

Borough of Florham Park



FILMING PERMIT APPLICATION

Completed application, cover letter, fees and any required documents must be filed with Borough Clerk at least 10 calendar days before filming is to begin per Chapter 120 of the Borough Code

Applicant Name, Email & Phone Number	
Company Name, Email & Phone Number	
Company Address	
Requested Dates for Filming	
Requested Filming Location	
Contact Person for Project, Email & Phone Number	
On-Site Person In Charge of Filming, Email & Phone Number	

The permit application shall be attached to a film request cover letter. **The cover letter must include site specifics regarding the filming such as: number of staff on site; number and types of vehicles on site, and where they will be parked; equipment to be used on site; whether outside lighting will be used; whether outside sound effects, or music, will be used, etc.**

Filming must be between 8:00 a.m. to 10 p.m., including setup and cleanup. One 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. Permission for filming in excess of four (4) days as described in §120-2E(1) of the Borough Code may be granted by the Borough Council upon filing of a request with the Borough Clerk ten (10) calendar days in advance of a Borough Council meeting.

APPLICANT CHECKLIST:

We cannot accept credit card payments. All payments must be cash or check payable to the Borough of Florham Park.

- Commercial applicants: \$100.00 application fee plus \$500.00 daily filming fee
- Nonprofit applicants: \$25.00 application fee plus \$100.00 daily filming fee
- Bona fide educational institution for non-commercial use: Fees waived

Per Section 120-3H of the Borough Code, "If any services are required by employees from other Borough Departments, the cost of such employees is to be borne by the applicant as a cost of production." The hourly rate for outside duty will be provided upon request by the Borough Administrator and will be billed to applicant.

If filming on public property, the following requirements need to be met:

- () Proof of insurance for bodily injury to any one person in the amount of \$1,000,000.00 and any occurrence in the aggregate amount of \$3,000,000.00
- () Proof of insurance for property damage for each occurrence in the aggregate amount of \$500,000.00
- () Certificate of Insurance delivered to the Borough Clerk which shall name the Borough of Florham Park as an additional insured on the policy
- () An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Florham Park, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands (following page)
- () The posting of a cash bond of \$500.00 or a maintenance bond of \$1000.00, running in favor of the Borough and protecting and insuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed. Within two (2) business days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming
- () A contractual agreement with the Florham Park Police Department for paid police coverage during the time indicated in the permit (if required)
- () *Proof of service 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, and simultaneously said tenants and property owners shall be informed that objections may be filed with the Borough Clerk. Such notification to take place at least three (3) business days prior to the requested shooting date, with proofs submitted to the Borough Clerk prior to issuance of the permit.*

If filming on private property, the following requirements need to be met:

- () Permission of property owner, allowing filming on their site, to be submitted with application
- () A contractual agreement with the Florham Park Police Department for paid police coverage during the time indicated in the permit (if required).
- () *Proof of service 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, and simultaneously said tenants and property owners shall be informed that objections may be filed with the Borough Clerk. Such notification to take place at least three (3) business days prior to the requested shooting date, with proofs submitted to the Borough Clerk prior to issuance of the permit.*

Copies of the approved permit will be sent by the Borough Clerk to the Police Department, Fire Department, Health Department and Building Department (if applicable) and the New Jersey Film Commission.

INDEMNIFICATION AGREEMENT
With Regard to Film Making Activities in the Borough of Florham Park

_____, (hereinafter "film maker") agrees to indemnify, protect, defend (with counsel acceptable to the Borough) and hold harmless the Borough of Florham Park, its Mayor and Council members, officers, employees, attorneys and agents, from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, including taxes, special charges by others for loss, injury, damage to person or property in whatever form, claims and demands for damages or loss for infringement of copyright, for libel and slander, and all costs and cleanup actions of any kind, all costs and expenses incurred in connection therewith, including, without limitation, reasonable attorney's fees and costs of defense (collectively, the "losses") arising, directly or indirectly, in whole or in part, out of the filming and related activities performed by film maker, its agents, employees, and/or representatives within the Borough of Florham Park. Nothing contained herein shall be deemed to be a waiver by the Borough of any governmental immunity that applies to the Borough of Florham Park, its employees, agents or contractors.

