



THE TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE
MILLBURN, NEW JERSEY 07041

APPLICANT INFORMATION					
Company Name:			Email:		
Business Address:		City:	State:	Zip:	
Office Phone #:			Cell Phone #:		
Location(s) of Filming:					
Application Date:		Date(s) of Filming:		Hours of Filming:	
Type of Film:	Commercial	Motion Picture	Still Shoot	Student	
Name:	Product/Show	Interior	Exterior	TV Series/Made for TV Movie	
PRODUCTION COMPANY INFORMATION					
Production Company Name:			Email:		
Business Address:		City:	State:	Zip:	
Office Phone #:			Cell Phone #:		
Will residents or businesses be affected by filming? (Residents letters must be sent to affected individual(s) and a list of the addresses must accompany this application)		Yes	No	Will there be any flammable/combustible liquids or pyrotechnics present (ex: cooking oil)?	
Will existing power lines be utilized?		Yes	No	Is there a method of reporting an emergency to 911 readily available (cell phone, landline)?	
Will pedestrian or vehicular traffic be affected as a result of filming? (If "yes", an off-duty police officer is required)		Yes	No	Are Fire Extinguishers a 2A-10B:C minimum rating?	
Have you ever been convicted of a crime?		Yes	No	Will any building utilities be altered before the shoot? (water, gas, electric)	
Will any building fire and life safety equipment be affected?		Yes	No	Have the proper permits been applied for through the township Building Department, for altering utilities and or set building?	
Are combustible curtains/back drops, window coverings or decorative material flame retardant in accordance with NFPA Standards?		Yes	No	Will there be catering tents and/or food trucks for cooking?	
Will any vehicles be brought inside the structure?		Yes	No		
<p>Note: It is the responsibility of the filming company to contact the Police (973-564-7021) to inquire whether an officer will be necessary and/or cancel a film shoot. It is also the responsibility of the filming company to provide the Clerk's Office with a list of addresses (including the address numbers) of the homes that were notified of an upcoming filming. Failure to provide (48 hours prior to filming) a copy of the Letter of Intent, along with the list of addresses of residents that might be affected by this shoot, will result in denial/rejection of your filming permit).</p>					

STILL PHOTOGRAPHY/FILMING LOCATION/DATES/TIMES

Production Title:					Production Type:		
Location Manager:					Cell Phone #:		
Primary Address:				Date: / / to / /		Time:	
# of Cars: _____	# of Trucks: _____	# of Cast on Site: _____	# of Crew on Site: _____	# Extras on Site: _____	Aircraft? Yes No	# of Generators: _____	
Summary of Scene:							
Secondary Address:				Date: / / to / /		Time:	
# of Cars: _____	# of Trucks: _____	# of Cast on Site: _____	# of Crew on Site: _____	# Extras on Site: _____	Aircraft? Yes No	# of Generators: _____	
Summary of Scene:							
Additional Address:				Date: / / to / /		Time:	
# of Cars: _____	# of Trucks: _____	# of Cast on Site: _____	# of Crew on Site: _____	# Extras on Site: _____	Aircraft? Yes No	# of Generators: _____	
Prep Date:				Actual Filming/Photo Date:			
FILMING ACTIVITIES							
Open to Public	Driving Scene	Special FX	Car Explosion	Fire Bars	Street Closure	Helo Activity Landing	
Closed to Public	Drive Ups/Away	Breaking Glass	Dust Hits	Fire Effects	Aircraft Landing	Helo Activity Take Off	
Exterior Dialogue	Drive By's	Bullets/Squib Hits	Explosions	Sparks	Aircraft Flyovers	Vacant Building	
Interior Dialogue	Still Photo	Burn Barrels	Fire Ball	Posted Parking	Aircraft Refueling		
Other:							
REQUIREMENTS-PUBLIC SAFETY & FIRE WATCH FILM UNIT USE ONLY							
<input type="checkbox"/> Fire Watch <input type="checkbox"/> FD Personnel <input type="checkbox"/> Fire Watch Product Code: <input type="checkbox"/> Water Truck <input type="checkbox"/> Fire Extinguisher Issued by: _____					Date: _____		
REMARKS:							
I hereby apply for a permit and tender the Application Fee of \$ _____, Filming Fee of \$ _____ per day, Overnight Parking/Use of Twp Property Fee _____ and \$5,000.00 Check of Maintenance Bond and agree to be bound by all provisions of Millburn Ordinance #2371-11.							
_____ Signature of Applicant				_____ Date			
_____ Chief of Police		_____ Fire Chief		_____ Construction Official			
License Approved: _____ Township Clerk							

