employees thereof in a false or negative light or in a manner that would give a false impression of fact of any of the foregoing in the mind of a reasonable viewer.

Section IV: Refusal to Issue Permit, Employment of Law Enforcement and Alterations to Facilities.

- A. The County of Bergen may refuse to issue a permit wherever it determines on the basis of objective facts and after a review of the application by County Administration and by other County agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate a 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, unreasonably interfere with County business, or otherwise endanger the public's health, safety, or welfare.
- B. The County of Bergen reserves the right to require one or more sworn Bergen County or Municipal Law Enforcement officers, security personnel, fire/EMS personnel or any other such specialized County officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as cost of production.
- C. Any and all modifications to County property, including but not limited to electrical power lines, facility modifications, or temporary structures must be requested in writing to County Administration for review prior to engaging the services of any tradesman or craftsman. When existing electrical power lines are to be utilized by production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

Section V: Appeals

- A. Any person who is not satisfied by the decision of the County denying or revoking a permit may appeal to the Board of Chosen Freeholders. A written notice of appeal must be filed

within ten (10) days of receipt of said decision.

- B. The Board of Chosen Freeholders shall schedule a hearing within thirty (30) days of the filing of the notice of appeal. The decision of the Board shall be in the form of a resolution at a regularly scheduled public meeting. The appellant and Board may agree in writing to a later date for the decision if more time is required to make the determination.

Section VI: Waiver of Requirements

- A. The County may authorize a waiver of any of the requirements or limitations of this Ordinance by amending this Ordinance subject to approval by the Board of Chosen Freeholders.
- B. In determining whether to allow filming on County Public Lands or in County Facilities outside of normal business hours, the County shall consider factors including but not limited to the following:
1. Traffic congestion at the location;
 2. The applicant's ability to remove film-related vehicles from public rights of way;
 3. Whether the applicant is requesting restrictions on the use of public streets or parking during the course of filming;
 4. Nature of the film shoot itself; e.g. indoors or outdoors; day or night; proximity to residential neighborhoods; potential for disruption of normal residential or business activities; and
 5. Prior experience of the film company/applicant with the County of Bergen, if any.

Section VII: Reimbursement of Certain Costs. In addition to any and all other fees and costs mentioned in this Ordinance, the applicant shall reimburse the County for any lost revenue, including but not limited to, repairs required to any public property, and any revenues that the County was prevented from earning because of filming.

Section VIII: Fees. The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- A. Commercial Filming permit: \$1,250.00 per day
- B. Commercial Still Photography permit: \$100.00 (fee subject to change based on duration of shoot)
- C. Non-profit or student films: No permit fee. Student films are otherwise liable for all other costs except for filming or photography that is part of a course of study at any educational institution or facilities located within the County of Bergen.
- D. Police/Fire protection: an additional cost to be determined by the Bergen County Sheriff's

Department and Bergen County Fire Marshal.

- E. Use of County parks, County public lands, or County facilities may incur additional fees in accordance with Bergen County's facility use fee schedules.

Section IX: Penalties

Any person violating the rules and regulations contained herein may be subject to a fine not to exceed \$500.00 per violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. These penalties shall not be the exclusive remedy of the County in the event that civil damages may be sought in connection with any violation of the terms and conditions contained herein or which arise as a consequence of filming on County public lands or in County facilities.

Section X: On or about 7:00 PM on September 18, 2019, at the Bergen County Freeholder Public Meeting Room, Fifth Floor, One Bergen County Plaza, Hackensack, NJ is fixed as the time and place when and where any and all persons interested shall be given an opportunity to be heard concerning the ordinance.

Section XI: Pursuant to N.J.S.A. 40:41A-101, this ordinance shall be published at least once in the manner provided in N.J.S.A. 40:41A-142, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. The publication shall be at least one (1) week prior to the time fixed for further consideration for final passage.

Section XII: A copy of the proposed ordinance shall also be sent by regular mail to the clerk of each municipality in the county not less than one (1) week prior to the date of hearing.

Section XIII: Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in One Bergen County Plaza, and copies of the ordinance shall be made available to members of the general public who shall request such copies.

Section XIV: Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the Board, with or without amendments, or rejected.


Section XV: Pursuant to N.J.S.A. 40:41A-101, this ordinance shall take effect twenty (20) days after its final passage by the Board and approval by the County Executive.

Section XVI: Upon passage, the ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by N.J.S.A. 40:41A-142 of this act.

Section XVII: One certified copy of the full text of every ordinance so adopted shall be filed with the clerk of each municipality within the County not later than ten (10) days after the date of final passage.

Section XVIII: All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section XIX: If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remained or any portion thereof.

COUNTY EXECUTIVE 
_____ APPROVED
_____ REJECTED