



**TOWNSHIP
OF MONTCLAIR**

TO: _____
FAX #: _____
DEPT: _____
DATE: _____

FROM: LINDA WANAT/SARAH MERRICK
FAX #: 973-509-0874
DEPT: MUNICIPAL CLERK'S OFFICE
TOTAL PAGES: _____

MESSAGE: Following is Montclair's filming ordinance (Chapter 140-1 through 140-13) and the forms necessary to apply for a filming license. The components to be completed and returned are:

1. application (140-2.B)
2. certificate of insurance (140-3.B1)
3. notarized "hold-harmless" agreement (140-3.B2)
4. three checks made payable to the "Township of Montclair"
 - \$100 application fee, or \$150 if applying less than five days prior to filming (non-refundable). Please see fees listed in ordinance (140-12A)
 - \$600 per day filming fee for a basic filming permit, or \$1500 per day daily filming fee for major motion pictures or television productions. (140-12.B-C)
 - \$500 bond check (returned 21 days after completion of filming) (140-3.B3)
5. Copy of a "letter of intent" to neighbors and a list of the addresses where it will be delivered (140-4.B). **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
TOWNSHIP (178-1): TO DO SO MAY RESULT IN A FINE.**

If you have any questions or concerns please call (973) 509-4903.

Montclair is an equal opportunity employer
205 Claremont Avenue, Montclair, New Jersey 07042
phone: (973) 509-4900 – fax: (973) 509-0874
E-mail: lwanat@montclairnjusa.org



Office of the Municipal Clerk
Township of Montclair, NJ

APPLICATION FOR FILMING

License Number: _____

Company Name: _____

Business Address: _____

Local Address: _____

Contact Person: _____

Phone: _____ E-Mail: _____ Fax: _____

Location(s) of Filming: _____

Date of Filming: _____ Hours of Filming: _____

Type of Film:	<input type="checkbox"/> Feature Incl.: Motion pictures, short films, telefilms, mini-series, television programs or series, or documentaries.	<input type="checkbox"/> Commercial Incl.: commercials, music videos, industrial or educational films, or web programs	<input type="checkbox"/> Still Shoot Incl.: commercial still photographs and all activity attendant to staging or shooting.	<input type="checkbox"/> Non-Profit Incl.: films produced by a 501(c)(3) organization or filming conducted by a student to fulfill a course requirement
<input type="checkbox"/> Interior		<input type="checkbox"/> Exterior		Name of Product/Project: _____

- ◇ Will residents or businesses be affected by filming? Yes _____ No _____
(Resident letters must be sent to affected individuals and a list of the addresses must accompany this application)
- ◇ Are existing power lines being utilized? Yes _____ No _____
- ◇ Will pedestrian or vehicular traffic be affected as a result of the filming? Yes _____ No _____
(If "Yes" an off-duty police officer is required.)
- ◇ Have you ever been convicted of a crime? Yes _____ No _____

NOTE: It is the responsibility of the filming company to contact the Police (973-509-4752) to inquire whether an officer will be necessary and/or to 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 (3 business days prior to filming) a copy of the Letter of Intent along with the list of addresses of residents that may be affected by this shoot will result in denial/rejection of your filming permit.**

I HEREBY APPLY FOR A PERMIT AND TENDER THE APPLICATION FEE OF \$_____, FILMING FEE OF \$_____ AND A RETURNABLE \$500.00 DEPOSIT AND AGREE TO BE BOUND BY ALL PROVISIONS OF MONTCLAIR ORDINANCE NO. 140

Signature of Applicant

Date

Chief of Police Date

Township Manager Date

Mail, E-mail, or Fax to: Linda Wanat, Municipal Clerk
205 Claremont Ave, Montclair, NJ 07042

lwanat@montclairnjusa.org
fax: (973) 509-0874

TOWNSHIP OF MONTCLAIR

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 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)
Township of Montclair, 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 Montclair may be put resulting from use of Township 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: Filming _____ (Name of Project) _____

Our company has applied to film a _____ (Type of Filming) _____ in Montclair 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 Township 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 Montclair Police Department (973-744-1234) 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 Sarah Merrick at the Montclair Municipal Clerk's Office at 509-4900.

Thank you.



