

ORDINANCE NO. 2023-3372

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING § 245-3 AND § 240-7 OF THE CODE OF THE TOWNSHIP
OF MIDDLETOWN GOVERNING FILMING AND FILM PERMITTING FEES**

WHEREAS, the Township of Middletown (the “Township”) previously adopted ordinances governing the filming of movies within the Township; and

WHEREAS, the volume of filmmaking within the Township has increased significantly in recent years, resulting in a number of issues and expenses to the Township that need to be addressed by ordinance amendments.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Code of the Township of Middletown be and is hereby amended and supplemented, as follows:

SECTION 1. Amendments to § 245-3.

§ 245-3. Review and issuance of permits.

- A. Permits shall be issued by the Township Clerk **after approval by the Administrator and upon payment of the requisite fees and escrows.** Any such review shall determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. **A basic film permit** shall be issued by the close of the 10th business day after submission of a complete permit application, **which includes any necessary permits from Fire Prevention and Health.**
- B. Expedited permits may be issued by the Township Clerk **after approval by the** Administrator and upon payment of the requisite fee. The Township Clerk or Administrator, after consultation with ~~the Chief of Police and the Director of Public Works~~ **involved Township departments** may issue the permit, so long as the application complies with all other requirements of this chapter. The Township Clerk, **Communications Director** ~~or~~ **or** Township Administrator may determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Expedited permits shall be issued by the close of the fourth business day after submission of a complete permit application,

which includes any necessary permits from Fire Prevention and Health.

- C. No permits shall be issued unless all fees and reasonably necessary reimbursable expenses are paid to the Township. **An escrow in the amount of \$5,000 shall be posted with the Township to cover any professional expenses or fees required to be paid for the services of Township professionals who are not employees of the Township, such as the Township Attorney or Consulting Engineers. Any unused balance of such escrow account shall be returned within thirty (30) days of the conclusion of filming.**
- D. **No permit shall be issued for filming upon private property unless proof of consent has been provided to the Township.**
- E. No permit shall be issued for filming upon public lands ~~and~~ **property** unless the applicant shall provide the Township ~~of Middletown~~ 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~~ **\$2,000,000** 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~~ **\$2,000,000**.
 - (3) A written hold harmless and indemnification agreement acceptable to the Township Attorney.
 - (4) The posting of cash or maintenance bond for the value of ~~\$500~~ **\$2,500** 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 Township ordinances, laws, and regulations will be followed. Within seven days of the completion of ~~the~~ filming, the Township will return the bond if there has been no damage to the public property or public expense caused by the filming.
 - (5) 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~~ **property** and shall comply with all lawful directives issued by the ~~Middletown~~ **Township** Police

Department, the Fire Chief, and the Township Administrator ~~and~~ with respect thereto.

- (6) 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.
- (7) The holder shall not interfere with previously scheduled activities upon public ~~lands~~ **property** and limit, to the extent possible, any interference with normal public activity on such public ~~lands~~ **property**.
- (8) The applicant shall give written notice of the filming to all businesses and residents ~~within 200 feet of~~ **directly adjoining** the filming location, **including the location of all ancillary activities associated with the filming, such as the location of equipment, parking, prep areas, etc.**, 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 Township ~~Clerk or~~ Administrator and shall inform such businesses and residents that objections may be filed with the Township Clerk within the next three business days; said objections **will** form a part of applicant's application and be considered in the review of the same. However, an applicant may request a waiver of the notice requirement, or if the ~~Township Clerk or~~ Administrator finds that by not giving notice there would be less of a potential for disruption, if the permit is granted, ~~then~~ a waiver may be granted by the Township Administrator, as applicable.

SECTION 2. Amendments to § 240-7.

§ 240-7 Filming.

Pursuant to Chapter 245, Filming, of the Code of the Township of Middletown, the following fees are hereby established:

- A. Basic filming permit: ~~\$100.~~ **\$250.**

- B. Expedited permit (permit needed within 7 business days of filming date): ~~\$250.~~ \$500.
- C. In addition to the basic or expedited film permit, the daily filming fee on public property for any day on location within the Township, including prep and wrap days: \$500 per day.
- D. In addition to the basic or expedited film permit, the daily filming fee for a major motion picture on public property for any day on location within the Township, including prep and wrap days: \$1500 per day.
- E. In addition to the basic or expedited film permit, the daily filming fee on private property for any day on location within the Township, including prep and wrap days: \$150 per day.
- F. Daily filming fee for filming a major motion picture for filming on private property for any day on location within the Township, including prep and wrap days: \$500 per day.
- G. Filming permit for nonprofit applicants filming for educational purposes: no fee.
- H. Overnight parking/use of Township lot: at actual cost determined by Township.
- I. Police/fire protection: at actual cost determined by Township.
- J. Use of Township buildings ~~or public parks: \$500~~ \$2,500 per day.
- K. Use of municipal street or right of way: \$500 per day per street or right of way.

SECTION 3. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 4. Severability.

Should any section, clause, sentence, phrase, or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of

competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. Effective Date.

This ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.