Signed and sealed this ____ day of _____, 20__

By: _____

FILMMAKER'S CODE

OF PROFESSIONAL RESPONSIBILITY

A signed copy of this form must accompany Letter of Intent

1. Production vehicles arriving on location in or near residential neighborhood shall not enter the area before the time stipulated in the permit, and park along the curb, one by one, turning off engines as soon as possible. Cast and crew shall observe designated parking areas.
2. Every member of the crew shall wear a production pass (badge) when issued.
3. Moving or towing of the public's vehicles is prohibited without the express permission of the municipality.
4. Do not park production vehicles in or on driveways or block same without the express permission of the municipality and driveway owner.
5. Cast and crew meals shall be confined to the area designated in the location agreement or permit. Individuals shall eat within their designated meal area, during scheduled crew meals. All trash must be disposed of properly upon completion of the meal.
6. Removing, trimming and/or cutting of vegetation or trees is prohibited unless approved by the municipality or property owner, if property is privately owned.
7. All signs erected or removed for filming purposes will be removed or replaced upon completion of the use of the location unless otherwise stipulated by the location agreement or permit. All signs posted directing the company to the location should also be removed as well as "no parking" signs.
8. In residential areas and after 10:00 p.m. all noise levels should be kept as low as possible.
9. Clothing that lacks common sense and good taste should not be worn. Shoes and shirts must be worn at all times, unless otherwise directed.

10. Crew members shall not display signs, posters or pictures on vehicles that do not reflect common sense or good taste.
11. Do not trespass onto other neighbors' property. Remain with the boundaries of the property that has been permitted for filming.
12. Sidewalks should not be used for equipment storage and/or construction activities, except when permission is given on the permit. Consideration should be given to pedestrian safety and traffic cones should delineate an alternate path when sidewalks are blocked.
13. All catering, crafts service, construction, strike and personal trash must be removed from the location. Production companies may not use Department of Sanitation trash cans for production trash.
14. Observe designated smoking areas and extinguish cigarettes in butt cans. Cigarettes should not be put out on the streets and left there.
15. Local residents and business people must be permitted access to and from their residence or business. If filming is in process, please remind production personnel to courteously advise the person (s) affected that their progress will only be momentarily interrupted and that their cooperation would be appreciated. Whenever possible, do not stop pedestrians from moving through the location. Confrontation is your least effective means of persuasion. Keeping the promises you make to the community, and responding in a non-defensive manner when situations become difficult, will go a long way towards insuring a smooth shoot.

Production companies are required to adhere to the aforementioned tenets while working on location in New Jersey. Producers of feature films and television programs are also requested to acknowledge the assistance of the New Jersey Motion Picture and Television Commission in the closing credits of their respective works.

Producer's Signature

Date

Chapter 120

FILMING

§ 120-1.	Definitions.	§ 120-4.	Fees.
§ 120-2.	Permit required; application; time restrictions.	§ 120-5.	Violations and penalties.
§ 120-3.	Issuance of permits; filming restrictions; appeals; exceptions to limitations.	§ 120-6.	Exemptions.
		§ 120-7.	Severability.

[HISTORY: Adopted by the Borough Council of the Borough of Florham Park 7-23-2008 by Ord. No. 08-22 . Amendments noted where applicable.]

GENERAL REFERENCES

Parks and playgrounds — See Ch. 171.

Vehicles and traffic — See Ch. 238.

Streets and sidewalks — See Ch. 208.

§ 120-1. Definitions.

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

FILMING — The taking of still or motion pictures, either digitally or on film, videotape or similar recording medium, for commercial or educational purposes, intended for viewing on video receivers, television, in theaters, on the Internet or for institutional use. Filming performed by one individual using a hand-held camera without assistance from others shall be excluded from this chapter.

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 Borough which is within the jurisdiction and control of the Borough of Florham Park.

§ 120-2. Permit required; application; time restrictions.

- A. No person, firm or corporation shall film or permit filming within the Borough of Florham Park without first obtaining an application for permit therefor, obtaining the required approvals and filing the completed/approved permit, together with the applicable permit fee, with the Borough at least 10 calendar days prior to the first date that filming is to take place.
- B. Florham Park Borough filming permit applications may be obtained from the Office of the Borough Clerk during normal business hours. Application for such permits shall be in a form approved by the Borough Administrator and shall be accompanied by a permit fee in the amount established by ordinance of the Borough of Florham Park.
- C. The following information shall be included in the permit application:
 - (1) Location of filming;

- (2) Proposed duration of filming, including date(s) and hours;
 - (3) Amount of space required on public streets/highways/sidewalks, etc.;
 - (4) Contact information of applicant, including the on-site person; and
 - (5) Traffic control plan approved by the Traffic Bureau of the Florham Park Police Department (if required).
- D. One permit shall be required for each location.
- E. Duration of time authorized.
- (1) One permit shall be sufficient to authorize outdoor filming on two calendar days and indoor filming on two calendar days within a period of not more than five 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.
 - (2) Permission for filming in excess of four days as described in § 120-2E(1) may be granted by the Borough Council upon filing of a request with the Borough Clerk seven calendar days in advance of the Borough Council meeting at which the matter is to be considered. A copy of the permit application shall be attached to the request. See also § 120-3J.
- F. 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 Borough Administrator may, at the request of the applicant and with proper notice given to approving authorities and any affected property owners/tenants, 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.