**CHECK OFF LIST OF DOCUMENTS TO BE SUBMITTED FOR
FILMING IN MILLBURN TOWNSHIP:**

Application for Filming

Certificate of Insurance

Notarized “Hold-Harmless” agreement

Copy of a “Letter of Intent” to the neighbors and a list of the
Addresses where it will be (or has been) delivered.

Application Fee

\$150 – Basic

\$500 - Expedited

Filming Fee

\$600 per day - Basic

\$1,500 per day – Major Motion Picture

\$500 Fee for Overnight Parking/Use of Township Property

\$5,000 Bond Fee or Maintenance Bond

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

AGREEMENT made _____, 20__

BETWEEN

_____, located at

AND

THE TOWNSHIP OF MILLBURN, in the County of Essex, State of New Jersey
(the "Township")

AND

THE COUNTY OF ESSEX, State of New Jersey (the "County")

The undersigned hereby releases the Township and their respective officers, employees and agents (collectively, the "Township Parties"), as well as the County and their respective officers, employees and agents (collectively, the "County Parties"), from any liability of any kind whatsoever arising out of, based upon, or resulting from the filming at _____ in the Township of Millburn.

The undersigned further agrees to forever defend, indemnify and save harmless the Township of Millburn and the County of Essex, their officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the licensee's filming in the Township of Millburn.

Sworn and subscribed to before me
this day of _____, 20__

(Notary Public)

By: _____
(Signature)

(Print Name)

(Title)

4-41 LICENSES FOR COMMERCIAL AND MOVIE FILMING.

4-41.1 Definitions.

Filming shall mean the taking of still or motion pictures, either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theatres, for advertising purposes, or for institutional uses.

Major motion picture shall mean any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

1. Universal Pictures;
2. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire;
3. Paramount, including MTV Films and Nickelodeon Movie;
4. 20th Century Fox, including Fox Searchlight;
5. Sony/Columbia;
6. Disney/Miramax;
7. MGM-United Artists;
8. Dreamworks;
9. Any film for which the budget is at least five million (\$5,000,000.00) dollars; and
10. Recurrent television series programming.

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.

Nuisance shall mean a condition, activity or situation that interferes with the use or enjoyment of property.

Student films shall mean motion picture or still photography produced to satisfy a course or curriculum requirement at an educational institution. The student filmmaker must supply proof that he/she is currently enrolled.

(Ord. No. 2371-11)

4-41.2 Permit Required; Issuance

- a. No person shall film or permit **filming** within the Township of Millburn on any public or private property, public right-of-way, facility, and/or residence without first applying for and receiving a permit from the Township Clerk of the Township of Millburn. The permit shall be applied for no less than five (5) working days prior to the requested first day of **filming**, provided however, that the Township Clerk may waive the five (5) working day period if, in his/her judgment, the applicant has obtained all related approvals, has provided all of the submittals required by this section, and has obtained the written consent of all property owners who would be entitled to notice pursuant to subsection 4-41.3. The permit shall set forth the approved location of such **filming**, and also the approved duration of such **filming**,

by specific reference to days and dates set forth the approved location of such **filming**, and also the approved duration of such **filming** by specific reference to days and dates.

- b. Permits shall be obtained in the Office of the Township Clerk and the permit application shall be in a form approved by the Township Clerk and shall be accompanied by a permit fee in the amount established by this subsection 4-41.10.
- c. 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 Township exceed ten (10) days in any one calendar year. Either or both of the three-consecutive-day and the ten-day limitations may be extended only if the **filming** requested satisfies the major motion picture exception defined by subsection 4-41.1 of this section and is approved by the Township Committee. The hours of **filming** set forth within subsection 4-41.4 of this section may be extended only if the applicant demonstrates that the requirements of subsection 4-41.7 of this section have been met.
- d. Said permit must be readily available for inspection by Township officials at all times at the site of the **filming**.
- e. If the **filming** does not take place on the dates specified in the permit due to inclement weather or other good cause, the Township Clerk may issue a new permit at no additional fee.
(Ord. No. 2371-11)

4-41.3 Conditions for Issuance of a Permit.

