

Borough of Matawan
201 Broad Street
Matawan New Jersey 07747
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Public Notice of Pending Ordinance 24-25

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on September 17, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on October 1, 2024 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 24-25

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN

CHAPTER 4 – LICENSING AND BUSINESS REGULATIONS

WHEREAS, the Borough of Matawan (the "Borough") seeks to become a desirable location for the filming of motion pictures and television programs; and

WHEREAS, it is the desire of the Mayor and Council to implement filmmaking regulations to ensure the continued peace and tranquility of the Borough's residents, while also promoting the Borough as a desirable and attractive location for the filming and production of motion pictures and television programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that Chapter 4: "Licensing and Business Regulations" of the Borough's Revised General Ordinances is hereby supplemented with *new* Section 4-17: "Filming" as follows:

CHAPTER 4 LICENSING AND BUSINESS REGULATIONS

4-17 FILMING.

4-17.1 Definitions.

As used in this article, these terms shall have the following meanings:

FAMILY VIDEOS AND PHOTOGRAPHY

The filming or videotaping of motion pictures, or still photography, intended solely for private use.

FILMING

The taking of commercial still photography or motion pictures either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theaters or for institutional uses. This term shall not include family videos and photography, and news media, as defined herein.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture, or television production studio or corporation; or filming activity connected with any part of a production with an overall budget of \$2,000,000, or more; or any recurrent television series programming.

MOTION PICTURE, TELEVISION PICTURES, COMMERCIAL STILL PHOTOGRAPHY

All activities attendant to the staging and/or shooting of commercial motion pictures, television series, television movies, internet broadcasts, reality television, commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than 60 consecutive minutes.

NEWS MEDIA

Photographic, filming, and/or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or cameramen.

PUBLIC LANDS

The areas, including but not limited to any public building, street, sidewalk highway, sidewalk, square, park, playground, and other public places, which is within the jurisdiction and control of the Borough.

STUDENT FILMS

Motion picture, television or still photography produced to satisfy a course or curriculum requirement at an accredited educational institution. The student filmmaker must supply proof that he/she is currently enrolled in any such educational institution.

4-17.2 Permit required.

- a. No person shall use any public or private property, public right-of-way, facility, and/or residence for the purpose of taking motion pictures, television pictures or commercial still photography, as defined herein, without first applying for and receiving permit approved by the Borough Administrator.
- b. The permit shall set forth the approved location(s) of such filming and also the approved duration of such filming by specific reference to date(s) and time(s). Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.

- c. All permit applications shall be submitted to the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Administrator and be accompanied by permit fees, if applicable, in the amounts established by this Section.
- d. If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the Borough Administrator may issue a new permit for filming on other dates subject to full compliance with all other provisions of this article. No additional fee shall be paid for this new permit.
- e. The provisions of this section shall not apply to News Media and Family Videos and Photography.

4-17.3 Issuance of permits.

- a. Permits shall be issued by the Borough Administrator, or his/her designee. The Borough Administrator, or his/her designee, shall review each application to determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed.
- b. Expedited permits may be issued by the Borough Administrator, or his/her designee, upon payment of the requisite fee. The Borough Administrator, or his/her designee, shall review each application to determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Expedited permits shall be issued at the close of the third business day after submission of a complete permit application.
- c. No permits shall be issued unless all fees and reasonably necessary reimbursable expenses are paid to the Borough.
- d. No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:
 - 1. Proof of insurance coverage, including but not limited to for bodily injury to any one person in the amount of \$1,000,000, and any occurrence in the aggregate amount of \$3,000,000;
 - 2. For property damage for each occurrence in the aggregate amount of \$1,000,000;
 - 3. A written hold harmless and indemnification agreement acceptable to the Borough Attorney;
 - 4. The posting of cash or maintenance bond for the value of \$500, protecting and insuring that the location utilized for the filming will be left, in a satisfactory condition, free of debris, rubbish, and equipment, and that due observance of all Borough ordinances, laws, and regulations will be followed. Within seven days of the completion of the filming, the Borough will return the bond if there has been no damage to the public property or public expense caused by the filming.
- e. 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 Police Department, the Fire Official and the Borough Administrator and with respect thereto.
- f. The applicant shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners as a result of such filming and shall, to the extent practicable, abate noise and park vehicles off the public streets. All vehicles parked on public

streets and rights-of-way shall be done so in accordance with all applicable state and local regulations.

