

**AN ORDINANCE OF THE TOWNSHIP OF SPARTA ADOPTING CHAPTER 8 OF
THE TOWNSHIP CODE, "FILMING"**

WHEREAS, the Township of Sparta desires to permit the filming, or the taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or education purposes intended for view on television, in theaters or for institution uses; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, that the Sparta Township Municipal Code is amended as follows:

A New CHAPTER 8, "**FILMING**" is enacted as follows:

SECTION 8-1. DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings indicated:

CREW

Actors, extras, camerapersons and all persons who participate in the filming.

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 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:

- A. Universal Pictures
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM/United Artists.
- H. Dreamworks.
- I. Any major streaming service, such as Netflix, Hulu, Apple TV, or Amazon Prime Video
- J. Any film for which the budget is at least two million dollars (\$2,000,000).
- K. Recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within Sparta Township which is within the jurisdiction and control of Sparta Township.

SECTION 8-2. PERMIT REQUIRED.

- A. No person or organization shall film or permit filming on public 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 Sparta Township Manager (“Township Manager”), 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. The permit must be readily available for inspection by Sparta Township officials at all times at the site of the filming.

- B. All permits shall be applied for and obtained from the office of the Township Manager during normal business hours. Applications for such permits shall be in a form approved by the Township Manager and be accompanied by a permit fee in the amount established by this chapter in § 8-11 herein.
- 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 Township Manager 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.

SECTION 8-3. ISSUANCE OF PERMITS.

- A. No permits will be issued by the Township Manager unless applied for prior to ten (10) days before the requested shooting date; provided, however, if requested by the applicant, the Township Manager may authorize waiver of the ten (10) day period if, in the Township Manager’s judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.
- B. With each permit, the applicant shall provide the following information: provided for in C below.
- C. No permit shall be issued for filming upon public lands unless the applicant shall provide Sparta Township with satisfactory proof of the following:
 - (1) The number of members of the filming crew.
 - (2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.
 - (3) A description of arrangements for parking for crew and work vehicles.
 - (4) A description of sanitary arrangements to be made for crew and bystanders.
 - (5) A description of crowd control measures.
 - (6) A description of all location areas for filming or incidental activities.
 - (7) A description of cleanup methods to be used.
 - (8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
 - (9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth herein.
 - (10) Proposed hours of operation.
 - (11) Proof of insurance coverage as required by §8-3 E below.
- D. The Township Manager or the Municipal Clerk shall send a copy of the application in either written or electronic form to the Chief of the Sparta Police Department, the Chief of the Sparta Fire Department, each Sparta Township Council member. The Sparta Township Council Member that sits on the Sparta Township Film Readiness Committee (“SFRC”) shall be responsible for sending the application to members of the SFRC. The above parties shall provide any questions or concerns with the issuance of the permit to the Township Manager within five(5) days of their receipt of the application (this time period is referred to as the “Comment Period”). The Township Manager shall then issue or deny the permit within five(5) days from the last day of the Comment Period. This time period may be extended at the discretion of the Township Manager.
- E. Proof of insurance coverage as follows:
 - (1) Commercial general liability insurance with minimum policy limits for bodily injury to any one person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000. For property damage for each occurrence in the aggregate amount of \$300,000.

- (2) Automobile liability insurance with minimum policy limits of \$500,000.00, combined single limit.
 - (3) Umbrella or excess liability insurance with minimum policy limits of \$2,000,000.00.
 - (4) Workers compensation and employer liability insurance with minimum policy limits of \$500,000.00.
 - (5) If the permit is issued the permit holder shall maintain the insurance listed above for the full term of the permit. All insurance shall be issued on an occurrence basis. Sparta Township shall be named as an additional named insured on a primary and non-contributory basis on all of the permit holder's liability insurance policies. The permit holder's insurance shall waive subrogation in favor of Sparta Township and its insurers, The permit holder's insurance shall provide primary coverage over any insurance maintained by Sparta Township. The permit holder shall provide proof of insurance to Sparta Township at the time of its application and shall provide replacement proof of insurance prior to any of the required insurance policies expiring. The proof of insurance shall include certificates of insurance, endorsements and the complete insurance policies. Sparta Township shall be provided with at least thirty (30) days' written notice prior to the cancellation, termination or non-renewal of any of the required insurance.
- F. An agreement, in writing, whereby the permit holder agrees to indemnify and save harmless Sparta Township from any and all liability, expense, claim or damages resulting from, arising out of or cause in any way by or from the use of public lands.
 - G. The hiring of an off-duty police officer for the times indicated on the permit.
 - H. The permit holder 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 Sparta Township Police Department with respect thereto.

