



# TOWNSHIP OF NUTLEY



## APPLICATION FOR FILMING

Company Name \_\_\_\_\_

Business Address \_\_\_\_\_

Contact Person \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-Mail \_\_\_\_\_

Date of Filming \_\_\_\_\_ Hours of Filming \_\_\_\_\_

Location of Filming \_\_\_\_\_  
Please describe in detail \_\_\_\_\_

\$5,000 Bond: Check Number \_\_\_\_\_

Bonding Agent \_\_\_\_\_

Will residents or businesses be affected by filming? Yes \_\_\_\_\_ No \_\_\_\_\_

*A copy of letter(s) to be sent to affected individual(s) and address 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 AND TENDER THE APPLICATION FEE OF \$ \_\_\_\_\_ (\$500 PER DAY\*)  
AND A FILMING FEE OF \$75.00, AND AGREE TO BE BOUND BY ALL PROVISIONS OF NUTLEY  
ORDINANCE #2704

\_\_\_\_\_  
Signature of Applicant/Date

\_\_\_\_\_  
Chief of Police/Date

\_\_\_\_\_  
Fire Official/Date

\_\_\_\_\_  
Director of Parks Dept\*\*/Date

\_\_\_\_\_  
Director of Public Works†/Date

\_\_\_\_\_  
Construction Official/Date

*You may fax the completed application with all attachments to (973) 284-0071*

\*Stipulations may apply

\*\*When within Township Property or Building

†Additional Fee may be Required

Permit #: \_\_\_\_\_



# TOWNSHIP OF NUTLEY



## REQUIRED INSURANCE PRIOR TO USE OF TOWNSHIP FACILITIES AND LOCATIONS

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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 Construction Official prior to the close of business at least 48 hours before the filming date requested.

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

### REQUIRED INSURANCE:

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, the amount of \$100,000.  
                                 B. for any aggregate occurrence, in the amount of \$300,000.

**THE FOLLOWING STATE MUST BE SIGNED AND NOTARIZED,  
AND IS MADE AN INTEGRAL PART OF THE ATTACHED APPLICATION;**

\_\_\_\_\_ Agrees to indemnify and hold harmless the Township of Nutley, 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, attorney's fees and loss of business claims) to which the Township of Nutley may be put resulting from use of Township facilities and/or locations.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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Notary Public

SAMPLE LETTER OF INTENT

(COMPANY LETTERHEAD)

To: The Neighbors of \_\_\_\_\_ (Address) \_\_\_\_\_  
From: Company Contact Person  
Date: \_\_\_\_\_  
Re: Filming Commercial for \_\_\_\_\_ (Product/Name of Movie) \_\_\_\_\_

Our company has applied to film a commercial (or movie) in Nutley on day(s) and date(s) at the above location.

There will be    trucks, vans, generators, catering trucks, crew cars (or any special equipment, i.e. 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 Township Filming Ordinance, no vehicles will arrive before 7:00 a.m. and all activity and vehicles connecting with the filming will be gone by 9:00 p.m. For the public's safety, there will be a police officer on duty during the filming.

If you have any questions or concerns, I may be reached at contact number.

Thank you.

## Chapter 110

### FILMING

- § 110-1. **Definitions.**
- § 110-2. **Permit required.**
- § 110-3. **Issuance of permits.**
- § 110-4. **Denial and appeal.**
- § 110-5. **Hours of operation.**
- § 110-6. **Special regulations for major motion pictures**
- § 110-7. **Fees.**
- § 110-8. **Violations and penalties.**

**[HISTORY: Adopted by the Board of Commissioners of the Township of Nutley 11-7-01 by Ord. No. 2704. Amendments noted where applicable.]**

#### § 110-1. **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 intended for viewing on television, in theatres or for institutional uses, and shall include any and all of the activities associated therewith. The provisions of this chapter shall not be deemed to include the filming of news stories with the Township of Nutley.

**MAJOR MOTION PICTURE** – A “major motion picture” shall be defined as any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Studios;
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, and Turner Production Company;
- C. Paramount;
- D. 20<sup>th</sup> Century Fox;
- E. Columbia/Tri-Star;
- F. Disney;
- G. MGM-United Artists; or
- H. Any film for which the budget is at least \$5,000,000.

**PUBLIC PROPERTY** – Any and every public street, highway, sidewalk, square, building, public park or playground, municipal buildings, Board of Education facilities or any other public place within the Township which is within the jurisdiction and control of the Township of Nutley.

**§ 110-2. Permit required.**

- A. No person or organization shall film or permit filming on public or private property within the Township of Nutley without first having obtained a permit from the Code Enforcement Office of the Township of Nutley, 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 consecutive days in any one location, and in no event shall filming at one location within the Township exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. This six-day limitation may be extended only if the filming constitutes a major motion picture as defined by this chapter. Said permit must be readily available for inspection by township officials at all times at the site of the filming. The Code Official may extend the six-day maximum after reviewing the impact of the filming with the Police Department and the Fire Department and with the approval of the Director of Public Safety.
- B. All permits shall be applied for and obtained from the office of the Code Enforcement Officer during normal business hours. Application for such permits shall be in a form approved by the Director of Public Safety and be accompanied by a permit fee in the amount established herein.
- 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 Code Enforcement Office may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provision of this chapter. No additional fee shall be paid for this permit.

