

No. _____

TOWNSHIP OF MAPLEWOOD, NEW JERSEY

Application for Filming

Date: _____

The undersigned hereby makes application for a permit to film on public property and agrees to be bound by the terms and conditions of an ordinance entitled "An Ordinance to Regulate Television and Movie Filming on Public Property within the Township" adopted _____, 1998.

Name of Applicant: _____

Business address: _____

Telephone No.: _____ Fax No.: _____

Date(s) of Filming: _____

Length of Filming: _____

Location of Filming: *[Describe in detail expected size of area to be utilized; include a map]* _____

Attach a list and description of all equipment to be utilized at the shoot site(s) and designate the location of all equipment at the shoot site(s).

Name of Insurance Company attach Certificate of Insurance

Amount and Type of Bond _____

List name, address and phone # of contact person(s) reachable 24 hours 7 days.

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].

Will access to merchants be affected by filming? Yes ☐ No ☐

[If yes, when and by whom will they be notified?] _____

I hereby apply for a permit and tender the permit fee of \$_____ and agree to be bound by all provisions and requirements of the above-referenced Ordinance.

Date of Approval _____ Signature of applicant _____

Township Administrator

Chief of Police

Fire Chief

FOR INTERNAL USE ONLY

☐ FEE

☐ HOLD HARMLESS

☐ CERTIFICATE OF INSURANCE

☐ OFF DUTY POLICE OFFICER

☐ BOND

☐ ELECTRICIAN
REQUIRED

TOWNSHIP OF MAPLEWOOD, NEW JERSEY

OFFICE OF THE MUNICIPAL CLERK

REQUIRED INSURANCE PRIOR TO USE OF TOWNSHIP FACILITIES AND LOCATIONS

Permission to use Township facilities shall not be granted unless the completed application form, fee and required proof of insurance coverage is received by the Municipal Clerk prior to the close of business at least 48 hours prior to the shooting date requested.

FAILURE TO DELIVER PROOF OF REQUIRED INSURANCE COVERAGE WILL RESULT IN CANCELLATION OF TENTATIVE RESERVATION

INSURANCE REQUIRED:

1. BODILY INJURY/PROPERTY DAMAGE: A. \$5,000,000 (five million) dollars per occurrence.

THE FOLLOWING STATEMENT MUST BE SIGNED AND NOTARIZED, AND IS MADE AN INTEGRAL PART OF THE ATTACHED APPLICATION:

_____ *[Name of organization]* agrees to indemnify and hold harmless the Township of Maplewood, New Jersey, its members and agents from any and all liability for damages, for injury to the person or property of its owner or another and against and from all suits and actions and all costs and damages (including, without limitation, attorneys' fees and loss of business claims) to which the Township of Maplewood may be put resulting from the use of Township facilities and/or locations.

[Signature]

[Title]

Date _____

AUTHORIZATION
TO FILM ON MUNICIPAL PROPERTY

This Agreement made this day of 2005 between whose address is: (The Film Maker) and the Township of Maplewood ("Township") whose address is 574 Valley Street, Maplewood, New Jersey;

WHEREAS, the Film Maker has requested and secured authorization to film on Township property; and

WHEREAS, the Township prohibits the use of "The Township of Maplewood" or the Township of Maplewood seal (Township seal) to appear in any film without the express written authorization of the Township;

NOW, THEREFORE, it is agreed by and between the Film Maker and the Township as follows:

1. The Film Maker will not use the phrase "Township of Maplewood" or the Township seal in its film without the expressed written consent of the Township;
2. The Film Maker recognizes that the Township has a proprietary interest in the phrase "Township of Maplewood" and the Township seal; and further recognizes that a violation of this Agreement will cause damage to the Township;
3. Should the Film Maker violate this Agreement, the Film Maker agrees to pay the Township One Hundred Thousand (\$100,000.00) dollars as compensatory damages for the use of the name "Township of Maplewood" or the Township seal ;

4. This Agreement will be construed and interpreted under the laws of the State of New Jersey;
5. The parties have each had an opportunity to review this Agreement with counsel;
6. The parties agree to waive a trial by jury regarding any dispute with regard to this Agreement;
7. Any claims or dispute arising under this Agreement may only be brought in the Superior Court of New Jersey, Essex County;
8. This Agreement may only be modified by a writing signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed the day and year first above written.

