

BOROUGH OF NORTH CALDWELL
141 GOULD AVENUE
NORTH CALDWELL, NJ 07006-4213
(973) 228-6410

FILMING PERMIT APPLICATION

APPLICANT: _____

ADDRESS: _____

CONTACT NAME: _____

CONTACT NUMBER(S): _____

DATE SUBMITTED: _____ DATE APPROVED: _____

RECEIVED FILMING ORDINANCE PACKAGE: ☐ YES ☐ NO

PROOF OF INSURANCE: ☐ YES ☐ NO

HOLD HARMLESS CERTIFICATE: ☐ YES ☐ NO

COPY OF NOTICE TO AREA RESIDENTS: ☐ YES ☐ NO

OFF DUTY POLICE OFFICER – POLICE DEPARTMENT APPLICATION ATTACHED

DATE(S) OF FILMING: _____

APPLICATION FEE(S):

\$75.00 – BASIC FILMING PERMIT (LESS THAN 5 DAYS NOTICE \$125.00)

\$500.00 – DAILY BASIC FILMING FEE

\$1,500.00 – DAILY MAJOR MOTION STUDIO FILMING FEE

OTHER FILMING FEE: \$ _____

USE OF BOROUGH FACILITIES:

\$500.00 – USE OF BOROUGH PARKING LOT(S) LOT LOCATION: _____

\$1,500.00 – USE OF BOROUGH BUILDING(S) BUILDING LOCATION: _____

MAINTENANCE BOND:

\$500.00 – RETURNED IN SEVEN DAYS IF NO DAMAGE TO LOCATION

Chapter 46 FILMING

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[HISTORY: 1973 Code §§ 46-1–46-13 as amended through October 13, 2016. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — Ch. 64.
Peace and good order — Ch. 73.
Streets and sidewalks — Ch. 88.

ARTICLE I Definitions and Word Usage

§ 46-1. Definitions.

As used in this chapter:

FAMILY VIDEOS — The filming or videotaping of motion pictures solely for private family use.

FILMING — The taking of still or motion pictures either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theaters or for institutional uses.

MAJOR MOTION PICTURE — Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures;
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire;
- C. Paramount, including MTV Films and Nickelodeon Movie;
- D. 20th Century Fox, including Fox Searchlight;
- E. Sony/Columbia;
- F. Disney/Miramax;
- G. MGM-United Artists;
- H. Dreamworks;
- I. Any film for which the budget is at least \$5,000,000.00; and
- J. Recurrent television series programming.

MOTION PICTURE, TELEVISION PICTURES, STILL PHOTOGRAPHY — All activities attendant to the staging and/or shooting of commercial motion pictures, television series, television movies, commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than five (5) consecutive minutes.

NEWS MEDIA — Photographic, filming, and/or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or cameramen.

PUBLIC LANDS — The areas including but not limited to any public street, highway, sidewalk, square, public park, playground, and other public places, which is within the jurisdiction and control of the Borough of North Caldwell.

STUDENT FILMS — Motion picture, television or still photography produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he is currently enrolled.

ARTICLE II Permits and Exceptions

§ 46-2. Permit required.

- A. No person shall use any public or private property, public right-of-way, facility, and/or residence for the purpose of taking motion pictures, television pictures or still photography without first applying for and receiving a permit from the Borough Administrator of the Borough of North Caldwell. The permit shall set forth the approved location of such filming and also the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in

any one location, and in no event shall filming at one location within the borough exceed a total of six (6) days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested satisfies the major motion picture exception defined by § 46-1 of this chapter. Said permit must be readily available for inspection by borough officials at all times at the site of the filming.

- B. All permits shall be applied for and obtained from the office of the Borough Administrator during normal business hours. Applications for such permits shall be in a form approved by the Borough Administrator and be accompanied by a permit fee in the amount established by this chapter in § 46-12.
- C. If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the Borough Administrator may 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 new permit.
- D. The provisions of this section shall not apply to news media, family videos and/or student films.

§ 46-3. Issuance of permits.