**§ 110-3. Issuance of permits.**

- A. No permits will be issued by the Code Enforcement Office unless applied for prior to five days before the requested shooting date; provided, however, that the Code Enforcement Office may waive the five-day period if, in the judgment of the Code Enforcement Officer, the application has obtained all related approvals; the Police Department has reviewed the application and provided no objections thereto and any recommendations by them be complied with; the Fire Department has reviewed the application and provided no objections thereto and any recommendations by them be complied with; and has further determined that adjacent property owners or tenants consent or do not need to be notified.
- B. No permit shall be issued for filming upon public property unless the applicant shall provide the Township with satisfactory proof of the following:
  - (1) Proof of Insurance as follows:
    - (a) Amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.
    - (b) For property damage for each occurrence in the amount of \$500,000.

- (c) For bodily injury to any one person in the aggregate amount of \$500,000.
- (2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Township of Nutley from any and all liability, expense, claim or damages resulting from the use of public property.
- (3) The posting of a cash bond of \$5,000 or a maintenance bond of \$5,000 running in favor of the Township and insuring that the location utilized will be left, after filming, in a satisfactory condition free of debris, rubbish and equipment and that due observances of all Township ordinances, law and regulations will be followed. Within seven 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.
- (4) The applicant agrees to the hiring of an off-duty Nutley police officer, Fire Inspector or Code Official for the times indicated on the permit at the rates then in effect pursuant to collective bargaining between the Township and relevant bargaining unit.

C. Additional requirements.

- (1) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public property and shall comply with all lawful directives issued by the Nutley Police Department, Nutley Fire Department and Code Enforcement Office with respect thereto.
- (2) 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.
- (3) The holder shall avoid any interference with previously scheduled activities upon public property and limit, to the extent possible, any interference with normal public activity on such public property.
- (4) 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 days prior to the requested shooting date and be informed that objections may be filed with the Code Enforcement Office, 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 owners shall be submitted to the Code Enforcement Office within two days of the request shooting date.
- (5) No permit to film within any municipally owned building or land shall be issued without the written consent of the Director of Parks and Public Property.

**§ 110-4. Denial and appeal.**

- A. The Code Enforcement Officer 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, the 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 an law or ordinances 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 Township reserves the right to require one or more on-site patrolmen 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.
  
- B. Any person aggrieved by a decision of the Code Enforcement Officer denying or revoking a permit or a person requesting relief pursuant to the above section may appeal to the Director of Public Safety or his/her designee. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk with a copy served upon the Code Enforcement Officer and the Director of Public Safety. An appeal from the decision of the Code Enforcement Officer shall be filed within 10 days of the Code Enforcement Officer's decision. The director of Public Safety shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Director of Public Safety may either uphold or reverse the decision of the Township Code Enforcement Officer and may impose conditions if filming is allowed to proceed. The decision shall be in the form of a resolution, which shall be introduced for passage at the next regularly scheduled meeting of the Board of Commissioners, 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 Code Officer shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief pursuant to §110-4A shall be deemed denied.

**§ 110-5. Hours of operation.**

- A. Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with the subsection set forth below. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.
  
- B. The Township Code Enforcement Officer may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Code Enforcement Officer shall consider the following factors:

- (1) Traffic congestions at the location caused by vehicles to be parked on the public street;
  - (2) Applicant's ability to remove film-related vehicles off the public streets;
  - (3) When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
  - (4) Nature of the film shoot itself, e.g., indoor or outdoors, day or night; and
  - (6) Prior experience of the film company/applicant with the Township, if any.
- C. Copies of the approved permit will be sent to the Police and Fire Department before filming takes place and to the New Jersey Film 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 instruction issued by the Fire Prevention Bureau or other Township inspectors.

**§ 110-6. Special regulations for major motion pictures.**

- A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific references to day or dates shall not exceed six days in duration.
- B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Code Enforcement Officer, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth herein.

**§ 110-7. Fees.**

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

- A. Basic fees.
  - (1) Filming permits: \$75. Where an applicant request a waiver of the provision §110-3A and required expedited processing of the permit applicants, the basic filming permit shall be \$125.
  - (2) Daily filming fee payable in addition to the basic filming permit: \$500 per day.
  - (3) Daily filming fee payable for major motion picture: \$1,500 per day.
  - (4) Filming permit for nonprofit applicants filming for educational purposes (no day rate required): \$25.

- B. Additional fees. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Township was prevented from earning because of filming.

**§110-8. Violations and penalties.**

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner 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 \$1,000 per day or by imprisonment in the county jail for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.