

**BOROUGH OF NEW MILFORD
MUNICIPAL CLERK'S OFFICE
TRANSMITTAL SHEET
FOR FILMING ORDINANCE**

Christine Demiris, RMC, CMC
Administrator/Borough Clerk

TO: _____

FROM: _____

FAX# _____

FAX# 201-262-7967

DEPT. _____

DEPT. MUNICIPAL CLERK'S OFFICE

DATE: _____

TOTAL PAGES: 11

MESSAGE: Following is New Milford's filming ordinance (Section 4-19.1 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 private property fee; if applicable
 - \$400 public right-of-way; if applicable
 - \$500 bond check to be returned one week after completion of filming (Section 4-19.3 E)
5. Letter of Intent

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

If you have any questions or concerns, don't hesitate to call me!

NEW MILFORD IS AN EQUAL OPPORTUNITY EMPLOYER

930 River Rd. ♦ New Milford ♦ New Jersey ♦ 07646 ♦ (201) 967-5044

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)

\$500. 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 APPLICATION FEE OF \$ _____
AND FILMING FEE \$ _____
AND AGREE TO BE BOUND BY ALL PROVISIONS OF NEW MILFORD
ORDINANCE NO. 2001:01

Date of Approval

Signature of Applicant

Municipal Borough Clerk

Chief of Police

MAIL TO: Christine Demiriz, 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 NEW MILFORD

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 New Milford 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; any future claims from a third party; and from any claim

for any damage to Little League property during the installation. I understand that this Hold

Harmless Agreement also requires that the municipality of New Milford 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 the municipality

of New Milford I agree to furnish a Certificate of Insurance specifically naming the

municipality of New Milford as additional insured providing general liability coverage including,

bodily injury and property damage with minimum limits of liability not less than: as on file in

the office of the Borough Clerk.

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 to 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 _____ 20____ as the binding act in deed of _____

Name of Organization

Authorized Signature

WITNESS

Print Authorized Name & Title

ORDINANCE 2001:01

AN ORDINANCE REGULATING COMMERCIAL AND
MOVIE FILMING WITHIN THE BOROUGH OF NEW MILFORD AND AMENDING
CHAPTER IV TO INCLUDE SECTION 4-19 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF NEW MILFORD

WHEREAS, the Borough of New Milford has been the site of occasional television and movie filming which has created problems requiring regulation necessary to preserve the public health, safety and welfare.

SECTION 4-19 of the Revised General Ordinances of the Borough of New Milford entitled "Businesses and Occupations" is hereby amended and supplemented to include "Commercial and Movie Filming" to read in full as follows:

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 program.

4-19.2 Permit Required; Issuance

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. Permits shall be obtained in the office of the Borough Clerk and the application 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. A permit shall be sufficient to authorize outdoor or indoor filming for one (1) 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. No more than six (6) such permits may be issued for any location within any calendar year unless a waiver is obtained.

4-19-3 Conditions for issuance of a 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 \$100,000 per person, property damage of not less than \$50,000 per person and aggregate

- coverage for both bodily injury and property damage, per occurrence, of not less than \$500,000.
- 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 \$500.00. The Borough shall hold such escrow until one week after the completion of 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 days' notice to property owners of properties located within 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 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 Assessor's Office shall, within 72 hours, make and certify a list from the current tax duplicates of the addresses of property located within the Borough New Milford within 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.

4-19.4 Regulations

- A. 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. 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. 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. The applicant shall notify the Borough Clerk at least 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. 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 judgement 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. 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 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
- H. 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. The holder of the permit shall not suffer or permit any lights used in connection with the filming to shine directly into any windows upon any other property nor suffer or permit any noise, in excess of the limitation specified in the Borough's noise ordinances, to extend across property lines. 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.
- J. 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.
- K. The applicant will pay the Borough's reasonable attorney's fees at \$125.00 per hour and costs of litigation if the Borough brings suit to enforce any of its rights.

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 unreasonable interfere with the public's use of public lands, unreasonable interfere with the use and enjoyment of adjoining properties, unreasonable impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

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.

4-19.7 Waivers

The Borough Administrator may authorize a waiver of any of the requirements or limitations of this ordinance 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; providing, however, the Borough's Administrator must report any such waiver to the Borough's Council at their next meeting giving the reasons for the waiver.

4-19-8 Fees

The Schedule of Fees for the issuance of permits authorized by this ordinance is as follows:

- A. *Basic* filming permit: seventy-five dollars (\$75.) Non-refundable
- B. Where an applicant requests a waiver of the provision of Section 4-19-3.F. requiring expedited processing of the permit application, the basic permit fee shall be one hundred twenty-five (\$125.)
- C. *Daily* filming fee payable in addition to the basic filming permit:
 - (1) Filming on private/residential property\$200
 - (2) Additional fee for filming on public land, streets, right-of-way, or public buildings.....\$400
- D. Non-profit applicants filming for educational purposes (no daily rate required):.....\$25.00

4-19.9 Exemptions

The provisions of this ordinance 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 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.

4-19.10 Penalty

Section 1. Any person violating any part of this ordinance shall be subject to a fine not to exceed \$500 or imprisonment for a term not to exceed ninety (90) days, or both.

Section 2. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any sentence, section, clause or other portion of this ordinance 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 judgement shall not affect, impair or repeal the remainder of this ordinance.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

Revised 12/8/00
