CHRISTINE DEMIRIS, RMC
ADMINISTRATOR/BOROUGH CLERK

BOROUGH OF NEW MILFORD
930 RIVER ROAD
NEW MILFORD, N.J. 07646

(201) 967-5044 EXT. 7056
FAX: (201) 262-7967
E-mail: cdemiris@newmilfordboro.com

TO: _____ FROM: _____

FAX# _____

DEPT. _____ DEPT. Municipal Clerk's Office

DATE: _____

Following is New Milford's Filming Ordinance (Section 4-19 et seq.) and the forms necessary to apply for a filming license. The components to be completed and returned are:

1. Application

2. Certificate of Insurance

3. Notarized "Hold Harmless" agreement

4. Three checks made payable to the "Borough of New Milford"
   - $75 non-refundable application fee; or $125 if applying less than five days prior to filming (Section 4-19.8)
   - $200 daily filming fee - private property fee; if applicable
   - $400 daily filming fee - public property; if applicable
   - Bond check in the amount of two times the permit fee plus $500 (to be returned one week after completion of filming (Section 4-19.3 e)

5. Letter of Intent

PLEASE NOTE: NO SIGNS MAY BE POSTED ON TREES OR POLES WITHIN THE BOROUGH OF NEW MILFORD – TO DO SO MAY RESULT IN A FINE

NEW MILFORD IS AN EQUAL OPPORTUNITY EMPLOYER

Office of the Municipal Clerk
Borough of New Milford

License: _____
Date: _____

APPLICATION FOR FILMING

Company Name: _____

Business Address: _____

Contact Person: _____

Telephone: _____ Fax: _____ E-mail: _____

Date of Filming: _____

Hours of Filming: _____

Location of Filming: _____
(Describe in Detail)

Bond: Check # _____ Bonding Agent: _____

- Will residents or businesses be affected by filming? Yes _____ No _____
  (A copy of letter(s) to be sent to affected individual(s) and addresses of same must accompany this application.)
- Do you have a licensed electrician on staff? Yes _____ No _____
- Are existing power lines to be utilized? Yes _____ No _____
- Will traffic be affected as a result of filming? Yes _____ No _____
  (If "Yes", an off-duty police officer is required.)
- Have you ever been convicted of a crime? Yes _____ No _____

I HEREBY APPLY FOR A PERMIT AND

TENDER THE BASIC APPLICATION FEE OF $ _____

AND DAILY FILMING FEE $ _____

AND AGREE TO BE BOUND BY ALL PROVISIONS OF NEW MILFORD ORDINANCE NO. 4-19

_____
Date of Approval

_____
Signature of Applicant

_____
Municipal Borough Clerk

_____
Chief of Police

MAIL TO: Municipal Clerk, 930 River Rd., New Milford, NJ 07646
PHONE: (201) 967-5044 FAX: (201) 262-7967

FOR INTERNAL USE ONLY

_____Total Fees

_____Hold Harmless

_____Certificate of Insurance

_____Bond

_____Off-Duty Police Officer

_____Electrician Required

SAMPLE LETTER OF INTENT

COMPANY LETTER HEAD

To: Neighbors of_____(Address)
From: Company Contact Person
Date:
Re: Filming Commercial for (Product) or: (Name of Movie)

Our company has applied to film a commercial (or movie) in Montclair on day(s) and dates(s) at the above location.

There will be ____ trucks, _____ vans, _____ generators, _____, catering trucks, _____ crew cars (or any special equipment i.e.: condors, mobile homes, etc.) at the site. They will be parked 1) on the property of the homeowner, 2) on the street, 3) in a municipal parking lot, 4) on private property or, 5) any combination of the above. In compliance with the Borough filming ordinance, no vehicles connected with the filming will arrive before 9 AM and will be gone by 7 PM. For the public's safety, there will be a police officer on duty during the shoot.

If you have any questions or concerns, I may be reached at the Borough Clerk's Office at (201) 967-5044.

Thank you,

Christine Demiris, RMC
Administrator/Borough Clerk

HOLD HARMLESS AGREEMENT
(to be signed by organizations using municipal facilities)

BETWEEN THE MUNICIPALITY OF

_____

AND

_____
Name of Organization using the Facility

_____
Address of the Organization (Not Post Office Box)

_____
Telephone Number of the Organization

_____
Type of Organization (Individual, Partnership, Non-Profit Corporation, Corporation, Public Entity)

In consideration of the use of _____, on the following dates: _____for the purpose of _____, the undersigned agrees to indemnify and hold the Municipality of _____ and its officers, agents and employees harmless from any and all liability, claims, costs and attorney's fees arising out of the use of the property referred to above.

I understand that this Hold Harmless Agreement also requires that the municipality of _____ _____is indemnified from any losses or damages resulting from the acts or omissions from any guest, participant, visitor or other person attending the event herein referred to. Unless waived in writing by municipality of the_____ I agree to furnish a Certificate of Insurance specifically naming the municipality of _____ _____ as additional insured providing general liability coverage including, bodily injury and property damage with minimum limits of liability not less than $_____. In order to induce the municipality of_____ to accept this Hold Harmless Agreement, the following information concerning the intended use of the premises is furnished:

a. Alcoholic Beverages (will) or (will not) be served.

b. Total number of person anticipated is _____.

c. Live entertainment (will) or (will not) be provided.

d. Other _____.

