

City Clerk File No. 18-101

Agenda No. 3.I. 1st Reading

Agenda No. 4.I 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE *18-101*

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF  
JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 5 - FILMING  
AND PHOTOGRAPHY PERMITS AND CHAPTER 160 - FEES AND  
CHARGES**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City (the "City") currently implements fees for film permits that no longer adequately address the varying size and scope of film production crews and film projects that require the expenditure of City resources; and

**WHEREAS**, the City desires to establish a modernized fee schedule for film permits that continue to be friendly to parties that desire to film on location in the City; and

**WHEREAS**, the modernized fee schedule will better offset the additional expenses incurred by the City to accommodate film projects.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that Chapter 5 of the Jersey City Municipal Code, be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline like this is new material that is intended to be enacted):

§ 5-1. No changes.

§ 5-2. - Definitions.

**APPLICANT or APPLICANT OF PERMIT** — Any person, organization, corporation, association or other entity applying for a film permit from the City of Jersey City.

**CITY** — The City of Jersey City.

**FILM** — As used in this Chapter, any film, including a movie, television program, commercial, still photography, video documentary, music video, internet video or other visual recording medium, used in whole or in part for sale, lease, or other commercial exchange, including the advertisement or promotion of any product, service or organization. A recurrent television or internet series is a film. ~~A film which is not sold or leased in whole or part, or is not otherwise part of a commercial exchange, is a "non-profit film."~~

**FILM CREW MEMBERS** — Shall include, but not be limited to: directors, actors, set or costume designers, camera crew members, lighting crew members, sound crew members, boom operators, pyrotechnics experts, stunt performers, extras, stage hands, security personnel, production or personal assistants, contractors and subcontractors, interns (whether or not paid) and agents.

**MAJOR FILM** — Major motion pictures, commercials, TV series, network, cable, streaming services (e.g. Netflix, Hulu, Amazon, etc.) that consist of either a filming crew size of 20 or more people, a casting size of 15 or more people, or the presence of greater

~~than a film made using thirty (30) or more film crew members or ten (10) or more production vehicles on city streets.~~

**INTERMEDIATE FILM – Commercial still photo shoots, web series, independent films, short films that consist of either a filming crew size that is between 10 and 19 people, a casting size that is between 10 and 14 people, or the presence of 9 or fewer production vehicles on city streets.**

**MINOR FILM — Commercial still photo shoots, web series, independent films, short films that consist of either a filming crew size that is between 4 and 9 people, a casting size that is between 4 and 9 people, or the presence of 3 or fewer production vehicles on city streets. A film made using less than thirty (30) film crew members or ten (10) or less vehicles.**

NEWS MEDIA — As used in this chapter, filming for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.

PRIVATE PROPERTY — As used in this chapter, any property not owned by the City of Jersey City, but rather is owned by or assessed to a private person or entity in which filming would not interfere with public right of way, access or safety.

PUBLIC PROPERTY — Any public street, road, sidewalk, public park or playground, City-owned building or property or any other public place which is maintained and within the control of the City of Jersey City.

STILL PHOTOGRAPH — Photographs or other visual impressions which are not films which are sold or leased or otherwise commercially exchanged and all activity related to the staging or shooting of such photographs or other visual impressions.

STUDENT FILM — A not-for-profit film, filmed in eight (8) hours or less, made by currently-enrolled students under the sponsorship of an accredited school or institution of higher learning, who have evidenced such sponsorship with a letter written on school letterhead, signed by a school administrator, and who present a certificate of insurance.

§ 5-3. No changes.

§ 5-4. - Permit fees.

A. Permit Fees. Applicant shall pay a non-refundable fee, and other applicable fees ~~such as fees for street closing permits, parking restrictions and off duty police officers~~, as set forth in Chapter 160 (Fees and Charges). **The imposition of fees pursuant to Chapter 160 shall not preclude the City from seeking payment or reimbursement for additional expenses incurred by the City.**

B. Form of payment. Permit fees shall be paid in cashier's checks, postal money orders made out to the City of Jersey City or using the payment system on the City's website.

