

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO ADD A NEW CHAPTER, CHAPTER 75 FILMING; AND A NEW SECTION IN CHAPTER A210 FEES.

WHEREAS, the Borough of Mt. Arlington has been the location of occasional television, internet and movie filming requiring assistance from the Borough Administration and the Police Department; and

WHEREAS, it is in the best interest of the Borough to preserve the public health, safety and welfare by establishing a procedure to protect the interests of the Borough; and

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code to add a new chapter, Chapter 75, Filming; and a new section in Chapter A210, Fees.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that Chapter 75, Filming be added to the Borough Code to read in its entirety as follows:

Chapter 75 FILMING.

§ 75-1. Definitions.

§ 75-2. Permit required.

§ 75-3. Issuance of permits.

§ 75-4. Fees.

§ 75-5. Violations and penalties.

§ 75-1. 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, videotape, digital or similar recording medium for commercial, informational or educational purposes intended for viewing on television, the internet, in theaters or for institutional uses. The provisions of this chapter shall not be deemed to include the “filming” of news stories within the Borough of Mt. Arlington.

Major motion picture – A “major motion picture” shall be defined as:

(i) Any film which is financed and/or distributed by a motion picture studio, including, but not limited to, the following:

- (a) Universal Pictures;
- (b) Warner Brothers, including New Line Camera, Castle Rock Cinema and Turner Production Company;
- (c) Paramount;
- (d) 20th Century Fox;
- (e) Columbia/Tri-Star;
- (f) Disney;
- (g) MGM – United Artists.

(ii) Any film which is financed and/or distributed by an internet streaming service company, including, but not limited to, the following:

- (a) Netflix;
- (b) Cloudload;
- (c) Amazon Prime;
- (d) Hulu Plus;
- (e) Google Play;
- (f) Vudu;
- (g) Blockbuster;
- (h) Epix;
- (i) Crackle.

(ii) Any film for which the budget is at least five million dollars.

Public lands – Any and every public street, highway, sidewalk, square, public park, beach, lake or playground, any municipal building or property, or any other public place within the Borough which is within the jurisdiction and control of the Borough of Mt. Arlington.

§75-2. Permit Required.

(a) No person or organization shall film or permit filming on public property within the Borough of Mt. Arlington without first having filed an application and obtained a permit from the office of the Borough 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. 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 (6) day maximum. This six (6) day limitation may be extended by the Municipal Administrator at the request of the applicant. The 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 Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough and shall be accompanied by a permit fee in the amount established by this chapter.

(c) 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 Municipal 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 under such circumstances.

§ 75-3. Issuance of permits.

(a) No permits will be issued by the Borough Clerk unless applied for on or before seven (7) days before the requested shooting date, provided, however, that the Municipal Administrator may waive the seven (7) day period if, in the Administrator's judgment, the applicant has obtained all related approvals and adjacent property owners 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 Borough with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of five-hundred thousand (\$500,000) dollars and any occurrence in the aggregate amount of one million (\$1,000,000) dollars.

b. For property damage for each occurrence in the aggregate amount of three-hundred thousand (\$300,000) dollars.

(2) An agreement in writing in a form approved by the Borough pursuant to which the applicant agrees to indemnify and save harmless the Borough of Mt. Arlington from any and all liability, expense, claim or damages for personal injury and property damage resulting from the use of public lands.

(3) The posting of a cash bond of five hundred (\$500) dollars or a maintenance bond of five hundred (\$500) dollars running in favor of the Borough and protecting and insuring that the location utilized will be left after filming in satisfactory condition free of debris, rubbish and equipment, and that all Borough ordinances, laws and regulations will be followed. Within seven (7) days of

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.

(4) The hiring of an off-duty Mt. Arlington police officer for the times indicated on the permit.

(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 Mt. Arlington Police Department with respect thereto.

(d) 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. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three (3) days prior to the requested shooting date and be informed that objections may be filed with the Borough 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 adjacent property owners shall be submitted to the Borough Clerk within two (2) days of the requested shooting date.

(e) Filming in residential zones shall be permitted Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or sunset, whichever is earlier, provided that night scenes can be approved in the permit, and hours can be extended if the police officer on the scene determines that there is legitimate delay and the time extension will not greatly inconvenience neighbors.