ATTEST:

BY: _____

BY: _____

WITNESS:

TOWNSHIP OF MAPLEWOOD

BY: _____
ELIZABETH FRITZEN, Clerk

BY: _____
TOWNSHIP ADMINISTRATOR

TOWNSHIP OF MAPLEWOOD

PASSED ORDINANCE

#2076-99

**AN ORDINANCE TO REGULATE FILMING
WITHIN THE TOWNSHIP OF MAPLEWOOD**

BE IT ORDAINED by the Township Committee of the Township of Maplewood, in the County of Essex and State of New Jersey as follows:

Section 1: DEFINITIONS:

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

Filming - The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes, including setup and breakdown, intended for viewing on television, in theaters or for institutional uses. Filming shall also include the use of the public right of way [streets, sidewalks, etc.] for equipment used in connection with the taking of still or motion pictures [lights, cables, trucks, trailers, generators, etc.] The provisions of this chapter shall not be deemed to include the "filming" of news stories within the Township of Maplewood.

Public Lands - Any and every public street, public building, highway, sidewalk, square, public park or playground or any other public place within the Township which is within the jurisdiction and control of the Township of Maplewood.

Section 2: PERMIT REQUIRED:

(A) No person or organization shall film or permit filming on public property within the Township of Maplewood without first having obtained a permit from the Office of the Township Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates, including setup, filming and breakdown. Said permit must be readily available for inspection by Township officials at all times at the site of the filming.

(B) All permits shall be applied for and obtained from the Office of the Township Clerk during normal business hours. Applications for such permits shall be in a form approved by the Township Clerk and be accompanied by a permit fee in the amount established by this chapter.

(C) A permit shall be sufficient to authorize outdoor or indoor filming for a period as specified in the permit.

(D) There can be no change to the approved dates and times once a permit has been issued. A permit to film in a residential area shall be for a maximum of five (5) days. A permit to film in any other area shall be for a maximum of ten (10) days. However, 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 Township Clerk at the direction of the Township Administrator may, at the request of the applicant, 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.

Section 3: ISSUANCE OF PERMITS:

(A) No permits will be issued by the Township Clerk unless applied for at least five (5) days prior to the set up date; provided, however, that the Township Administrator may

waive the five (5) day period if, in his judgment, the applicant has obtained all related approvals and affected property owners, business owners, merchants and/or tenants do not need to be notified.

(B) No permit shall be issued for filming upon public lands unless the applicant shall provide the Township with satisfactory proof of the following:

(i) Proof of insurance coverage for bodily injury and property damage in the amount of \$5,000,000 per occurrence together with a certificate of insurance naming the Township of Maplewood as an additional insured and containing a provision giving the Township five (5) days notice before cancellation.

(ii) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Township of Maplewood from any and all liability, expenses, claim or damages resulting from the applicant's negligence and the applicant further agrees to reimburse the Township for out of pocket expenses including but not limited to police, fire, public works, etc.

(iii) The posting of a cash bond, in the minimum amount of \$500.00 or such other sum as determined by the Township Administrator taking into consideration the length and scope of the project, running in favor of the Township 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 Township ordinances, laws and regulations will be followed and any costs incurred by the Township are paid. Within seven (7) days of the completion of the filming, the Township will return the bond if there has been no damage to public property or public expense caused by the filming.

(iv) The hiring of off duty Maplewood police officer(s) as determined by the Township Administrator for the times indicated on the permit at a rate set by the Police Department.

(v) Securing the written consent of Township property owners, business owners, merchants and/or residents, who in the opinion of the Township Administrator would be adversely affected by the permit being issued.

(C) The holder of the permit shall take all reasonable steps to minimize the interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Maplewood Police and Fire Departments with respect thereto.

(D) The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to neighboring 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. Where in the opinion of the Township Administrator, the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties as identified by the Township Administrator by address, shall be given written notice by the applicant of the filming at least five (5) days prior to the requested set up date and be informed that objections may be filed with the Township Clerk, 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 affected parties shall be submitted to the Township Clerk within one (1) day of the requested shooting date.