§ 5-5. - Exceptions to permit requirements.

A. No permit shall be required for:

- (1) Filming by news media as defined in this chapter.
- (2) Filming for private social activities, including weddings, unless the filming or photographing of such events is sold, leased, rented or used for any commercial purposes, including reality television, in which case, a permit shall be obtained and all fees paid.
- (3) Filming activities or still photography conducted for use in a criminal investigation or civil or criminal court proceeding, but not including films or photographs which are sold, leased or used for any commercial purpose.
- (4) Filming or still photography conducted solely for private ~~non-profit~~, personal or family use, including real estate sales purposes of selling an individual residence
- (5) Filming activities or still photography conducted by or for the City of Jersey City.
- (6) Filming which requires no more than three crew members and no other equipment except two (2) cameras and two (2) tripods.

- (7) A student film, provided that the makers and the school shall agree in writing that if the student film is ever released for commercial purposes, all permit costs and fees shall be due and payable as provided for in this Chapter. All fees other than the permit fee, set forth in Section 5-4, shall apply.

**(8) Permit fees may be waived for non-profit organizations with a valid 501c3 status.**

- B. In the event that any of the above activities require the use of commercial vehicles, a permit shall be obtained notwithstanding the fact that no fee is imposed.

§ 5-6. No Changes.

§ 5-7. - Granting of a permit; rules and regulations.

- A. Permits shall not be transferrable.

- B. A permit may be denied if:

- (1) The Director of Public Works determines that closing a street will cause a substantial risk to public safety or interfere with street maintenance work, or a previously authorized excavation permit.
- (2) The filming activity will substantially interfere with municipal functions or the scheduled maintenance of city buildings or grounds.
- (3) The activity creates a substantial risk of injury to persons or damage to property.
- (4) The applicant failed to complete the application after being requested to do so, or the information contained in the application is found to be false in any material detail.
- (5) The activity violates federal, state, or local law including licensing or permit requirements.
- (6) The applicant has failed to obtain or provide proof of insurance, as required in Subsection 5-6.A above.
- (7) The applicant has failed to submit the appropriate application fee in the manner required in Subsections 5-4.A and 5-4.B above.
- (8) Filming may violate any regulation in Subsection 5-7.B below.

When the grounds for permit denial can be corrected by imposing reasonable conditions, the City may impose such conditions rather than denying the permit.

- C. Regulations upon Receipt of Permit.

[Amended 11-12-2014 by Ord. No. 14-017]

- (1) 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 Department of Public Safety with respect thereto.
- (2) The permit holder shall conduct its activities in such a manner so 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 avoid any interference with previously scheduled activities upon City property and, limit, to the extent possible, any interference with normal activities.
- (3) Where a permit holder's activities, by reason of location or otherwise, affect any business(es), merchants or residents, the permit holder will give these parties at least three (3) days' notice prior to the film/photography shooting date(s).
- (4) The permit holder shall make every effort to minimize the inconvenience caused by filming and shall provide a designee who will respond to residents' concerns and for ensuring the obtaining of off-duty Police assistance, the placing of "no parking" signs and other traffic control devices (under the direction of the Division of Parking Enforcement, but at the applicant's expense), providing advance notice to affected property owners/businesses and cleanup and restoration of all property, including streets, affected by the filming.

- (5) All filming and/or photography must be completed by the time specified in the permit. Any extension to this time must be approved by the film liaison.
- (6) The permit holder shall pay all fees, and obtain all permits and licenses required for its activity under local, state and federal law and pay any fees associated therewith.
- (7) The permit holder shall abide by all governmental fire regulations.
- (8) The permit holder shall disclose to the City and obtain permission for any: use of stunts, pyrotechnics, open flames, vehicle crashes or hazardous materials.
- (9) The permit holder shall conceal police, fire and other official uniforms worn by actors, when the actors are not on camera.
- (10) The applicant shall abide by City restrictions on the use of City logos, insignias, badges or decals as set forth in the information packet provided by the film liaison.
- (11) The City shall receive credit on the project that shall read: "Thanks to the Residents of the City of Jersey City." The credit shall have a blank space above and below the credit so that it stands apart from and not on a list of like credits.
- (12) The permit holder shall provide the City with five (5) different publicity stills for each scene shot. The stills will be used by the City solely for promotional purposes, including, but not limited to encouraging tourism and film-making. The applicant shall give the City proper acknowledgment for any assistance provided in making feature, television, or commercial productions.
- (13) The permit holder shall immediately report all accidents, injuries, health incidents or damage to property to the appropriate public authority.