This Agreement shall remain in full force and effect for any continued, additional or postponed date for the event indicated.

The municipality reserves the right to cancel or interrupt the event if the representations set forth therein are not adhered too or if the municipality determines that a situation that might lead to personal injury, property damage or violation of law exists.

Signed this _____ day of _____19____ as

the binding act in deed of _____
Name of Organization

_____
Authorized Signature

_____
WITNESS

_____
Print Authorized Name & Title

4-19 COMMERCIAL AND MOVIE FILMING.

4-19.1 Definitions.

Filming shall mean the taking of still or motion pictures, either on film, video tape, or similar recording medium intended for commercial use for viewing on television, in the theaters or for advertising purposes.

News stories shall mean the reporting or summarizing of information concerning something that has either recently taken place or of current events of general interest and includes such features commonly known as newscasts, news bulletins and news anthology programs.
(Ord. No. 2001:01)

4-19.2 Permit Required.

No person shall film or permit filming within the Borough of New Milford without first obtaining a permit, which permit shall set forth the location of such filming and the date or dates when filming shall take place.

a. *Application for Permit.* Permits shall be obtained in the office of the Borough Clerk and the application for a permit shall be in a form approved by the Borough Clerk and shall be accompanied by a fee as set forth herein, or as may hereafter be established by ordinance. Permits shall be issued in accordance with the procedures governing the issuance of licenses and permits.

b. *Permit Period.* A permit shall be sufficient to authorize outdoor or indoor filming for one (1) film within a period of not more than ten (10) days beginning on the date of issuance of the permit. If the filming does not take place during the dates specified in the permit due to inclement weather or other good cause the Borough Clerk may issue a new permit at no additional fee.

c. *Maximum Number of Permits.* No more than six (6) such permits may be issued for any location within any calendar year unless a waiver is obtained.
(Ord. No. 2001:01)

4-19.3 Conditions for Issuance of Permit.

No permit shall be issued for filming within the Borough of New Milford unless the applicant for such permit:

a. Provides liability insurance coverage for bodily injury of not less than one hundred thousand ($100,000.00) dollars per person; property damage of not less than fifty thousand ($50,000.00) dollars per person and aggregate coverage for both bodily injury and property damage, per occurrence, of not less than five hundred thousand ($500,000.00) dollars.

b. Specifies in writing that the Borough of New Milford will be indemnified and held harmless from any and all liability or damages.

c. Obtains the permission of the owners where the filming takes place on private property.

d. Agrees to comply with all lawful directives issued by the New Milford Police Department, Fire Department and other departments where deemed necessary; and to reimburse the Borough of New Milford for any police, fire or other Borough personnel.

e. Delivers to the Borough an escrow deposit in an amount equal to twice the permit fee plus five hundred ($500.00) dollars. The Borough shall hold such escrow until one (1) week after the completion of the filming and cleaning up to insure that the applicant cleans all debris left by or repairs any damage caused by the applicant or the applicant's agents and to pay the Borough for any obligation of the applicant that has not been paid.

f. Provides two (2) days' notice to property owners of properties located within two hundred (200') feet of the property lines of the premises for which the permit is requested as measured along public streets. Such notice shall be in writing and shall advise the property owner of the date or dates upon which filming is to take place and the location of the premises where the filming is to take place. Such notice shall either be personally served or served by certified mail, return receipt requested, upon the property owners or residents entitled to receive notice, at least forty-eight (48) hours prior to the commencement of filming. Service by certified mail shall be complete upon the receipt of such mail by the residents and property owners. Upon the written request of the applicant, the Building office shall, within seventy-two (72) hours, make and certify a list from the current tax duplicates of the addresses of property located within the Borough of New Milford within two hundred (200') feet of the property lines of the premises for which the permit is requested, together with the names and addresses of the record owners thereof. Notice to owners of

properties in adjoining municipalities shall be given by personal service or by certified mail; said notice shall also be given to the Clerk of such adjoining municipality. Failure to give notice to a resident or property owner of premises not shown on the list shall not invalidate the permit. Prior to commencing filming, the applicant shall file an affidavit of proof of service with the Borough Clerk.

g. Hires an off-duty New Milford police officer for the times indicated on the permit.
(Ord. No. 2001:01)

4-19.4 Filming Regulations.

a. *Hours Permitted.* In residential zones, filming shall be permitted only Monday through Friday between the hours of 9:00 a.m. and 7:00 p.m. or sundown, whichever is earlier.

b. *Interference with Public Activity.* The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming. 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.

c. *Removal of Equipment and Debris.* The holder of a permit 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 completion of filming or the expiration of the permit, whichever comes first. Should the holder of the permit fail to remove all equipment, debris and other rubbish within the time period specified, the Borough may remove same at the expense of the applicant and the applicant shall reimburse the Borough for the cost thereof.

