

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2024-17

ORDINANCE AMENDING CHAPTER 355: “FILMING” TO UPDATE THE BOROUGH’S COMMERCIAL FILMMAKING REGULATIONS TO SEEK FILM READY CERTIFICATION FROM THE NEW JERSEY MOTION PICTURE AND TELEVISION COMMISSION.

WHEREAS, the Borough of Red Bank (the “Borough”) has become a desirable location for the filming of motion pictures and television programs; and

WHEREAS, since 2010, Chapter 355: “Filmmaking” of the Borough’s Revised General Ordinances has regulated such filmmaking activities to minimize disruptions to the peace and tranquility of the Borough’s residents; and

WHEREAS, it is the desire of the Mayor and Council to revise and update such 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; and

WHEREAS, it is also the desire of the Mayor and Council to update the Borough’s filmmaking regulations in furtherance of the Borough applying for Film-Ready Certification from the New Jersey Motion Picture and Television Commission;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that Chapter 355: “Filming” of the Borough’s Revised General Ordinances is amended as follows (stricken text deleted; underlined text added):

CHAPTER 355: “FILMING”

ARTICLE I: COMMERCIAL FILMMAKING

§ 355-1 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

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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 of Red Bank.

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.

§ 355-2 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 approval from the Special Events Committee and a permit approved by the Borough Manager of the Borough of Red Bank, as applicable.
- 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 day or dates date(s) and time(s). ~~No permit shall authorize filming for more than three consecutive days in any one location, and in no event shall filming at one location within the Borough exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three consecutive day and the six-day limitations may be extended only if the filming requested satisfies the major motion picture exception defined by § 355-10.~~ Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.
- C. All permits shall be applied for 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 Manager and be accompanied by permit fees, if applicable, in the amounts established by this article in § 355-1110.

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- 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 Manager 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.

§ 355-3 Issuance of permits.

- A. Permits shall be issued by the Borough Manager, or his or her designee, ~~after review and approval of the Borough's Special Events Committee at one of its regularly scheduled meetings. Any such~~ The Borough Manager, or his or her designee, shall review each application ~~shall~~ 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 Manager, or his or her designee, upon payment of the requisite fee. ~~The Borough Manager may issue the permit without approval of the Special Events Committee, so long as the application complies with all other requirements of this section. The Borough Manager, or his or her designee, may 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 ~~fourth~~ 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 of Red Bank 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

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directives issued by the Red Bank Police Department, the Fire Marshal and the Borough Manager 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 Marshal, and if deemed necessary, the requirement that a fire professional be present during said production activities.
- H.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 within 200 feet of in proximity to the filming location, and further, provide written proof of such notice at least three business days prior to the submission of a completed permit application. Such written notice shall be in a form acceptable to the Borough Manager and shall inform such businesses and residents that objections may be filed with the Borough Manager within the next three business days, said objections to form a part of applicant's application and be considered in the review of the same.

§ 355-4 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 meet the standards of Chapter 450, Noise, of this Code, provided that ~~all requests for night scenes outside of such hours shall~~ ~~may~~ be approved in the ~~permit to be granted~~ ~~discretion of the Borough~~ in accordance with § 355-7 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 355-5 Refusal to issue permit; employment of patrolmen and electrician.

- A. The Borough Manager, or his or designee, of Red Bank may refuse to issue a permit whenever ~~it~~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. The In the discretion of the Borough Manager, after consultation with the Police Department and by other Borough agencies involved, the Borough reserves the right to may require one or more Red Bank police officer(s), Fire Department personnel or any

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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.

§ 355-6 Appeals.

- A. Any person aggrieved by a decision of the Borough Manager, or his or designee, denying or revoking a permit or a person requesting relief pursuant to § 355-5 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.

§ 355-7 Waiver of requirements by Borough.

The Borough Manager, or his 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 Manager, or his or 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.

§ 355-8 Copies of permit; inspections.

Copies of the approved permit shall be sent to the Police and Fire Departments before filming takes place. The applicant shall permit the Police Department, the Fire Marshal 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 Marshal, or other Borough inspections.

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§ 355-9 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.

§ 355-10 Special regulations for major motion pictures.

- A. ~~With regards to filming being done on a major motion picture, and upon a favorable review of the factors set forth in § 355-7, the Borough may grant an exemption of the three-consecutive filming day limit and/or the six total filming days within a calendar year limit as defined in § 355-2;~~
- B. ~~Any days that are necessary for setup and preparation of a major motion picture filming may, at the discretion of the Borough, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § 355-7 hereof.~~

§ 355-1110 Fees.

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

- A. Basic filming permit (~~Special Events Committee review~~): \$100.
- B. Expedited filming permit (~~Borough Manager review~~): \$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 Red Bank educational institution, including but not limited to, the Red Bank Public Schools, the Red Bank Charter School, Red Bank Catholic High School, or the Red Bank Regional High School District, or such other educational facilities located within 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-\$750~~ per facility, per day.
- G. Filming/production taking place entirely on private property without any additional municipal resources: no permit fee.

§ 355-1211 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

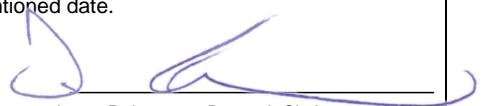
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separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank that if any provision 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 by the Mayor and Council of the Borough of Red Bank that this Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				KRISTINA BONATAKIS		X	X			
	X	X				DAVID CASSIDY		X		X		
		X				NANCY FACEY-BLACKWOOD				X		
X		X				BEN FOREST				X		
		X				LAURA JANNONE				X		
		X				KATE TRIGGIANO				X		
		X				MAYOR WILLIAM PORTMAN				X		
Introduced: April 25, 2024			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on the aforementioned date.									
Final Adoption: May 9, 2024			 Laura Reinertsen, Borough Clerk									