(f) The Borough Clerk may refuse to issue a permit on the basis of objective facts and after a review of the application with the Municipal Administrator 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. Further, the Borough reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman 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 Borough Clerk denying or revoking a permit or a person requesting relief pursuant to Subsection h of this section may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Administrator. An appeal from the decision of the Clerk shall be filed within ten (10) days of the Clerk's decision. The Municipal Administrator shall set the matter down for Council review within thirty (30) 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 supporting the decision of 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. 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 of this section shall be deemed denied.
- (h) The Municipal 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 extend the duration of a permit beyond three (3) days or may permit filming at a particular location in a residential zone on more than six (6) 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.
- (i) Copies of the approved permit will be sent to the Borough Police and Fire Department before filming takes place. The applicant shall permit the Borough Police, Fire Departments or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Borough Police, Fire Departments or other Borough inspectors.
- (j) In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

§75-4. Fees.

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

- A. Basic filming permit: one-hundred dollars (\$100). Where an applicant requests an expedited processing of the permit application, which is the less than five (5) days prior to filming, the basic filming permit fee shall be two hundred (\$200) dollars.

- B. Daily filming fee payable in addition to the basic filming permit: first day through tenth (10th) day: five hundred (\$500) dollars per day; more than ten (10) days: seven hundred fifty (\$750) dollars per day starting on the eleventh (11th) day.
- C. Filming permit for non-profit applicants filming for informational or educational documentary or public television/internet purposes (no daily rate required): twenty five (\$25.00) dollars.
- D. Filming permit for student applicants filming for informational or educational documentary or public television purposes (no daily rate required): none.

§75-5. Violations and Penalties.

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner of the private property and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding one thousand (\$1,000) dollars per day or by imprisonment in the county jail for a term not exceeding thirty (30) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continue

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that that the Borough Code Chapter A210 of the Borough Code, entitled "Fees" be amended to include a new section for Chapter 75, Filming as follows:

Chapter 75 Filming.

§75-4. Fees.

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

- A. Basic filming permit: one-hundred dollars (\$100). Where an applicant requests an expedited processing of the permit application, which is the less than five (5) days prior to filming, the basic filming permit fee shall be two hundred (\$200) dollars.
- B. Daily filming fee payable in addition to the basic filming permit: first day through tenth (10th) day: five hundred (\$500) dollars per day; more than ten (10) days: seven hundred fifty (\$750) dollars per day starting on the eleventh (11th) day.
- C. Filming permit for non-profit applicants filming for informational or educational documentary or public television/internet purposes (no daily rate required): twenty five (\$25.00) dollars.
- D. Filming permit for student applicants filming for informational or educational documentary or public television purposes (no daily rate required): none.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

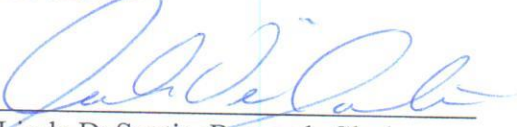
SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on April 7, 2015 and will be further considered after a Public Hearing held on May 5, 2015 at the Municipal Building at 10:00 A.M.


INTRODUCED:

PUBLISHED:

ATTEST:


Linda DeSantis, Borough Clerk

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Arthur Ondish, Mayor

BOROUGH OF MT. ARLINGTON

To: _____

From: Borough Clerk

Fax: _____

Fax: (973) 398-8662

Date: _____

Total Pages: _____

The Borough of Mt. Arlington's Filming Ordinance is located in Chapter 75; and attached are the forms necessary to apply for a filming permit. The components to be completed and returned are:

- 1) Application (75-2)
- 2) Certificate of insurance (75-3 (b) (1))
- 3) Notarized "hold-harmless" agreement (75-3 (b) (2))
- 4) Three (3) checks made payable to the "Borough of Mt. Arlington"
 - \$100 permit application fee, or \$200 if applying less than five (5) days prior to filming (non-refundable)(75-4))
 - \$500 per day filming fee for the first (1st) through the tenth (10th) day; \$750 for more than ten (10) days starting on the eleventh (11th) day (returned if not applicable)(75-4)
 - \$500 bond check (returned after completion of filming)(75-3 (3))
- 5) Copy of a "letter of intent" to be sent to neighbors and a list of the addresses where it will be delivered (75-3 (4)(d)). See sample "letter of intent."

TRASH REMOVAL IS THE RESPONSIBILITY OF THE PRODUCTION COMPANY

SIGNS MAY NOT BE POSTED ON TREES OR POLES WITHIN THE BOROUGH:
TO DO SO MAY RESULT IN A FINE.

If you have any questions or concerns, please call the Borough Clerk.

