

BOROUGH OF LINCOLN PARK
OFFICE OF THE BOROUGH CLERK

WEB: WWW.LINCOLNPARK.ORG
E-MAIL: CFITZPATRICK@BOLP.ORG

APPLICATION FOR FILMING

Company Name: _____

Business Address: _____

Contact Person: _____

Telephone: _____ Fax: _____ E-mail: _____

Date(s) of Filming: _____ Hours of Filming: _____

Location of Filming: _____

(Describe in Detail)

\$500.00 Bond: Check #: _____ Bonding Agent: _____

- Will residents or business be affected by filming? Yes _____ No _____
(a copy of letter(s) to be sent to affected individual(s) 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? Yes _____ No _____
(if yes, an "Off-Duty" Police Officer is required)
- Have you ever been convicted of a crime? Yes _____ No _____

I HEREBY APPLY FOR A PERMIT

**TENDER THE APPLICATION FEE OF BASIC FILMING PERMIT FOR \$75.00 OR
EXPEDITED PROCESSING FEE FOR \$175.00
FILMING FEE PER DAY OF \$500.00**

**AND AGREE TO BE BOUND BY ALL PROVISIONS OF THE CODE OF THE
BOROUGH OF LINCOLN PARK, CHAPTER 34 and CHAPTER 256**

Date of Approval

Signature of Applicant

Borough Administrator

Chief of Police

Mail to: Address Below Attn: Courtney Fitzpatrick, RMC,CMC,MMC,CMR Deputy Borough Clerk

Internal Use Only

Total Fees

Certificate of Insurance

Off Duty Police Officer

Hold Harmless

Bond

Electrician required

34 CHAPEL HILL ROAD, LINCOLN PARK, NJ 07035
PHONE: (973) 694-6100 EXT. 2051 • FAX: (973) 628-9512

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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 MUNICIPAL CLERK PRIOR TO THE CLOSE OF BUSINESS AT LEAST 48 HOURS BEFORE THE SHOOTING DATE REQUESTED.

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

INSURANCE REQUIRED

A. No permit shall be issued for filming or film production upon public lands unless and until the applicant shall provide to the Borough satisfactory proof of insurance, including the following:

1. The film maker and its sureties shall indemnify and hold harmless, the BOROUGH and all its officials, agents and employees from all suits, actions or claims of any character name and description brought for trespasses or tortious or negligent acts of or faults of the filmmaker, its agents or employees resulting in any injuries or damages received or sustained by any person or persons or property in connection with the filming or film production within the Borough of Lincoln Park pursuant to the permit issued hereunder, and the film maker and its sureties will be required to pay any judgment, with costs, which shall be obtained growing out of such injury or damage.

2. During the term of the permit and all filming and film production undertaken in accordance therewith, the film maker shall take out and maintain, at its own expense, the following insurance:

a. General, Commercial Liability Insurance in an amount of not less than \$1,000,000.00 for injuries, including wrongful death, to any one person, subject to the same limit for each person, and an amount of not less than \$1,000,000.00 on account of one accident, and property damage insurance in an amount of not less than \$1,000,000.00 for each accident. This insurance shall be written with a company authorized to do business in the State of New Jersey, shall be taken out before any filming is commenced, and shall be kept in effect until all such filming and film production shall be completed. Copies, or the original, as the case may be, of such policies shall be furnished to the BOROUGH and such policies shall be approved by the BOROUGH before filming is commenced.

b. Automobile insurance (a) Public Liability to cover each automobile, truck, vehicles or other equipment used by the film maker, its agents, employees or subcontractors in the filming or film production in an amount of not less than \$1,000,000.00 on account of injury or death of one or more persons; (b) Property Damage Liability Insurance to cover each automobile, truck, vehicle or other equipment used by the film maker in the filming or film production in an amount of not less than \$1,000,000.00 in any accident.

c. The aforesaid insurance policies shall contain a contractual hold harmless clause indemnifying the BOROUGH against the above mentioned acts of the film maker, its agents, employees or subcontractors. The aforesaid policies shall contain a provision that the policies cannot be cancelled unless a thirty (30) day written notice of cancellation is given to the BOROUGH. The BOROUGH shall be named as an additional insured on all policies of insurance.

d. In the event the aforesaid insurance coverage shall lapse for any reason, the film maker shall cease all filming or film production until the policies and evidence thereof are reinstated or issued new.