d. *Notice to Borough.* The applicant shall notify the Borough Clerk at least seventy-two (72) hours before filming in order to give the Borough Clerk sufficient opportunity to notify the Borough Departments so that they may have an authorized representative inspect the site and take such other measures as may be necessary to protect the public health, safety or welfare.

e. *Public Safety.* The holder of the permit shall comply with all lawful directives issued by the New Milford Public Safety Department and comply with all other applicable laws. When, in the judgment of the Director of Public Safety, or his designee, the presence of additional police, fire or code enforcement personnel are required in connection with the filming, the applicant shall reimburse the Borough for the cost of such personnel.

f. *Encroachment Upon Adjoining Property.* The holder of the permit shall not conduct filming in such a manner as to preclude access to adjoining properties from the public street or to encroach upon adjoining property without the express written consent from the owner and occupant thereof. Vehicles used in connection with the filming, including vehicles of personnel associated with such filming, shall be parked off the public right-of-way. Vehicles should not be parked so as to encroach upon private property without the express written consent from the owner or occupant thereof. The Borough of New Milford will tow vehicles parked or located in violation hereof and the applicant thereof shall reimburse the cost to the Borough.

g. *Lights; Noise.* Lights used in connection with the filming shall not shine directly into any window upon other property nor shall any noise from the filming extend across property lines in excess of the limitation specified in the Borough's noise ordinance. In the event of a violation hereof, the Borough may abate such violation and charge the cost thereof to the applicant who shall reimburse the Borough for such cost.

h. *Vehicles.* Vehicles used in connection with the filming, including vehicles of personnel associated with such filming, shall be parked off the public right-of-way. Vehicles should not be parked so as to encroach upon private property without the express written consent from the owner or occupant thereof. The Borough of New Milford will tow vehicles parked or located in violation hereof and the owner thereof shall reimburse the cost to the Borough.

i. *On-site Electrician.* Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may similarly be required if the production company does not have a licensed electrician on staff.

j. *Enforcement; Cost of Litigation.* The applicant will pay the Borough's reasonable attorney's fees at one hundred twenty-five ($125.00) dollars per hour and costs of litigation if the Borough brings suit to enforce any of its rights.
(Ord. No. 2001:01)

4-19.5 Denials and Revocation of Permits.

In accordance with the procedures governing the denial and revocation of permits, the Borough Clerk may refuse to issue a permit or revoke a permit whenever he determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other agencies involved with the proposed filming site, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of public lands, 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. (Ord. No. 2001:01)

4-19.6 Appeals.

Any person aggrieved by a decision of the Borough Clerk granting, denying or revoking a permit may appeal to the Borough Council in accordance with the procedures governing such appeals. (Ord. No. 2001:01)

4-19.7 Waivers.

The Borough Administrator may authorize a waiver of any of the requirements or limitations of this section if he determines that strict compliance with such limitations will impose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety and welfare; provided, however, that the Borough Administrator must report any such waiver to the Borough Council at their next meeting and give the reasons for the waiver. (Ord. No. 2001:01)

4-19.8 Schedule of Fees.

The schedule of fees for the issuance of permits authorized by this section is as follows:

a. *Basic Filming Permit:* Seventy-five ($75.00) dollars non-refundable.

b. Where an applicant requests a waiver of the provision of subsection 4-19.3f requiring expedited processing of the permit application, the basic permit fee shall be one hundred twenty-five ($125.00) dollars.

c. *Daily Filming Fee Payable in Addition to the Basic Filming Permit:*

1.	Filming on private/residential property	$200.00
2.	Additional fee for filming on public	
	land, streets, right-of-way, or public	
	buildings	$400.00
d.	Nonprofit applicants filming for educational purposes	
	(no daily rate required):	$25.00

(Ord. No. 2001:01)

4-19.9 Exemption From Permit Requirements for News Stories.

The provisions of this section relating to the requirement for and the issuance of permits shall not apply to the filming of news stories, provided, however, that such filming shall comply with the following regulations:

a. In residential zones, such filming shall, to the extent possible, occur only Monday through Friday between the hours of 9:00 a.m. and 7:00 p.m. or sundown, whichever is earlier.

b. Such filming shall be conducted in such a manner as to minimize the inconvenience or discomfort to adjoining property owners or the interference with previously scheduled activities or normal public activities upon public lands.

c. Such filming shall be conducted so as to minimize the creation and spread of debris and rubbish during filming and, upon the completion of the filming, those conducting the filming shall remove all equipment, debris and other rubbish from the filming location.

d. To the extent practical, advance notification shall be furnished to the Borough Clerk of such filming.

e. Such filming shall comply with all law directives issued by the New Milford Public Safety Department.

f. Such filming shall be conducted in such manner as not to preclude access to adjoining properties from the public street or to encroach upon adjoining property without the express written permission from the owner and occupant thereof.

(Ord. No. 2001:01)

4-19.10 Penalty.

Any person violating any part of this section shall be subject to a fine not to exceed five hundred ($500.00) dollars or imprisonment for a term not to exceed ninety (90) days, or both. (Ord. No. 2001:01)