- g. The holder shall not interfere with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands.
- h. Any production activities, whether on public or private property, which involve or utilize pyrotechnics or the indoor use of gas-powered vehicles or apparatus will require inspection by the Fire Official, and if deemed necessary, the requirement that a fire professional be present during said production activities.
- i. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants, or residents, the applicant shall give written notice of the filming to all affected businesses and residents in proximity to the filming location at least three days prior to the submission of a completed permit application. Such written notice shall be in a form acceptable to the Borough Administrator and shall inform such businesses and residents that objections may be filed with the Borough Administrator within the next three days, said objections to form a part of applicant's application and be considered in the review of the same.

4-17.4 Filming in residential areas.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m., and all activity shall comply with the noise regulations of this Borough Code, provided that requests for scenes outside of such hours may be approved in the discretion of the Borough. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

4-17.5 Refusal to issue permit; employment of patrolmen and electrician.

- a. The Borough Administrator, or his/her designee, may refuse to issue a permit whenever he or she determines, on the basis of objective facts and after a review of the application by the Police Department and by other Borough 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. In the discretion of the Borough Administrator, after consultation with the Police Department and other Borough agencies involved, the Borough may require one or more police officer(s), firefighting personnel or any such other specialized Borough 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. 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.

4-17.6 Appeals.

- a. Any person aggrieved by a decision of the Borough Administrator, or his/her designee, denying or revoking a permit or a person requesting relief pursuant to Section 4-17.5 may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed within 10 days of said decision.
- b. The Borough Council shall set the matter down for a hearing within 30 days of the filing of the notice of appeal. The decision of the Borough Council shall be in the form of a resolution at the

first regularly scheduled public meeting, after the hearing of the appeal. The appellant may agree in writing to a later date for the decision.

4-17.7 Waiver of Requirements by Borough.

The Borough Administrator, or his/her or designee, may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this article, the Borough Administrator, or his/her designee, shall consider factors, including but not limited to the following:

- a. Traffic congestion at the location;
- b. The applicant's ability to remove film-related vehicles off the public streets;
- c. Whether the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- d. Nature of the film shoot itself; e.g. indoor or outdoors; day or night; on public or private lands; proximity to residential neighborhoods; potential for disruption of normal residential or business activities; and
- e. Prior experience of the film company/applicant with the Borough, if any.

4-17.8 Copies of permit; inspections.

Copies of the approved permit shall be sent to the Police Department before filming takes place. The applicant shall permit the Police Department, the Fire Official or other Borough inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued by the Police Department, the Fire Official, or other Borough inspections.

4-17.9 Reimbursement of certain costs.

In addition to any and all other fees or costs mentioned in this article, the applicant shall reimburse the Borough for any lost revenue, including but not limited to, repairs required to public property, and any revenues that the Borough was prevented from earning because of the filming.

4-17.10 Fees.

The schedule of fees for the issuance of permits authorized by this article are as follows:

- a. Basic filming permit: \$100.
- b. Expedited filming permit: \$250.
- c. Student films: no permit fee. Student films are otherwise liable for all other Borough costs, except for filming or photography that is part of a course of study at any educational facilities attended by an applicant who is also a resident of the Borough.
- d. Overnight parking/use of Borough lot(s): at cost.
- e. Police/fire protection: at cost.
- f. Use of Borough buildings, public parks, or closing of any street(s): \$500 per facility, per day.
- g. Filming/production taking place entirely on private property without any additional municipal resources: no permit fee.

4-17.11 Violations and penalties.

Where the owner of the premises is not the applicant for a permit required by this article, both the owner and the applicant shall each be liable for violations hereof. Any person violating this article or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$1,000 per day or by imprisonment in the county jail for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

BE IT FURTHER ORDAINED, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

BE IT FURTHER ORDAINED, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.