SECTION 8-4. INTERFERENCE WITH PUBLIC ACTIVITY; NOTICE OF FILMING.

- A. 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 associated with such filming off the public streets. The permit holder shall post signs in advance of the filming advising the public of the filming time and location. The permit holder shall be remove all signs in the filming location once the filming in that location is completed.
- B. 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 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 by the permit holder of the filming at least five (5) days prior to the requested shooting date. The notice shall inform the parties that objections may be filed with the Township Manager, all objections will 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 Township Manager within two (2) days of the requested shooting date.
- C. Filming shall take place within the hours agreed upon by Sparta Township and the permit holder.

SECTION 8-5. PERMIT DENIAL.

The Township Manager may refuse to issue a permit whenever the Township Manager determines, on the basis of objective facts and after a review of the application and a report or input from the Police Department, Fire Department and/or Sparta Township Council, SFRC or by other township agencies involved with or affected by 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.

SECTION 8-6. EMPLOYMENT OF POLICE AND ELECTRICIAN.

Sparta Township reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of vehicle or pedestrian traffic, the cost of said patrolman and equipment 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.

SECTION 8-7. APPEALS.

- A. Any person aggrieved by a decision of the Township Manager issuing, denying or revoking a permit or a person requesting other relief may appeal to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Township Manager.
- B. An appeal from the decision of the Township Manager shall be filed within 10 days of the Township Manager's decision. The Township Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. At the hearing the person filing the appeal may appear, with, or without counsel and present testimony regarding their position to the Township Council. The Township shall have the right to question the appealing party and its witnesses and may present its own witnesses and position regarding the appeal.

The decision of the Township Council shall be in the form of a resolution reflecting the decision of the Township Council at the first regularly scheduled public meeting of the Township Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. In the case of the denial of a permit, if such a resolution is not adopted within the time required, the decision of the Township Manager shall be deemed to be reversed, and a permit shall be issued in conformity with the application. In the case of an appeal of the granting of a permit, if such resolution is not adopted within the time required, the decision of the Township Manager shall be upheld and the appeal shall be deemed denied.

C In light of the time and expense associated with the appeal, no fees shall be returned to the applicant if the decision of the Township manager granting the application is reversed or if the appeal denying the application is upheld.

SECTION 8-8. WAIVER OF CHAPTER REQUIREMENTS BY TOWNSHIP MANAGER.

The Township Manager may authorize a waiver of any of the requirements, provisions or restrictions of this Chapter including but not limited to the requirement that applicant obtain a permit if the Township Manager determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Township Manager 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 using private property or 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 Township's prior experience with the applicant, if any.

SECTION 8-9. COPIES OF PERMIT; INSPECTIONS.

Copies of the approved permit will be sent to the Sparta Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The permit holder shall permit the Fire Prevention Bureau or other Township inspectors to inspect the filming location and the equipment to be used, if deemed necessary by either the Township Manager or the Chief of the Sparta Fire Department, or other Township inspectors. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other township inspectors.

SECTION 8-10. REIMBURSEMENT OF CERTAIN COSTS.

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

SECTION 8-11. FEES.

In addition to the costs identified in 8-6, the schedule of fees for the issuance of permits authorized by this Chapter are as follows:

- A. Basic filming permit including independent films and films that are not Major Motion Pictures as defined above: \$100. Where an applicant requests a waiver of the provision of § 8-3A requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$150
- B. Daily filming fee payable in addition to the basic filming permit when filming involves the use of or interference with public property: \$150 per day.
- C. Daily filming fee payable for major motion picture whether filmed totally or partially on public property: \$500 per day.
- D. Filming permit for nonprofit applicants filming for educational purposes, including student films (no daily rate required): \$25.
- E. Filming on private property: no daily filming fee will be imposed but the applicant shall pay the Basic Filming Permit fee.

SECTION 8-12. 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, 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 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or

invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on August 27, 2024. The same came up for final passage and adoption at a virtual meeting of the Township Council of the Township of Sparta, held on September 10, 2024 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

**ROXANNE LANDY, RMC
MUNICIPAL CLERK**