(E) Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m. provided that all requests for night scenes shall be

approved in the permit or by a waiver to be granted in accordance with Subsection (H) hereof. The set up, production and break down required by all filming shall be included in the hours as set forth herein.

(F) The Township Administrator may refuse to issue 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, Fire Department and by other Township 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 neighboring properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise adversely affect the public's health, safety or welfare. Further, the Township reserves the right to require one (1) or more on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said police officers to 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.

(G) Any person aggrieved by a decision of the Township Administrator denying or revoking a permit or a person requesting relief pursuant to Subsection (H) may appeal to the Township Committee. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Township Administrator. An appeal from the decision of the Administrator shall be filed within ten (10) days of the Administrator's decision. The Township Committee 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 Township Committee shall be in the form of a resolution supporting the decision of the Township Committee at the first regularly scheduled public meeting of the Township Committee after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Administrator shall be deemed to be reversed and a permit shall be issued in conformity with the application or the relief pursuant to Subsection (H) shall be deemed denied.

(H) The Township Administrator 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 permit filming at a particular location in a residential zone for more than five (5) days, to a maximum of ten (10) days at any one location, or may waive any other limitation or requirement of this chapter whenever it determines that such a permit may be issued without endangering the public health, safety and welfare. In determining whether to issue a waiver under this section, the Administrator shall consider the following factors:

- (i) Traffic congestion at the location caused by vehicles to be parked on the public street;
- (ii) Applicant's ability to remove film-related vehicles off the public streets;
- (iii) When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
- (iv) Nature of the film shoot itself, e.g., indoor or outdoors; day or night;
- (v) Prior experience of the film company/applicant with the Township, if any; and
- (vi) Consultation with the Township Committee.

(I) Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Motion Picture and Television Development Commission. The applicant shall permit the Fire Prevention Bureau or other Township inspectors

to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Prevent Bureau or other Township inspectors.

(J) In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, repairs to public property, out of pocket expenses, overtime paid or other revenues that the Township was prevented from earning because of filming.

(K) The use of ancillary Township facilities (parking of vehicles, serving of meals, etc.) shall be at the direction of the Township Administrator and/or police department. The applicant shall reimburse the Township the reasonable cost for use of all such ancillary facilities.

Section 4: FEES

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

(A) Basic filming permit: \$75.00. Where an applicant requests a waiver of the provision of Section H requiring expedited processing of the permit application, the basic filming permit fee shall be \$125.00.

(i) The permit fee for student projects and non-profit corporations filming for educational purposes shall be \$25.00.

(B) Daily filming fee payable in addition to basic filming permit: \$500.00 per day or part thereof.

(C) Filming on public property as listed below: Daily filming fee payable in addition to the basic filming permit \$750.00 per day or part thereof at the following locations:

- (i) Springfield Avenue;
- (ii) Irvington Avenue/Parker Avenue Business District;
- (iii) Prospect Street;
- (iv) Valley Street;
- (v) Ridgewood Road;
- (vi) Wyoming Avenue;
- (vii) Maplewood Pool in season;
- (viii) Maplewood Parks;
- (ix) Township Buildings.

(D) Filming at Maplewood Village: Daily filming fee payable in addition to the basic filming permit \$1,000.00 per day or part thereof.

(E) The foregoing fees may be waived for student projects or for non-profit corporations filming for educational purposes

Section 5: VIOLATIONS AND PENALTIES:

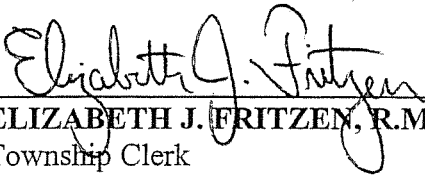
Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 per day or by imprisonment in the county jail for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 6: If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 7: Whole Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8: This Ordinance shall take effect after final passage and publication according to law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held March 2, 1999, and that the Committee met again on March 16, 1999 at 8:00 p.m. at the Municipal Building, Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.



ELIZABETH J. FRITZEN, R.M.C.
Township Clerk