



Borough of Waldwick Application for Filming

Application must be submitted fourteen days prior to the requested filming date.
(Copy of Ordinance attached).

Company Name: _____

Business Address: _____

Contact Person: _____

Telephone: _____ Fax: _____ E-Mail: _____

Date of Filming: _____

Hours of Filming: _____

Location of Filming: _____
(Describe in Detail)

Prior filming by this applicant in Borough in this calendar year:

Yes___ No___ Dates_____

\$500.00 Bond/Cash Deposit:

Check _____ Bonding Agent _____

- Will residents or business be affected by filming? Yes___ No___

If yes, describe _____
(A copy of notice to be sent to owners and occupants 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?
(If yes, Police personnel is required) Yes___ No___
- Have you ever been convicted of a crime? Yes___ No___

Basic Filming Permit:	\$100.00
Waiver Request of the Basic Filming Permit:	\$150.00
Daily Filming Fee – In addition to basic filming permit	\$500.00 per day
Daily Filming Fee – Major Motion Picture	\$1,500.00 per day

_____ Date _____
Authorized Signature/Title

_____ Date _____
Chief of Police

_____ Date _____
Fire Official

_____ Date _____
Approved: _____
Kelley Halewicz, RMC/CMC
Municipal Clerk/Licensing Official

Mail to: Kelley Halewicz, RMC/CMC
Municipal Clerk
Administration Building
63 Franklin Turnpike
Waldwick, NJ 07463

Phone: (201) 652-5300 x236
Fax: (201) 652-4143

Check list of items to be submitted with application (For Borough Use Only)

_____ Bond

_____ Insurance

_____ Notices to Public

_____ Hold Harmless Agreement

_____ Fire Official Notice

BOROUGH OF WALDWICK
ORDINANCE NO. 18-02

AN ORDINANCE TO REGULATE COMMERCIAL AND EDUCATIONAL FILMING

WHEREAS, the Borough of Waldwick has been the site of occasional filming which has created problems requiring regulation necessary to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick as follows:

SECTION 1:

Chapter 92 entitled "VIDEO AND MOVIE FILMING" is added and shall read as follows:

§ 92-1 Definitions.

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

"*Filming*" shall mean "to film" which shall include the taking of still video or motion pictures, either on film, videotape or similar recording medium intended for viewing on television or in the movies or in theaters or for institutional use. Filming includes all preparation and rehearsals, and assembly and dismantling of all equipment and structures, including but not limited to scaffolding, lighting backdrops, tools, food service, and the loading and unloading of vehicles containing the equipment, structures and food.

"Major Motion Picture" shall mean any film for which the budget is at least five million dollars (\$5,000,000).

"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.

"Public Lands" shall mean any and every public street, highway, sidewalk or square, public park or play ground or other public place within the jurisdiction and control of the Borough of Waldwick.

"Residential Zones" shall mean as established by Chapter 97 of the Code of the Borough of Waldwick.

§ 92-2 Permits.

- A. No person shall film or permit filming within the Borough of Waldwick without first obtaining a permit therefore, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to date or dates.
- B. Permits shall be obtained in the office of the Borough Clerk during normal business hours. The form of the application shall be approved by the Mayor and Council.
- C. One (1) permit shall be required for each location.
- D. One (1) permit shall be sufficient to authorize filming on three (3) consecutive days and in no event shall filming by any applicant exceed a

total of six (6) days in any calendar year regardless of the number of permits utilized without a waiver pursuant to Section 92-4C.

- E. 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 Clerk may, at the request of the applicant, and upon receipt of a written certification from the applicant that filming did not in fact take place on the dates specified, issue a new permit for filming on other dates subject to full compliance with all other provisions of this section. No additional fee shall be paid for this permit.
- F. No permits will be issued by the Borough Clerk unless applied for fourteen (14) days prior to the requested filming date; provided, however, that the Borough Administrator, or in the absence of the Borough Administrator the Mayor, may waive all or part of the fourteen (14) day period pursuant to Section 92-4C.

§ 92-3 Rules and Regulations.