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

_____ agrees to indemnify and hold harmless the
(name of Organization)
Borough of Lincoln Park, New Jersey, its members and agents from any and all liability for damages, for injury to the person or property if its owner or another and against and from all suits and actions and all costs and damages (including, without limitation, attorney's fees and loss of business claims) to which the Borough of Lincoln park may be put resulting from the use of Borough facilities and/or locations.

Signed: _____

Title: _____

Date: _____

Notary Public

SAMPLE LETTER OF INTENT

(COMPANY LETTER HEAD)

TO: Neighbors of _____ (Address) _____

FROM: (COMPANY CONTACT PERSON)

DATE:

RE: FILMING COMMERCIAL FOR _____ PRODUCT OR _____ NAME OF MOVIE

Our company has applied to film a commercial (or movie) in Lincoln Park 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;
- 5) any combination of the above.

In compliance with the Borough Filming Ordinance, no vehicles will arrive before 7 am and all activity and vehicles connected with the filming will be gone by 9 pm. (if any vehicles arrive before 7 am, you may call the Borough of Lincoln Park Police Department at 973-694-5533 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 973-270-2051; or you may call Courtney Fitzpatrick, RMC,CMC,MMC,CMR at the Borough of Lincoln Park's Municipal Clerk's Office at 973-694-6100 ex. 2051.

Thank you.

BOROUGH OF LINCOLN PARK
OFFICE OF THE BOROUGH CLERK

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**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 Lincoln Park, 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 LINCOLN PARK". BRING OR SEND PAYMENT IN AT LEAST ONE (1) DAY IN ADVANCE TO:

**THE BOROUGH OF LINCOLN PARK
MUNICIPAL CLERK'S OFFICE
34 CHAPEL HILL ROAD
LINCOLN PARK, NJ 07035**

**FOR SCHEDULING OR INFORMATION PLEASE CALL 973-694-6100 EXT. 2051,
MONDAY THROUGH FRIDAY 8 AM TO 4 PM.**

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

**34 CHAPEL HILL ROAD, LINCOLN PARK, NJ 07035
PHONE: (973) 694-6100 EXT. 2051 • FAX: (973) 628-9512**

Chapter 256

FILMMAKING

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|--|---|
| § 256-1. Definitions. | § 256-6. Revocation of permit; appeal. |
| § 256-2. Permit required; application for permit; limitations. | § 256-7. Interference with public activity; notice of filming; refusal to issue permit; police/traffic control. |
| § 256-3. Insurance; indemnity. | § 256-8. Waiver of requirements. |
| § 256-4. Permit fee. | § 256-9. Enforcement; violations and penalties. |
| § 256-5. Permit presentation and display; changes in information provided. | |

[HISTORY: Adopted by the Borough Council of the Borough of Lincoln Park 5-19-2003 by Ord. No. 1,307, effective 6-8-2003 (Ch. 120 of the 1991 Code). Amendments noted where applicable.]

§ 256-1. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BOROUGH — The Borough of Lincoln Park.

ENFORCEMENT OFFICIAL — Includes the Borough Engineer, Construction Code Official, Zoning Officer, and/or their designated agents, of the Borough of Lincoln Park.

FILMING — Includes the taking of still or motion pictures, either on film, videotape, or other visual recording medium, for commercial, scientific or educational purposes, and intended for viewing on television, in theaters, or other forms of display, specifically excluding filming of contemporaneous news stories or news events, within the Borough of Lincoln Park.

FILMMAKER — Includes any person, persons, firm, partnership, business organization, or corporation conducting or participating in the activity, trade or business of filming or film production.

FILM PRODUCTION — Includes all activities associated with, ancillary to and/or conducted by filmmakers, their agents, servants, employees or subcontractors during the course of filming.

MAJOR MOTION PICTURE OR TELEVISION SERIES —

- A. Includes any filming which is financed, distributed or conducted by a major motion picture or television studio, including but not limited to the following: Universal Pictures, Warner Brothers, Paramount, 20th Century Fox, Sony/Columbia, Disney/Miramax, MGM-United Artists, or Dreamworks, its agents, servants, employees, successors, assigns, affiliates, partners, contractors or subcontractors;

- B. Any film, filming, film production or filmmaker for which or for whom the gross budget for the production is at least \$5,000,000, or who or which employs or utilizes a filming or film production crew or crews of 10 or more people; or
- C. Any recurrent, periodic broadcast, cable or satellite television series programming or production.

