

ORDINANCE NO. 2016 –36-OA

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE
TOWNSHIP OF BERKELEY, CHAPTER V, ENTITLED “GENERAL LICENSING
AND BUSINESS REGULATIONS”**

November 14, 2016

BE IT ORDAINED by the Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter V of the Township Code of the Township of Berkeley, entitled “General Licensing and Business Regulations,” is hereby amended so as to delete §5-28, entitled “Filming,” in its entirety and replace with a new §5-28 which shall read as follows:

§5-28.1 Definitions

As used in this section, the following terms shall have the meanings indicated: *Filming* shall mean the taking of still or motion picture, either on film, videotape, webcam, or digital recording medium, intended for viewing on television, in movie theaters, on the Internet, or for institutional uses.

Public lands shall mean any and every public street, highway, sidewalk, public park, playground or any public place which is within the jurisdiction and control of the Township of Berkeley.

§5-28.2 Permit Required.

a. *Permission to Film.* The filming of motion pictures, television shows, and advertisements, produced for commercial or profit-making purposes and for distribution or dissemination in movie theaters, on cable or broadcast television, or over the Internet, is permitted in the Township provided a permit is obtained as provided herein.

b. *Permit Requirements.* To obtain a film permit, the following requirements must be satisfied:

1. *Issuance.* Permits may be obtained from the office of the Township Clerk upon the filing of an application and payment of all fees required pursuant to this section.

2. *Approval of Permits.* Permit applications shall be reviewed by the Business Administrator, Chief of Police, Director of Public Works, and any other Township official designated by the Administrator.

3. The grant of a permit may be limited by conditions to mitigate the negative impact of filming such as, the need for security, limited times of day or any other condition or restriction imposed by the Township. Those conditions shall be stated in the permit.

4. *Fees:*

a. Each permit requires the payment of a non-refundable review fee of \$25. The fee shall not be required for student or not-for-profit filming

b. Daily use fee of \$100.00 shall be charged for filming taking place on public property. The fee shall not be required for student or not-for-profit filming

c. Additional fees may be charged for actual costs incurred for

additional requirements such as police security, public works set-up, clean up and/or restoration of sites.

- c. *Exceptions.* The permit requirement does not apply to:
1. Coverage of news or matters of public importance events by print, broadcast, or electronic media.
 2. Filming of limited duration intended primarily for personal, documentary, or promotional purposes that does not involve a movie studio or production company.

§5-28.3 Violations.

Violation of this section shall be punishable by penalty pursuant to Section 1-5 of the Township Code. (Ord. NO. 13-42-OAB)

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

CARMEN F. AMATO, JR., Mayor

JOHN A. BACCHIONE, Council President
SOPHIA GINGRICH, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on **November 14, 2016**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **5th** day of **December, 2016**, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

BEVERLY M. CARLE, RMC
Township Clerk, Township of Berkeley