- A. No permit shall be issued for filming at a particular location in the Borough of Waldwick which would result in filming at said location on more than four (4) days during any one (1) calendar year unless a waiver is granted pursuant to Section 92-4C.
- B. No permit shall be issued for filming upon Public Lands within the Borough of Waldwick unless the applicant provides proof of insurance coverage as required by this section at least forty-eight (48) hours before the filming date requested.
 - 1. Provides proof of insurance coverage for bodily injury in the amount of \$5,000,000 combined single limit and for property

damage in the amount of \$5,000,000 combined single limit.

2. Additional requirements as follows:

- (a) Certified copies of all insurance policies required or certificates thereof satisfactory to the Borough of Waldwick shall be furnished at the time the permit is issued. Each such policy or certificate shall contain a provision that it is not subject to change or cancellation unless thirty (30) days prior written notice shall have been given to the Borough of Waldwick by the applicant's insurer.
- (b) The applicant agrees in writing that it will defend, indemnify and hold harmless the Borough of Waldwick, its officers, agents and employees from any and all liability, suits, actions, and demands and all damages, costs or fees (including reasonable attorney's fees and loss of business claims) on account of injuries to persons or property, including accidental death, arising out of or in connection with the filming, or by reason of the filming.
- (c) Insurance purchased and maintained by the applicant pursuant to this Chapter shall designate the Borough of Waldwick, its officers, officials, agents, employees and consultants as additional insured.
- (d) Except as modified by the Borough of Waldwick in writing, the insurance requirements herein shall also apply to subcontractors and to the sub-subcontractors, and the applicant will be responsible for supervision of the filing of

certified copies of the insurance policies and/or insurance certificates prior to any subcontractor commencing work on the project.

3. In the event that the applicant provides evidence of insurance valid for a period of time less than the period during which the applicant is required to maintain insurance, the applicant shall be obligated to renew its insurance policies as necessary and to provide new evidence of insurance in order that the Borough of Waldwick is continuously in possession of evidence of the applicant's insurance in accordance with the foregoing provisions.
- C. Applicant shall post a bond or cash deposit in the amount of \$500.00 to guarantee and secure the Borough against any damage to person or property and to guarantee clean-up and restoration of the areas in which the filming takes place or other areas which may be damaged or destroyed because of the activities of the filming. If no claim is made upon the bond or cash deposit, the bond or cash deposit shall be returned to the applicant within thirty (30) days of the completion of the filming.
 - D. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrian and traffic over Public Lands and shall comply with all lawful directives issued by the Waldwick Police and Fire Department with respect thereto.
 - E. The holder of the permit shall reimburse the Borough of Waldwick for the costs incurred in the use during filming of employees and equipment of the Borough of Waldwick, including but not limited to police officers, fire personnel and members of the Department of Public Works, and police, fire and sanitation vehicles. The reimbursement fees which shall be paid to the Borough Clerk are as set forth in Chapter 48, Article 92 entitled

"Fees" of the Waldwick Municipal Code. The Borough reserves the right to require adequate police presence on-site in situations where the proposed production may impede the proper flow of traffic, the cost of police coverage to be borne by the holder of the permit 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.

- F. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners and occupants attributable to such filming and shall, to the extent practicable, abate noise . The holder of the permit shall not allow any lights used in connection with the filming to shine directly into any windows upon any other property without the express written consent from the owner or occupant. The holder of the permit 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 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.
- H. In Residential Zones, filming shall be permitted only Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m.
- I. The holder of the permit shall notify the Fire Official forty-eight (48) hours before filming take place and permit the Fire Official or his designee to inspect the site and the equipment to be used. The holder of the permit

shall comply with all fire safety instructions issued by the Fire Official or his designee.

- J. The holder of the permit shall procure from the Assessors Office a list of property owners within 200' of their proposed location. These property owners shall be notified by certified mail, return receipt requested, at least fourteen (14) days before filming takes place of the date and location of the filming and inform the owners that objection may be filed with the Borough Clerk, said objections to form a part of the applicant's application and be considered in the review of same. Proof of service of notice shall be submitted to the Borough Clerk within two (2) days prior to the requested filming date.
- K. Vehicles used in connection with the filming, including vehicles of personnel associated with such filming, shall be parked off the public right of way to the maximum extent permitted. Vehicles should not be parked so as to encroach upon private property without the express written consent from the owner or occupant thereof. Vehicles parked in the public right of way shall comply with all applicable parking and traffic regulations. Vehicles parked or located in violation hereof may be towed by the Borough of Waldwick and the cost thereof shall be reimbursed to the Borough by the holder of the permit.