PUBLIC LANDS — Includes any, all and every public street, highway, path, sidewalk, right-of-way, square, park, playground or other public place, property or location within the Borough of Lincoln Park owned by or subject to the jurisdiction or control of the Borough of Lincoln Park, including all such locations above, on or below the surface of the ground or any watercourse.

§ 256-2. Permit required; application for permit; limitations.

- A. No filming or film production shall be conducted and no filmmaker shall film or permit or suffer filming on public or private land within the Borough of Lincoln Park without first obtaining a permit therefor, in accordance with this chapter.
- B. All applications for filmmaker permits shall be in writing on forms furnished by the Borough Clerk, signed by the applicant or the authorized representative of the applicant, and submitted to the Borough Clerk along with the requisite fee(s) therefor.
- C. The application for a filmmaker permit shall state:
 - (1) The name, address, telephone number and social security and/or taxpayer identification number of the filmmaker;
 - (2) An identification of the location or locations where filming is proposed to be conducted and the time period proposed for the conduct of such filming;
 - (3) An identification of the number of persons in the filming and film production crew and support personnel proposed to be utilized during filming or film production;
 - (4) The name and address of the registered agent or designated agent for purposes of service of process within the County of Morris of the filmmaker;
 - (5) The name and address of the owner or owners of all private property upon which filming is proposed, together with the consent of the owner to such filming;
 - (6) Proof of insurance coverage, as required by § 256-3; and
 - (7) Such other information as may be deemed necessary by the Borough for the proper investigation of the applicant.
- D. No permit(s) shall authorize filming for more than three consecutive days in any one location, or more than six days in all locations within any calendar year by any single filmmaker. The foregoing three- and six-day limitations may be extended by the Borough Clerk only if the filming is proposed to be conducted by a major motion picture or television series, subject to review and consideration of the factors set forth in § 256-8.

- E. No permit shall be issued by the Borough Clerk unless applied for at least seven calendar days prior to the requested or proposed filming date(s).

§ 256-3. Insurance; indemnity.

No permit shall be issued for filming or film production upon public lands unless and until the applicant shall provide to the Borough satisfactory proof of insurance, including the following:

- A. The filmmaker and its sureties shall indemnify and hold harmless the Borough and all its officials, agents and employees from all suits, actions or claims of any character, name and description brought for trespasses or tortious or negligent acts of or faults of the filmmaker, its agents or employees resulting in any injuries or damages received or sustained by any person or persons or property in connection with the filming or film production within the Borough of Lincoln Park pursuant to the permit issued hereunder, and the filmmaker and its sureties will be required to pay any judgment, with costs, which shall be obtained growing out of such injury or damage.
- B. During the term of the permit and all filming and film production undertaken in accordance therewith, the filmmaker shall take out and maintain, at its own expense, the following insurance:
- (1) General commercial liability insurance in an amount of not less than \$1,000,000 for injuries, including wrongful death, to any one person, subject to the same limit for each person, and an amount of not less than \$1,000,000 on account of one accident, and property damage insurance in an amount of not less than \$1,000,000 for each accident. This insurance shall be written with a company authorized to do business in the State of New Jersey, shall be taken out before any filming is commenced, and shall be kept in effect until all such filming and film production shall be completed. Copies, or the original, as the case may be, of such policies shall be furnished to the Borough and such policies shall be approved by the Borough before filming is commenced.
 - (2) Automobile insurance.
 - (a) Public liability to cover each automobile, truck, vehicle or other equipment used by the filmmaker, its agents, employees or subcontractors in the filming or film production in an amount of not less than \$1,000,000 on account of injury or death of one or more persons.
 - (b) Property damage liability insurance to cover each automobile, truck, vehicle or other equipment used by the filmmaker in the filming or film production in an amount of not less than \$1,000,000 in any accident.
 - (3) The aforesaid insurance policies shall contain a contractual hold harmless clause indemnifying the Borough against the above-mentioned acts of the filmmaker, its agents, employees or subcontractors. The aforesaid policies shall contain a provision that the policies cannot be cancelled unless a thirty-day written notice of cancellation is given to the Borough. The Borough shall be named as an additional insured on all policies of insurance.

- (4) In the event the aforesaid insurance coverage shall lapse for any reason, the filmmaker shall cease all filming or film production until the policies and evidence thereof are reinstated or issued new.

§ 256-4. Permit fee. [Amended 6-16-2008 by Ord. No. 12-08, effective 7-6-2008]

All fees shall be as specifically provided in Chapter 34, Fees, § 34-7.

