

**BOROUGH OF KINNELON
ORDINANCE NO. 2025-XXX**

**AN ORDINANCE TO ADD CHAPTER 125 TO THE CODE OF THE BOROUGH OF
KINNELON ENTITLED "FILMING"**

WHEREAS, The Mayor and Council of the Borough of Kinnelon desires to create an Ordinance to establish conformity with the "Film Ready" New Jersey requirements; and

WHEREAS, Chapter 125 of the Code of the Borough of Kinnelon hereby establishes and sets forth all regulations regarding Filming within the Borough of Kinnelon.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Kinnelon as follows:

Section 1: A New Chapter 125 is hereby established to be titled "Filming" to read as follows:

Section 125-1: Definitions

As used in this chapter, the following terms shall have the meaning indicated:

CREW

Actors, extras, directors, production managers, camera operators, and all technical and support personnel who participate in the on-site filming within the Borough of Kinnelon.

FILMING

The taking of still or motion pictures intended for viewing on television, in theaters or for institutional uses. The provisions of this chapter shall not be deemed not to include the "filming" of news stories within the municipality.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion-picture studio, including but not limited to the following:

- 1) NBC Universal, including Peacock;
- 2) Warner Bros-Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment;
- 3) Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks, and Nickelodeon Movies;
- 4) Walt Disney Studios, including 20th Century Studios, Searchlight Pictures, Hulu), and Marvel Studios;
- 5) Sony Pictures, including Columbia Pictures, Screen Gems, and TriStar Pictures;
- 6) Amazon MGM Studios;
- 7) Netflix Studios;
- 8) A24;
- 9) Any film for which the budget is at least \$20,000,000;
- 10) Any recurring weekly, or limited television Series programming;

PRODUCTION

Any undertaking wherein filming, video or digital recording is the end product.

PUBLIC LANDS AND/OR PROPERTY

Any and every public street, highway, sidewalk, square, public park or playground or any other public place including public buildings within the Borough of Kinnelon which is within the jurisdiction and control of the Borough of Kinnelon. Public property also includes but is not limited to trees, shrubs, grass, street lamps, guardrails, street signs, trail markers, etc.

Section 125-2. Permit required

A. No person or organization shall film or permit filming on public property or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including but not limited to any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic without first having obtained a permit from the office of the Borough 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. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.

Section 125-3. Issuance of Permits

A. No permits will be issued by the Borough Administrator unless applied for no less than four (4) days before the requested shooting date. The Borough Administrator will then issue or deny the application within three (3) days of their receipt of the application. The Borough Administrator, however, may waive the required waiting period if in their 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 with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

(a) For bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.

(b) For property damage for each occurrence in the aggregate amount of \$300,000.

(2) An agreement in writing, whereby the applicant agrees to indemnify and save harmless the Borough of Kinnelon from any and all liability, expense, claim or damages resulting from the use of public lands.

(3) The hiring of, at minimum, one off-duty police officer for the times indicated on the permit. The Kinnelon Chief of Police will determine, based on the complexity of the project and the impact to the Borough, if more officers are required.

(4) All applications for permits to film in the Borough of Kinnelon shall include the following:

- a.) The number of members of the filming crew;
- b.) The estimated number and description of all types of vehicles to be used by the crew, including those used for transportation;
- c.) A description of the arrangements for parking for crew vehicles and work vehicles;
- d.) A description of sanitary arrangements to be made for crew and bystanders;
- e.) A description of crowd control measures;
- f.) A list of all location areas for filming and incidental activities;
- g.) A plan for cleanup during and after production;
- h.) A description of any special electrical and or pyrotechnic requirements and the methods of satisfying those requirements including the appropriate permits and/or licenses;
- i.) Proposed hours of operation;
- j.) Proof of insurance coverage as required herein.

Section 125-4. Interference with public activity; notice of filming.

A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attribute to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

B. The 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 such 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 three days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.

Section 125-5. Refusal to issue permit; employment of patrolmen and electrician.

A. The Borough Administrator may refuse to issue a permit whenever he or she 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 township 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. Further, the Borough reserves the right to require one or more on-site patrolmen in situation 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 by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

C. If the Production requires the use of firearms on public or private property, the production is required to have a licensed firearms handler onsite whenever firearms are present. Prior to use of said firearms, they will need to be examined by the firearms inspector employed by the Kinnelon Police Department, who will also inspect their safe storage.

D. Further, if the production involves or requires the use of drones or other airborne vehicles, the production will supply any and all documentation necessary to verify to the Kinnelon Chief of Police that the operators of said aircraft are compliant with all FAA regulations.

E. Additionally, if the production involves the use of pyrotechnic effects the production will be required to have a licensed pyrotechnic advisor on staff and a copy of their valid license will be provided with the application to be reviewed by the Borough's Fire Inspector.

F. Filming done on property owned by the Kinnelon Board of Education will require separate permission for the same. Written permission for use of Board of Education property will be submitted with the application to the Borough.

Section 125.6 Appeals.

A. Any person aggrieved by a decision of the Borough Administrator denying or revoking a permit or a person requesting relief may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator.

B. An appeal from the decision of the Administrator shall be filed within 10 days of the Administrator's decision. The Borough Council shall set 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 supporting the decision of the Borough Administrator 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. If such resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed, and a permit shall be issued in conformity with the application, or the relief shall be deemed denied.

Section 125-7. Waiver of requirements of chapter by Administrator.

The Borough Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver the Administrator shall consider the following factors:

- (1) Potential traffic congestion at the location.
- (2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.
- (3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.
- (4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.

- (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.
- (6) The Borough's prior experience with the applicant, if any.

Section 125-8. Copies of permit; inspections.

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, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Borough inspectors.

Section 125-9. Reimbursement of certain costs.

In addition to other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, or other revenues that the Borough was prevented from earning because of filming. In addition, the applicant shall reimburse the Borough for any public property disturbed or damaged during the course of prep, filming or post filming activities. To avoid any such reimbursement, the applicant may immediately make whole again any disturbed or damaged public property in its original condition to the satisfaction of the Borough Administrator.

Section 125-10. Fees.

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

- A. Basic filming permit: \$100.00, with four (4) or more days of advanced notice of the first day of filming;
- B. Where art applicant requests a waiver of the provision of Section 3A 125-10A, requiring expedited processing of a permit application within three (3) days of the filming date, the basic filming permit fee shall be \$250.00;
- C. Daily filming payable in addition to the basic filming permit when filming on public property for film and television projects with a budget under \$20,000,000: \$150.00 per day;
- D. Daily filming fee payable for major motion picture when filming on public property for film and television projects with a budget over \$20,000,000: \$500 per day;
- E. Filming permit for nonprofit applicants filming for educational purposes, including student films (no daily rate required): \$25.00.
- F. Filming on private property: no daily filming fee will be imposed by the Borough;
- G. Public Safety: The hiring of off-duty police officers, fire suppression personnel, police and fire inspectors according to an agreed upon police and public safety plan will be at the municipality's standard hourly **rate** for police and fire;
- H. Inconvenience fee for street closures with more than 10,000 residents: up to \$5,000.00.

Section 125-11. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000.00, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

Section 125-12. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 125-13. Severability

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The governing body of the Borough of Kinnelon declares that it would have passed the ordinance and each section thereof irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 125-14. Effective Date.

This ordinance shall take immediate effect upon passage and publication according to law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Chirido						
Mabey						
Frank						
Lewis						
Reckler						
Harriz						

APPROVED:

JAMES FREDA, MAYOR

Attest:

KAREN IUELE, Borough Clerk