§ 92-4 Denial, Appeal and Waivers

- A. The Borough Clerk is empowered to approve individual applications for permits that comply with this Ordinance. The Borough Clerk may refuse to issue a permit whenever it is determined, on the basis of objective facts, 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 time set forth in the

application that the filming would violate any law or ordinance or would unreasonably interfere with the public's use of Public Lands, unreasonably interfere with the use of adjoining property, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health or welfare.

- B. Any person aggrieved by a decision of the Borough Clerk denying or revoking a permit or a person requesting relief may appeal to the Borough Administrator. This appeal shall be received within ten days of the decision of the Borough Clerk and shall be in writing and shall set forth the reasons for the appeal. The Borough Administrator shall then have ten days to make a decision which shall be in writing.
- C. The Borough Administrator or in the absence of the Borough Administrator, the Mayor may authorize a waiver of any of the requirements or limitations of this Chapter and may authorize filming other than during the hours herein described or may extend the duration of a permit beyond three (3) days or may permit filming by an applicant on more than six (6) days during any one (1) calendar year or more than four (4) days in one (1) calendar year at a particular location in a Residential Zone, or may waive all or part of the fourteen (14) day period set forth in Section 92-2F whenever it determines that strict compliance with such limitation 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.
- D. Any person aggrieved by a decision of the Borough Administrator or Mayor pursuant to Sections 92-2F and 92-4C or the Borough Administrator's decision pursuant to this Section 92-4B may appeal to the Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Council. An appeal from the decision of the

Borough Administrator or Mayor pursuant to Sections 92-2F and 92-4C or the Borough Administrator's decision pursuant to this Section 92-4B shall be filed within ten (10) days of the Borough Administrator's or Mayor's decision. The Council shall set the matter down for a hearing within thirty (30) days of the day on which the notice of appeal was filed. The decision of the Council shall be in written form.

§ 92-5 Fees.

The fees which shall be paid to the Borough Clerk in advance of the filming and issuance of the permit are as set forth in Chapter 48, Article 92 entitled "Fees" of the Walldwick Municipal Code.

§ 92-6 Violations and Penalties.

See Chapter 1:14-1 of the Walldwick Municipal Code.

§ 92-7 Exemptions.

The provision of this section shall not apply to the filming of News Stories by authorized press personnel within the Borough. In addition, filming by the Borough of Walldwick Police Department, Fire Department or Ambulance Corps for training purposes shall be exempt, as well as filming by Walldwick Productions Inc. and video clubs or video classes of the Walldwick Public Schools, provided, however, that such filming shall comply with the provisions of Sections 92-3D, F, G, H and K of this Chapter.

To the extent practical, advance notification of filming shall be furnished to the Borough Clerk. Such filming shall comply with all lawful directives issued by the Walldwick Police and Fire Departments.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Walldwick

that Chapter 48 is amended to include the following:

The schedule of fees for the issuance of permits authorized by Chapter 92 entitled "Video and Movie Filming" are as follows:

§ 48-92 Fees.

In addition to reimbursing the Borough for the Borough's expenses as set forth in Chapter 92 Video and Movie Filming, Section 92-3E, the applicant shall pay the following fees:

- A. Basic filming permit: seventy-five dollars (\$75). Where an applicant requests a waiver of the provision of Section 92-4C requiring expedited processing of the permit application, the basic filming permit fee shall be one hundred twenty-five dollars (\$125).
- B. Daily filming fee payable in addition to the basic filming permit: five hundred dollars (\$500) per day. No daily filming fee shall be required for non-profit applicants filming for educational purposes.
- C. Daily filming fee payable for Major Motion Picture: one thousand five hundred dollars (\$1,500) per day.

§ 92-8 Effective date of ordinance.

This ordinance shall take effect when passed and published as required by law.

Introduced: November 12, 2002

Adopted: November 26, 2002

ATTEST: Paula M. Jaegge
Paula M. Jaegge, MC/CMC
Municipal Clerk

Approved: James J. Toole
James J. Toole,
Mayor