Borough Clerk
Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, New Jersey 07856-1129
(973) 398-6832

BOROUGH OF MT. ARLINGTON

OFFICE OF THE BOROUGH CLERK

REQUIRED INSURANCE PRIOR TO USE OF BOROUGH FACILITIES AND LOCATIONS

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

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

INSURANCE REQUIRED

- | | |
|----------------------------|--|
| 1. BODILY INJURY: | A. for any one (1) person, the amount of \$500,000
B. for any occurrence, in the amount of \$1,000,000 |
| 2. PROPERTY DAMAGE: | A. for any one (1) accident, in the amount of \$100,000
B. for any aggregate occurrence, in the amount of \$300,000 |

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

_____ agrees to indemnify and save harmless the
(Name of Organization)
Borough of Mt. Arlington, 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 Borough of Mt. Arlington may be put resulting from use of Borough facilities and/or locations.

Signed: _____

Title: _____

Date: _____

Notary Public

SAMPLE LETTER OF INTENT
To be placed on Company Letterhead

TO: Neighbors of _____

FROM: Company Contact Person _____

DATE: _____

RE: Filming Commercial for _____ or: _____
(Product) (Movie Name)

Our company has applied to film a commercial, television show, internet video, or movie in the Borough of Mt. Arlington on day(s) and date(s) at the above location.

There will be _____ trucks, _____ vans, _____ generators, _____ catering trucks, _____ crew cars (or any special equipment ie: 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 will arrive before 7 a.m. and all activity and vehicles connected with the filming will be gone by 9 p.m. (If any vehicles arrive before 7 a.m., you may call the Borough Police Department to file a complaint. 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 _____; or you may call the Borough Clerk's Office.

Thank you.

APPLICATION FOR FILMING

The undersigned hereby makes an application for a permit to film on public property and agrees to be bound by the terms and conditions of the Borough of Mt. Arlington Code Chapter 75, Filming.

Name of Applicant/Company: _____

Business/Mailing Address: _____

Telephone No.: _____ Fax No.: _____

Email: _____

Date(s) of Filming: _____

Hour(s) of Filming: _____

Length of Filming: _____

Location(s) 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): _____

Type of film: Commercial ☐ Motion Picture ☐ Still Shoot ☐
Name: Product/Show: _____ Interior ☐ Exterior ☐
TV Series/Made for TV Movie: _____ Internet ☐ Other ☐

Name of Insurance Company: _____

Attach Certificate of Insurance: ☐

Amount and Type of Bond: _____

List name, address and phone number 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 pedestrian or vehicular traffic be affected as a result of filming? YES ☐ NO ☐ [If yes, an off duty police officer is required].
- Will residents or businesses be affected by filming? YES ☐ NO ☐ [If yes, resident letters must be sent to affected individual(s) and a list of the addresses must accompany this application].
- 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 OF \$ _____ AND AGREE TO BE BOUND
BY ALL PROVISIONS OF THE BOROUGH CODE CHAPTER 75.

Signature of Applicant _____

Date _____

Borough Clerk _____

Date _____

Borough Administrator _____

Date _____

Chief of Police _____

Date _____

Mail to: Borough Clerk, Borough of Mount Arlington, 419 Howard Boulevard, Mount Arlington, New Jersey 07856-1129

COLLECTION FEE SCHEDULE FOR REFUSE REMOVAL REQUESTED BY FILM CREWS.

If collecting on same day as the regular route is collected and if there are no more than ten (10) bags of refuse at the curb, the fee for collection is \$100.00.

If collecting on same day as the regular route is collected and there are over ten (10) bags of refuse at the curb, the fee for collection is \$200.00.

If collecting in an area in an unscheduled route from Monday through Friday (excluding holidays), the fee for collection is \$200.00. There are no scheduled collections on evenings. Any overtime costs incurred by the Borough of Mount Arlington Department of Public Works for refuse collections on weekends will be added to the \$200.00 fee.

An excessive amount of cardboard and / or bulky items at the curb will result in an additional fee at the discretion of the Director of Public Works.

PAYMENT MUST BE MADE IN THE FORM OF A CHECK OR MONEY ORDER PAYABLE TO THE "Borough of Mount Arlington." BRING OR SEND PAYMENT IN AT LEAST ONE DAY IN ADVANCE TO:

Linda DeSantis, RMC
Mount Arlington Borough Clerk
Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, New Jersey 07856-1129

FOR SCHEDULING OR INFORMATION PLEASE CALL

(973) 398-6832 MONDAY – FRIDAY, 9:00 AM – 4:30 PM.

NOTE: ALL REFUSE MUST BE PLACED NEATLY AT THE CURB.