- A. No permits shall be issued by the Borough Administrator unless it was applied for at least five (5) days prior to the requested shooting date. However, the Borough Administrator may waive the five-day period if, in his judgment, the applicant has obtained all other related approvals and also all adjacent property owners and/or tenants need not be notified.
- B. No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough of North Caldwell with satisfactory proof of the following:
 - (1) Proof of insurance coverage including but not limited to:
 - (a) For bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$1,000,000.
 - (b) For property damage for each occurrence in the aggregate amount of \$300,000.
 - (2) An agreement, in writing, whereby the applicant agrees to indemnify and hold harmless the Borough of North Caldwell from any and all liability, expense, claim or damages resulting from the use of public lands.
 - (3) The posting of cash or maintenance bond for the value of \$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 borough ordinances, laws, and regulations will be followed. Within seven (7) days of the completion of the filming, the borough will return the bond if there has been no damage to the public property or public expense caused by the filming.
 - (4) The hiring of an off-duty North Caldwell Police Officer for the times indicated on the permit. Payment for off-duty police officers shall be made in conformance with the then existing Collective Bargaining Agreement between the Borough and the Collective Bargaining Unit for the subject officer.
- C. 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 shall comply with all lawful directives issued by the Borough of North Caldwell Police Department with respect thereto.

(New)

§ 46-4. Interference with public activity; notice of filming.

- A. The holder of the permit 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.
- B. All vehicles parked on public streets and rights-of-way shall be done so in accordance with all applicable state and local regulations.
- C. The holder shall not interfere with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands.
- D. Where the applicant's production activity, by any reason of location or otherwise, will directly involve and/or affect any business, merchant or resident, these parties shall be given written notice of the filming at least three (3) days before the requested shooting date and be informed that objections may be filed with the Borough Administrator, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Borough Administrator within two (2) days of the requested shooting date.

§ 46-5. Filming in residential areas.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m., and all activity shall meet the standards of Chapter 64, Noise, of the Borough Code, provided that all requests for night scenes shall be approved in the permit to be granted in accordance with § 46-8 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 46-6. Refusal to issue permit; employment of patrolmen and electrician.

- A. The Borough of North Caldwell may refuse to issue a permit whenever it 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 borough agencies 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, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. The borough reserves the right to require one or more Police Officers on site in situations where the production may impede the proper flow of traffic. The cost of said Police Officer shall be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§ 46-7. Appeals.

- A. Any person aggrieved by a decision of the borough denying or revoking a permit or a person requesting relief pursuant to § 46-8 may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed.

- B. An appeal from the decision of the borough shall be filed within ten (10) days of said decision. The Borough Council shall set the matter down for a hearing within thirty (30) days of the filing of the notice of appeal. The decision of the borough shall be in the form of a resolution at the first regularly scheduled public meeting, after the hearing of the appeal. The appellant may agree in writing to a later date for the decision.

§ 46-8. Waiver of requirements by borough.

The borough may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the borough shall consider factors including but not limited to the following:

- A. Traffic congestion at the location;
- B. The applicant's ability to remove film-related vehicles off the public streets;
- C. Whether the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- D. Nature of the film shoot itself, e.g., indoor or outdoors, day or night, on public or private lands;
- E. Prior experience of the film company/applicant with the borough, if any; and
- F. Whether there was consultation with the Borough Council.

§ 46-9. Copies of permit; inspections.

Copies of the approved permit shall be sent to the New Jersey Film Commission, as well as the Police and Fire Departments, before filming takes place. The applicant shall permit the Fire Prevention Bureau or other borough inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other borough inspections.

§ 46-10. Reimbursement of certain costs.

In addition to any and all other fees or costs mentioned in this chapter, the applicant shall reimburse the borough for any lost revenue, including but not limited to, repairs required to public property, and any revenues that the borough was prevented from earning because of the filming.

§ 46-11. Special regulations for major motion pictures.

- A. With regard to filming of a major motion picture, and upon a favorable review of the factors set forth in § 46-8, the borough may grant an exemption of the three (3) consecutive filming day limit and/or the six (6) total filming days within a calendar year limit as defined in § 46-2.
- B. Any days that are necessary for setup and preparation of a major motion picture filming may, at the discretion of the borough, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § 46-8 hereof.

ARTICLE III Fees and Penalties

§ 46-12. Schedule of fees.

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

- A. Basic filming permit: \$75. Where an applicant requests a waiver of the provision of § 46-3A required expedited processing of the permit application, the basic filming permit fee shall be \$125.
- B. Daily filming fee payable in addition to basic filming permit: \$500 per day.
- C. Daily filming fee payable for filming a major motion picture: \$1,500 per day.
- D. Filming permit for nonprofit applicants filming for educational purposes: \$25 one time fee.
- E. Overnight parking/use of borough lot: \$500 per day.
- F. Use of borough buildings: \$1,500 per day.

§ 46-13. Violations and penalties.

- A. Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof.
- B. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars (\$1,000.) 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.

Chapter 46 FILMING

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