No permit shall be issued for **filming** within the Township of Millburn unless the applicant for such permit:

- a. Provides proof of insurance coverage including but not limited to:
 - 1. For bodily injury to one person in the amount of one million (\$1,000,000.00) dollars and any aggregate occurrence in the amount of three million (\$3,000,000.00) dollars.
 - 2. For property damage for each occurrence in the aggregate amount of three hundred thousand (\$300,000.00) dollars.
- b. Specifies in writing that the Township of Millburn will be indemnified and held harmless from any and all liability and damages. Such writing shall be in a form approved by the Township Clerk.
- c. Posts cash or maintenance bond for the value of five thousand (\$5,000.00) dollars protecting and insuring that the location utilized for the **filming** will be left in a satisfactory condition, free of debris, rubbish, and equipment, and that due observance of all Township ordinances and laws will be followed. The Township will return the bond within seven (7) days of the completion of **filming** if there has been no damage to the public property or public expense caused by the **filming**.
- d. Takes all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all the lawful directives issued by the Township of Millburn Police Department, Fire Department, Building Department and other departments with respect thereto.

- e. Provides proof of notice by the applicant to owners of properties located, within two hundred (200) feet of the property lines of the premises for which the permit is requested as measured along public streets. Such notice shall be in writing and shall advise the property owner of the date or dates upon which **filming** is to take place. Such notice shall either be personally served or served by Certified Mail/Return Receipt Requested upon the property owners entitled to receive the notice. Upon the written request of the applicant, the Township shall, within seventy-two (72) hours of such request, make and certify a list from the current tax duplicates of the addressees of property located within the Township of Millburn within two hundred (200) feet of the property lines of the premises for which the permit is requested, together with the names and addresses of record owners thereof. Notice to owners of properties in adjoining municipalities shall be given by personal service or by Certified Mail/Return Receipt Requested to the Clerk of such adjoining municipality. Failure to give notice to property owner on the list shall not invalidate the permit if proof of an attempt is shown. Prior to commencing **filming**, the applicant shall file an affidavit of proof of service with the Township Clerk.
(Ord. No. 2371-11)

4-41.4 Regulations.

- a. In residential zones, **filming** shall be permitted Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or sundown, whichever is earlier.
- b. The holder of a permit shall conduct **filming** such that the activity does not create a nuisance, as defined herein. The permit 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.
- c. 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 completion of **filming** or the expiration of the permit, whichever comes first.
- d. The permit holder shall comply with all lawful directives issued by the Township of Millburn Police Department, Fire Department, and Building Department and comply with all other applicable laws. When, in the judgment of the Police Chief, Fire Chief or Construction Official, that the presence of the Police, Fire or Code Enforcement personnel are required in connection with the **filming**, the applicant shall reimburse the Township for the costs of such personnel.
- e. The holder of the permit shall not conduct **filming** in such a manner as to preclude access to adjoining properties from the public street or to encroach upon adjoining property without the express written consent from the owner and occupant thereof.
- f. 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 Township of Millburn and the cost thereof shall be reimbursed to the Township.

- g. The holder of the permit shall not permit any lights used in connection with the **filming** to shine directly into any windows on any other property or permit any noise to extend across property lines that is otherwise in violation of the Township's Noise Restrictions Ordinance at Section 3-7 of the Revised General Ordinances of the Township of Millburn. In the event of a violation thereof, the Township may abate such violation and charge the cost thereof to the permit holder.
(Ord. No. 2371-11)

4-41.5 Denials and Revocation of Permits.

- a. The Township Clerk may refuse to issue a permit or revoke a permit, whenever he/she determines, on the basis of objective facts and after a review of the application and input thereon by the Police Department and/or other agencies impacted, that **filming** at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of public lands, unreasonably interfere with the public's 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.
- b. The Township reserves the right to require one or more patrolmen on site, in situations where the **filming** may impede the proper flow of traffic. The cost of said patrolmen shall be borne by the applicant as a **filming** cost. 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.
(Ord. No. 2371-11)

4-41.6 Appeals.