§ 120-3. Issuance of permits; filming restrictions; appeals; exceptions to limitations.

- A. A permit shall be limited to no more than five calendar days.
- B. No more than two permits shall be issued by the Borough of Florham Park for filming that will take place in any residential zones without a waiver pursuant to § 120-3J.
- C. Issuance of permits.
- (1) No permit shall be issued by the Borough Clerk unless a completed application is filed with the Borough Clerk's office at least 10 calendar days prior to the first date filming is to take place.
 - (2) No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:
 - (a) Proof of insurance coverage as follows:
 - [1] For bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000;
 - [2] For property damage for each occurrence in the aggregate amount of \$500,000; and
 - [3] A certificate of insurance shall be delivered to the Borough Clerk which shall name the Borough of Florham Park as an additional insured on the policy.
 - (b) An agreement, in writing, in a form approved by the Borough Attorney, whereby the

applicant agrees to indemnify and save harmless the Borough of Florham Park, its officers, employees and agents from any and all liability, expense, claim or damages resulting from the use of public lands;

- (c) The posting of a cash bond of \$500 or a maintenance bond of \$1,000, running in favor of the Borough and protecting and insuring that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed. Within two business days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming;
 - (d) A contractual agreement with the Florham Park Police Department for paid police coverage during the time indicated in the permit (if required);
 - (e) Proof of service 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, and simultaneously said tenants and property owners shall be informed that objections may be filed with the Borough Clerk. Such notification is to take place at least three business days prior to the requested shooting date, with proofs submitted to the Borough Clerk prior to issuance of the permit;
 - (f) A written approval from the Florham Park Police Department authorizing issuance of the permit and providing any traffic control requirements and public safety conditions.
- D. 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 Florham Park Police Department with respect thereto.
- E. 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 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.
- F. 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 the completion of filming or the expiration of the permit, whichever comes first.
- G. 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. or sunset, whichever is earlier.
- H. The Borough 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 Florham Park Police Department and by other Borough 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 Florham Park 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 Borough reserves the right to require one or more 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. If any services are required by employees from other Borough departments,

the cost of such employees is to be borne by the applicant as a cost of production.

- I. Any person aggrieved by the decision of the Borough Administrator or the Borough of Florham Park denying or revoking a permit or a person requesting relief pursuant to § 120-3J herein may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk no later than 10 calendar days from the date of the denial or revocation of the permit. The Borough Council shall set the matter down for a hearing within 30 calendar days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution. A resolution supporting the decision of the Borough Administrator or granting relief pursuant to § 120-3J shall be adopted by the Borough Council at the first regularly scheduled public meeting of the Borough Council after the hearing on the appeal, unless the appellant agrees, in writing, to a later date for the decision.
- J. The Borough Council may authorize a waiver of any of the requirements or limitations of this chapter and may authorize filming on other public property not defined as public lands and may authorize filming other than during the hours herein described or may extend the duration of a permit beyond five calendar days or may permit filming at a particular location in a residential zone on more than two occasions during any one calendar year or may waive any other limitation or requirement of this chapter whenever it 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.
- K. Copies of the approved permit will be sent by the Borough Clerk to the Police Department, Fire Department, the Department of Community Services, and the Board of Health. Copies shall be sent to any appropriate New Jersey state agencies, including the New Jersey Film Commission.
- L. The applicant shall notify the Police Department, the Fire Department, Director of Community Services and the Board of Health 24 hours before filming takes place and shall permit the Police Department, the Fire Department, the Board of Health or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by Borough inspectors, including the Police Department, the Fire Department and the Board of Health.
- M. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue or repairs to public property.

§ 120-4. Fees.

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

- A. Permit:
 - (1) Basic filming for other than nonprofit applicants: \$100.
 - (2) Basic filming for nonprofit applicants filming for educational, noncommercial use: \$25.
- B. Daily filming fee payable in addition to the basic filming permit fee:
 - (1) Five hundred dollars per day, except as set forth in § 120-4B(2) hereof.
 - (2) One hundred dollars per day for nonprofit applicants filming for educational, noncommercial purposes.
- C. Waiver of fees for student. The fees set forth in § 120-4 shall be waived when filming is done by a

student in a grade school, middle school, high school, college, university or other bona fide educational institution upon receipt by the Borough 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.

§ 120-5. Violations and penalties.

Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$2,000 per day or by imprisonment in the county jail for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 120-6. Exemptions.

The provisions of this chapter shall not apply to:

- A. The filming of news stories within the Borough of Florham Park;
- B. Filming by one individual using a hand-held camera without the assistance of other persons; and
- C. Filming for authorized Florham Park Borough municipal government purposes as may be authorized by the Florham Park Borough Council or the Borough Administrator.

§ 120-7. 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.