**BE IT FURTHER ORDAINED THAT** that Chapter 160, Section A.1 of the Jersey City Municipal Code, be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline like this is new material that is intended to be enacted):

A.1. Chapter 5, Filming and Photography Permits.

- (1) Major film permit: **\$300 non-refundable application fee that shall be payable one time per calendar year; \$1500.00 a day. \$1000 expedited permit (fewer than 4 business days prior to shoot date)** ~~\$500.00 a day; (\$250 for a bona fide City resident or business);~~
- (2) **Intermediate film permit: \$200 non-refundable application fee that shall be payable one time per calendar year; \$1000 a day. \$1000 expedited permit (fewer than 4 business days prior to shoot date)**
- (32) Minor film permit: **\$100 non-refundable application fee that shall be payable one time per calendar year; \$250.00 a day; \$1000 expedited permit (fewer than 4 business days prior to shoot date)** ~~(\$0 for a bona fide City resident or business);~~

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

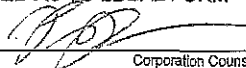
B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

C. This ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeaters of existing provisions.

SD/JMcK -- Draft 3

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED:   
\_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO CHAPTER 5 - FILMING AND PHOTOGRAPHY  
PERMITS AND CHAPTER 160 – FEES AND CHARGES**

**Initiator**

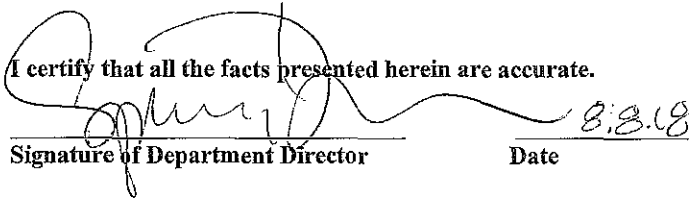
Department/Division	Office of Communications	
Name/Title	Stephanie Daniels	Director
Phone/email	(201) 547-4493	SDaniels@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

To authorize amendments to Chapter 5, Filming and Photography Permits regarding refundable application fees.

**I certify that all the facts presented herein are accurate.**

  
Signature of Department Director

8.8.18  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 18-101  
TITLE: 3.1 AUG 15 2018 4.1

**SEP 12 2018**

Ordinance of the Municipal Council of the City of Jersey City adopting  
amendments to Chapter 5 - Filming and Photography Permits and Chapter 160  
- Fees and Charges.

RECORD OF COUNCIL VOTE ON INTRODUCTION <b>AUG 15 2018 8-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	<i>ABSENT</i>			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <b>SEP 12 2018 8-0</b>											
Councilperson <u>PRINZ-AREY</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	<i>ABSENT</i>			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

*VIVIANE BALGER  
DAN SICARDI  
MIKE KULAWSKI*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <b>SEP 12 2018 8-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	<i>ABSENT</i>			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **AUG 15 2018**  
Adopted on second and final reading after hearing on **SEP 12 2018**

This is to certify that the foregoing Ordinance was adopted by  
the Municipal Council at its meeting on **SEP 12 2018**

*Robert Byrne*  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

*Rolando R. Lavarro, Jr.*  
Rolando R. Lavarro, Jr., Council President

Date

**SEP 12 2018**

APPROVED:

*Steven M. Fulop*  
Steven M. Fulop, Mayor

Date

**SEP 14 2018**

Date to Mayor

**SEP 13 2018**