TOWNSHIP OF MONTCLAIR
DEPARTMENT OF COMMUNITY SERVICES
219 North Fullerton Avenue
Montclair, New Jersey 07042
Telephone: (973) 509-5700
Fax: (973) 783-7703

**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 Township of Montclair, 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 "TOWNSHIP OF MONTCLAIR." BRING OR SEND PAYMENT IN AT LEAST ONE DAY IN ADVANCE TO:

**THE MONTCLAIR DEPARTMENT OF COMMUNITY SERVICES
219 NORTH FULLERTON AVENUE
MONTCLAIR, NJ 07042**

**FOR SCHEDULING OR INFORMATION PLEASE CALL
(973) 509-5711, MONDAY – FRIDAY, 8:30 AM – 4:30 PM.**

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

Karl Olson, Supervisor of Administrative Services

MONTCLAIR, NJ – FILMING ORDINANCE

- §140-1. Definitions
- §140-2. Permit required
- §140-3. Issuance of permits
- §140-12. Fees
- §140-13. Violations and penalties

[History: Adopted by the Council of the Township of Montclair 11-12-85 as Ord. No. 85-42. Amendments noted where applicable.]

General References

- Parades and processions – See Chapter 222
- Peace and good order – See Chapter 127
- Encumbrances in streets – See Chapter 297, Art. IV

§ 140-1. 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 theaters or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the Township of Montclair.

MAJOR MOTION PICTURE -- Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures.
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM - United Artists.
- H. Dreamworks.
- I. Any film for which the budget is at least \$5,000,000.
- J. Recurrent weekly television series programming or made for TV motion picture.

PUBLIC LANDS -- Any and every public street, 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 Montclair.

§ 140-2. Permit required.

A. No person or organization shall film or permit filming on public or private land within the Township of Montclair without first having obtained a permit from the office of the Municipal 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 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. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested constitutes a major motion picture as defined by § 140-11 of this chapter. 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 Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in § 140-12 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 Municipal Clerk 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.

§ 140-3. Issuance of permits.

A. No permits will be issued by the Municipal Clerk unless applied for prior to five days before the requested shooting date; provided, however, that the Township Manager may waive the five-day period if, in his 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 township 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 \$500,000 and any occurrence in the aggregate amount of \$1,000,000.

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

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Township of Montclair from any and all liability, expense, claim or damages resulting from the use of public lands.

(3) The posting of cash of \$500 or a maintenance bond of \$500 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. Within 21 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 hiring of an off-duty Montclair 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 Montclair Police Department with respect thereto.

§ 140-4. Interference with public activity; notice of filming.

A. 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.

B. 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 days prior to the requested shooting date and be informed that objections may be filed with the Municipal 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 owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.

§ 140-5. Filming in residential zones.

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 § 140-8 hereof. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 140-6. Refusal to issue permit; employment of patrolmen and electrician.

A. The Township Manager 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 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 adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. Further, the township 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.

§ 140-7. Appeals.

A. Any person aggrieved by a decision of the Township Manager denying or revoking a permit or a person requesting relief pursuant to § 140-8 may appeal to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Manager.

B. An appeal from the decision of the Manager shall be filed within 10 days of the Manager's decision. The Township Council 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 Township Council shall be in the form of a resolution supporting the decision of the Township Manager at the first regularly scheduled public meeting of the Township 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 Manager shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief pursuant to § 140-8 shall be deemed denied.

§ 140-8. Waiver of requirements of chapter by Manager.

The Township Manager may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Manager shall consider the following factors:

A. Traffic congestion at the location caused by vehicles to be parked on the public street.

B. Applicant's ability to remove film-related vehicles off the public streets.

C. When 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. Prior experience of the film company/applicant with the township, if any.

F. Consultation with the Council-Ward representative wherein the filming is to take place.

§ 140-9. Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments (if appropriate) before filming takes place. 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.

§ 140-10. Reimbursement of certain costs.

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.

§ 140-11. 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 reference to day or dates may exceed three consecutive days and/or may exceed six days in duration if approved by the Township Manager in his or her discretion following a favorable review of the factors set forth in § 140-8 herein.

B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Manager, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in § 140-8 hereof.

§ 140-12. Fees.

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

- A. Basic filming permit: \$100 (5 days or more) or \$150 (less than 3 days). Where an applicant requests a waiver of the provision of § 140-3A requiring expedited processing of the permit application, the basic filming permit fee shall be \$500.
- B. Daily filming fee payable in addition to the basic filming permit: \$600 per day.
- C. Daily filming fee payable for major motion picture: \$1,500 per day.
- D. Filming permit for nonprofit applicants filming for educational purposes (no daily rate required): \$25.

§ 140-13. 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.