§ 256-5. Permit presentation and display; changes in information provided.

- A. Filming permit holders shall be required to be in possession of and present, upon request of the enforcement official, the permit issued by the Borough Clerk.
- B. All filmmakers shall promptly notify the Borough Clerk of any changes in the information provided in the permit application.

§ 256-6. Revocation of permit; appeal.

- A. Any filming permit issued hereunder may be revoked by the enforcement official, or application denied by the Borough Clerk, after reasonable notice and hearing, for any of the following reasons:
- (1) Violation of any provision of this chapter or any regulation promulgated thereunder;
 - (2) Commission of any crime or offense involving deceit, fraud, theft, arson and/or other burnings, burglary, larceny, aggravated assault, murder, criminal sexual contact, rape, lewdness, indecency, obscenity, or the possession, sale or use of a controlled dangerous substance; or
 - (3) Provision of any false, inaccurate or misleading information in the application for permit or amendment thereto, which information, if included or provided, would have materially affected the determination to grant or deny the application.
- B. Any applicant or permit holder aggrieved by the action or actions of the enforcement official or Borough Clerk, or seeking a waiver of any requirement hereunder, may appeal to the governing body of the Borough of Lincoln Park by filing with the Borough Clerk, within 14 calendar days after receipt of notice of the action complained of, a written notice of appeal and request for hearing, setting forth, in detail, the grounds thereof. The governing body will set a time and place for a hearing on such appeal and notice shall be served upon the applicant or permit holder at least five calendar days prior to hearing. No right of appeal to the governing body shall apply to any enforcement action or violation within the jurisdiction of the Municipal Court.¹

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 256-7. Interference with public activity; notice of filming; refusal to issue permit; police/traffic control.

- A. The permit holder shall conduct filming and film production 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 and store filming or film production equipment, supplies and materials off of public streets or public property.
- B. The permit holder shall avoid interference with previously scheduled public activities upon public lands and limit, to the extent practicable, any interference with normal public activity on such public lands. Where the applicant's filming or film production activities, by reason of location or otherwise, shall directly or indirectly interfere with, disrupt or otherwise materially, adversely affect any businesses, merchants or residents, those parties affected shall be given at least three days' prior notice of the requested filming or film production date and informed that objections may be filed with the Borough Clerk, which objections shall be included as part of the application and considered in the review of the same.
- C. The Borough Clerk may refuse to issue a permit whenever he/she determines, on the basis of objective facts, the application, and reports from Borough departments, if any, that filming or film production at the location or locations and/or at the time or times set forth in the application would violate any applicable law, regulation 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 health, safety or welfare.
- D. The Borough Clerk may condition issuance of a permit upon the filmmaker retaining, at its expense, one or more police officers or traffic control officers, in situations where the proposed filming or film production may impede or interfere with the free flow of vehicular or pedestrian traffic upon any public road, would require crowd control, or would require security for public lands or property, as determined by the Chief of Police.

§ 256-8. Waiver of requirements.

- A. The governing body, on an appeal pursuant to § 256-6B, may authorize filming or film production other than during the times or at the locations herein specified, or may waive any provision of this chapter. In determining whether to grant a waiver of any requirement under this chapter, the governing body shall consider the following factor or factors:
 - (1) Vehicular or pedestrian traffic congestion at the location caused by vehicles parked or equipment placed on the public street;
 - (2) The applicant's ability to safely remove filming-related vehicles from the public street;
 - (3) The time period when the applicant is requesting restrictions on the use of public streets or public lands;

- (4) The nature of the filming or film production itself (i.e., indoor or outdoor; day or night; on public or private lands);
 - (5) Prior experience of the filmmaker, applicant or film production company with the Borough, if any; and
 - (6) Consultation with the owners of private lands or businesses affected, or the Chief of Police.
- B. The waiver granted by the governing body shall apply solely to the provisions of this chapter, and nothing herein shall be construed as conferring upon the governing body the authority to permit the violation or relaxation of the enforcement of any other local, state or federal law, with which the filmmaker remains responsible for compliance.

§ 256-9. Enforcement; violations and penalties.

- A. Any person violating any provision of this chapter shall, upon conviction thereof, be subject to the penalties as prescribed by § 1-2 of this Code (general penalty).
- B. Each day that a violation shall continue shall constitute a separate offense.
- C. The enforcement official and the Lincoln Park Police Department are designated and shall be responsible for the enforcement of the provisions of this chapter.