

**HARDING TOWNSHIP  
ORDINANCE #05-2024**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING,  
COUNTY OF MORRIS, STATE OF NEW JERSEY, PROVIDING FOR THE ADDITION OF  
CHAPTER 131 ENTITLED "FILMING" TO THE CODE OF THE TOWNSHIP OF HARDING**

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**WHEREAS**, the Township of Harding recognizes the need for and the opportunities presented by permitting commercial and educational audiovisual works of film to be filmed within the geographical limits of the Township of Harding; and

**WHEREAS**, there exists a need for the Township of Harding to provide for Ordinances governing the activity of filming within the geographical limits of the Township of Harding; and

**WHEREAS**, the Code of the Township of Harding presently does not have a Chapter of its Ordinances dedicated to governing the activity of filming.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

**SECTION I.**

Chapter 131; entitled "Filming" is hereby adopted and inserted into the Code of the Township of Harding, as follows:

**CHAPTER 131 FILMING**

**§ 131-1 Definitions.**

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

**AGENT OF THE APPLICANT:** A third party authorized by the approving authorities to act as an agent of the applicant.

**FILMING:** The taking of still or motion pictures, either on film, videotape, digital or other recording medium, for commercial or educational purposes.

**PUBLIC LANDS:** Any and every public street, highway, sidewalk, square, public right-of-way, public park or playground, public building and property or other public place within the Township, which is within the jurisdiction and control of the Township of Harding.

**§ 131-2 Permit required; application; point of contact**

A. No person, firm or corporation shall film or permit filming within the Township of Harding without: (1) obtaining an application for permit; (2) obtaining the required approvals; and 3) filing the completed/approved permit, together with the applicable permit fee to the Township at least ten (10) calendar days prior to the first date that filming is to take place.

B. Harding Township filming permit applications may be obtained from the office of the

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Township Clerk during normal business hours. Application for such permits shall be in a form approved by the Township Administrator and shall be accompanied by a permit fee in the amount established by section 4 of this chapter. At a minimum, the following information shall be included in the permit application:

- Locations of filming;
- Proposed duration of filming, including date(s) and hours; subject to the final approval of the Township Administrator as to the final filming schedule within the Township;
- Amount of space required on public streets/highways/sidewalks, etc.; and
- Contact information of applicant, including the on-site person.
- Duration of time authorized.
- One (1) permit shall be sufficient to authorize filming on two (2) calendar days within a period of not more than five (5) calendar days beginning on the date of issuance of the permit, provided that each such date on which filming is to take place shall be specified in the permit.

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 Administrator may, at the request of the applicant and with proper notice given by the applicant or agent of the applicant to any affected property owners/tenants as determined by approving authorities, 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.

**§ 131-3 Issuance of permits; filming restrictions; appeals; exceptions to limitations**

A. A permit shall be limited to no more than five (5) calendar days per project. If a requestor is seeking a filming project in excess of the five-day filming limit, the applicant's request must be approved by the Township Administrator.

B. No permit shall be issued by the Township Administrator unless a completed application is filed with the Office of the Township Clerk at least ten (10) calendar days prior to the first date filming is to take place and the Applicant has completed the requisite steps pursuant to section (d) of this subchapter. However, the Township Administrator may waive the ten (10) calendar-day period if, in the judgment of the Township Administrator, the applicant has obtained all required approvals and adjacent property owners or tenants do not need to be notified.



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C. Where the filming is to take place in the Township of Harding, the applicant must notify tenants and owners in the affected area as defined by the approving authorities in section d(6) of this subchapter. In that regard, the applicant shall:

1. Distribute relevant information regarding the proposed filming to the property owners and tenants that may be affected, including the Township's form pertaining to the code of conduct, as may be amended from time to time;
2. Provide to the Police Department, and such other municipal departments as may be necessary, written comments from the property owners and tenants in the commercial or business district; and
3. Upon issuance of a permit by the Township Administrator, the Applicant shall be responsible for coordinating information with the tenants and property owners in the affected area.