- a. Any person aggrieved by a decision of the Township granting, denying or revoking a permit may file a written notice of appeal for consideration by the Township Committee. Such notice of appeal shall be filed with the Township Clerk and shall set forth the reasons for the appeal.
- b. An appeal from the decision of the Township shall be filed within ten (10) days of said decision. The Township Committee shall set the matter down for a hearing within thirty (30) days of the filing of the Notice of Appeal. The decision of the Township shall be in the form of a resolution by the second regularly scheduled public meeting, after the hearing of the appeal. The appellant may agree in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Township shall be deemed to be reversed.
(Ord. No. 2371-11)

4-41.7 Waiver of Requirements of Section.

The Township may authorize **filming** other than during the hours herein described. In determining whether to allow an extension of hours under this subsection, the Township shall consider factors including but not limited to:

- a. Traffic congestion at the location;
- b. The applicant's ability to remove film-related vehicles off public streets;

- c. Whether the applicant is requesting restrictions on the use of public streets or public parking during the course of the **filming**;
- d. Nature of the film shoot itself: e.g. indoor or outdoors, day or night, on public or private lands;
- e. Whether there was consultation with the Township Committee.
(Ord. No. 2371-11)

4-41.8 Copies of Permit; Inspection.

Copies of the approved permit shall be sent to the New Jersey Motion Picture and Television Commission, as well as the Township Police, Fire and Building Departments, before **filming** takes place. The applicant shall permit Township inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued following such inspections. (Ord. No. 2371-11)

4-41.9 Reimbursement of Certain Costs.

In addition to any and all other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, including but not limited to, repairs required to public property, and any revenue that the Township was prevented from earning because of the **filming**. (Ord. No. 2371-11)

4-41.10 Fees.

- a. The fee schedule for permits authorized under this section shall be as follows:
 - 1. Basic **filming** permit: one hundred fifty (\$150.00) dollars except where applicant requests a waiver pursuant to subsection 4-41.2a. requiring expedited processing of a permit application, in which case, the basic **filming** permit fee shall be five hundred (\$500.00) dollars.
 - 2. Daily **filming** fee payable in addition to the basic **filming** permit fee: six hundred (\$600.00) dollars per day.
 - 3. Daily **filming** fee payable in addition to the basic **filming** permit fee for a major motion picture: one thousand five hundred (\$1,500.00) dollars per day.
 - 4. Overnight parking/use of Township property: five hundred (\$500.00) dollars per day.
Ord. No. 2371-11)

4-41.11 Exemptions.

The provisions of this section relating to the requirements for and the issuance of permits shall not apply to the **filming** of news stories and student films, provided, however, that such **filming** shall comply with the following requirements:

- a. In residential zones, the **filming** shall, to the extent possible, occur only Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or sundown, whichever is earlier.
- b. **Filming** shall be conducted in such a manner as to minimize the inconvenience to adjoining property owners or the interference with previously scheduled activities or

normal public activities upon public lands. Recreation Department shall be contacted for all park/recreation lands and adjacent parking lots for their approval.

- c. **Filming** shall be conducted so as to minimize the creation and spread of debris and rubbish during **filming** and, upon the completion of the **filming**, those conducting the **filming** shall remove all equipment, debris and other rubbish from the **filming** location.
- d. To the extent practical, advance notification shall be furnished to the Township of such **filming**.
- e. **Filming** shall comply with all lawful directives issued by the Township of Millburn Police, Fire and Building Departments.
- f. **Filming** shall be conducted in such a manner as to not preclude access to adjoining properties from the public street or to encroach upon adjoining property without the express written permission from the owner thereof.
- g. 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 Township of Millburn and the cost thereof shall be reimbursed by the owner.
- h. Lights used in connection with the **filming** shall not shine directly into any window or upon other property nor shall any noise from the **filming** extend across property lines in excess of the limitation specified in the Township's "Noise Restrictions" ordinance at Section 3-7 of the Revised General Ordinances of the Township of Millburn.
(Ord. No. 2371-11)

4-41.12 Penalty.

A person violating any part of this ordinance shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars. In the case of continuing successive violations, a separate offense shall be deemed committed on each day during on or which a violation of this ordinance occurs or continues. Any penalty assessed pursuant to this provision is in addition to and is not affected by the authority of the Township Clerk to revoke the permit for a violation of the ordinance as hereinbefore provided. (Ord. No. 2371-11)