D. No permit shall be issued for filming unless the applicant shall provide the Township with satisfactory proof of the following:

1. A corresponding permit for use of public lands pursuant to the Township's Code, if applicable.
2. Proof of insurance coverage, pursuant to the requirement that applicant shall maintain with insurance carriers rated at a minimum A- (A minus) by A.M. Best's Insurance Rating Guide, insurance as follows:
  - a. General Liability, including premises/operations, blanket contractual, bodily injury (including death resulting therefrom), property damage and personal injury with limits not less than one million (\$1,000,000.00) dollars per occurrence subject to an aggregate of three million (\$3,000,000.00) dollars.
  - b. In the event motor vehicles are in use to arrive and depart from filming operations or during filming operations, Automobile Liability for owned, hired and non-owned vehicles with limits not less than one million (\$1,000,000.00) dollars Combined Single Limit;
  - c. In the event alternative vehicles are in use to arrive and depart from filming operations or during filming operations, such as helicopters, liability insurance for owned, hired and non-owned vehicles with limits not less than three million (\$3,000,000.00) dollars Combined Single Limit;

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- d. Workers' Compensation Insurance (including Employer's Liability), which must, at minimum, comply with all statutory regulations in the governmental jurisdiction where filming work is being performed;
  - e. Media (Professional) Liability coverage at a minimum limit of five million (\$5,000,000.00) dollars per claim and in the aggregate;
  - f. Applicant will name the Township of Harding and its directors, officers, employees and agents as additional insureds under the General Liability and Automobile Liability policies outlined above. In addition, applicant shall be solely responsible for maintaining, and requiring its subcontractors and agents (if any) to maintain the same coverage as outlined herein. Applicant's insurance coverage shall be primary above all other valid and collectable policies in force, and the Township Administrator of Harding shall be provided thirty (30) days advance notice of cancellation or reduction in coverage or limits. Policies shall contain waivers of subrogation by endorsement or otherwise. The Township of Harding shall be provided with the applicable certificates of insurance or evidence of coverage before filming commences;
  - g. In the event the above requirements are not met, the Township of Harding reserves the right, at its option, to either purchase the above insurance and bill same to applicant or revoke any previously issued permit with no obligation to refund any permit fees.
3. An agreement, in writing, in a form approved by the JIF, whereby the applicant agrees to indemnify and hold harmless the Township of Harding, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the filming and/or use of (1) public lands and (2) any damage incurred on private lands;
  4. If filming takes places on public lands, the posting of a maintenance bond of three thousand (\$3,000.00), running in favor of the Township and protecting and ensuring that the location utilized will be left, after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that all Township ordinances, rules and regulations will be followed. Upon the conclusion of filming, the Director of Public Works shall conduct an inspection to determine the extent of any damage, and the cost associated with such repairs. Within two (2) business days of the completion of the filming, the Township will return the bond if there has been no damage to public property or public expense caused by the filming;
  5. A contractual agreement with the Harding Township Police Department for paid police coverage during the time indicated in the permit.



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6. Proof of service provided by the applicant of written notification of proposed dates and lands to be used for production activities to any and all tenants and property owners who will be directly affected by the filming and its site location as determined by the approving authorities, and simultaneously said tenants and property owners shall be informed that objections may be filed with the Township Clerk. Such notification is to take place at least five business days prior to the issuance of the permit, with proof submitted to the Township Clerk prior to issuance of the permit.
  7. A written approval from the Harding Township Police Department authorizing issuance of the permit and providing any traffic control requirements and public safety conditions.
  8. A signed code of conduct agreement from the applicant or agent of the applicant, in a form to be provided by the Township of Harding, which form may be amended from time to time.
- E. The applicant 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 Harding Township Police Department with respect thereto.
- F. The applicant 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 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.
- G. The applicant shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first.
- H. Filming, including setup and final cleanup, shall be permitted Monday through Friday between the hours of 8:00 a.m. and 10:00 p.m., excluding federal holidays.
- I. The Township Administrator may refuse to issue a permit whenever he/she determines, on the basis of objective facts and after a review of the application and a written report thereon by the Harding Township Police Department and by other Township departments 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, or in the opinion of the Harding Township Police Department would unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the Township reserves the right to require one or more

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on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said officers to be borne by the applicant as a cost of production.

J. The decision of the Township Administrator shall be final.

K. The Township Administrator may authorize a waiver of any of the requirements or limitations of this chapter including, without limitation: authorizing filming on other public property not defined as public lands; authorizing filming other than during the hours herein described; extending the duration of a permit beyond five (5) calendar days; permitting filming at a particular location in a residential zone on more than two (2) occasions during any one (1) calendar year; and waiving any other limitation or requirement of this chapter whenever the Township Administrator determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety and welfare. The Township Administrator's decision on such waivers shall be final.

L. Copies of the approved permit will be sent by the Township Clerk to the Police Department, Fire Department, the Department of Public Works, and the Board of Health. Copies shall be sent to any appropriate New Jersey state agencies, including the New Jersey Film Commission.

M. The applicant shall request inspection by the Police Department, the Fire Department, Manager and the Board of Health, twenty-four (24) hours before filming takes place and shall permit the Police Department, the Fire Department, the Board of Health or other Township inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by Township inspectors, including the Police Department, the Fire Department and the Board of Health.

N. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue or repairs to public property.

O. The applicant will abide by all Rules, Regulations and Protocols adopted by New Jersey Transit, if applicable.

**§ 131-4 Fees**

A. The schedule of fees for the issuance of permits authorized by this chapter are as follows:

**1. Permit:**

- a) Basic filming for applicants: one hundred (\$150.00) dollars.
- b) Basic filming for nonprofit applicants filming for educational use: twenty-five



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(\$25.00) dollars.

**2. Daily filming fee payable in addition to the basic filming permit fee:**

- a) Five hundred (\$500.00) dollars per day of filming, with the exception of filming performed solely on private property that causes no disturbance to the public roads, wherein no charge shall accrue.

**§ 131-5 Violations and penalties.**

Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding two thousand (\$2,000.00) dollars per day or by imprisonment in the county jail for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 131-6 Exemptions.**

A. The provisions of this chapter shall not apply to:

- 1) The filming of news stories within the Township of Harding by individuals and/or legitimate entities or organizations for purposes of journalism or news-reporting;
- 2) Filming by one individual using a hand-held camera without the assistance of other persons, or filming by one or more individuals for weddings, religious occasions, and other family or social private parties, occasions, events, or functions, subject to a maximum of 500 guests per event;
- 3) Filming for authorized Harding Township municipal government purposes as may be authorized by the Harding Township Committee or the Township Administrator.

B. Waiver of fees for student. The fees set forth in §131-4 shall be waived when filming is done by a student in grade school, middle school, high school, college, university or other bona fide educational institution upon receipt by the Township Clerk of a written certification from a teacher or administrator at the school attended by the student stating that the filming is for educational purposes only and is not intended for commercial use.

**§ 131-7 Severability.**

If any sentence, section, clause, or other portion of this chapter or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this chapter.

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**SECTION II.**

The contents of this Ordinance shall trump any other ordinances or parts of ordinances which are inconsistent with this Ordinance, and those ordinances or part of ordinances shall be considered to be repealed to the extent of such inconsistencies with this Ordinance.

**SECTION III.**

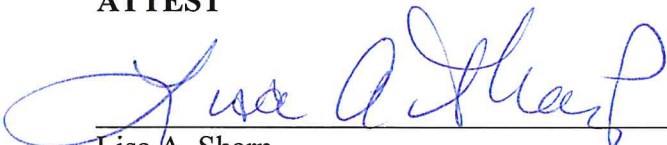
If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of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

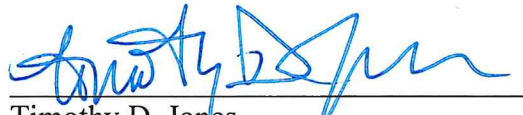
**SECTION IV.**

This ordinance shall take effect as provided by law.

**ATTEST**

**TOWNSHIP OF HARDING**

  
\_\_\_\_\_  
Lisa A. Sharp  
Municipal Clerk

  
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Timothy D. Jones  
Mayor

**INTRODUCED:** March 11, 2024  
**PUBLIC HEARING:** April 15, 2024  
**ADOPTED:** April 15, 2024

**ADVERTISED:** March 14, 2024  
**ADVERTISED:** April 18, 2024

**Vote on Adoption:**

	<b>MOTION</b>	<b>FOR APPROVAL</b>	<b>AGAINST APPROVAL</b>	<b>ABSTAIN</b>
Ms. Chipperson	<i>1st</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<i>2nd</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>