



Town of Kearny

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Office of the Town Clerk

Patricia Carpenter

APPLICATION FOR FILMING

To: Town Clerk, Town of Kearny
Fire Chief, Town of Kearny
Police Chief, Town of Kearny
Mayor, Town of Kearny
Department of Public Works, Town of Kearny
Neglia Engineering
New Jersey Motion Picture & Television Commission

Date of Application: _____

I hereby apply for a **FILMING ON PUBLIC LANDS** permit issued in the name of:

Company name: _____

Business address: _____

Contact person: _____

Telephone #: _____ Fax #: _____ Email: _____

Date(s) of filming: (7 Day Limit): _____

Hours of filming: _____

Location of filming (describe in detail for each day of filming): _____

Number of vehicles associated with production staff to be parked on public streets and location thereof (provide sketched map if more than three (3) vehicles): _____



Town of Kearny
APPLICATION FOR FILMING

APPLICANT

Is a for profit organization and is applying to film in the Town of Kearny non-profit

Will residents or businesses be affected by filming? A copy of letter (s) to be sent to affected individuals(s) and addresses of same must accompany this application Yes No

Are existing power lines to be utilized? Yes No

Will traffic be affected as a result of filming? (If yes, an off-duty police officer is required) Yes No

Will there be any use of Pyrotechnics? Yes No

Will there be any use of explosives? Yes No

Will there be any flammable or combustible liquids? Yes No

Where there be any staged fires? Yes No

Will there be any tents set up with cooking ranges and/or heating apparatuses?
Explain: Yes No

Please contact Chief Fire Inspector at (201) 955-7422 for any fire related questions.

I HEREBY APPLY FOR A PERMIT AND TENDER THE:

BASIC FILMING FEE OF \$ _____

DAILY FILMING FEE OF \$ _____

COMMERCIAL VEHICLE FEE OF \$ _____

ADDITIONAL FEE FOR FILMING ON PUBLIC PROPERTY \$ _____

AGREE TO BE BOUND BY ALL PROVISIONS OF THE TOWN OF KEARNY ORDINANCE No 1999-(O)-18

I hereby declare that the statement in this application are true, that I am familiar with the regulations according to the Town of Kearny and I agree to abide by said regulations.

Signature of applicant (must be an officer or agent of applicant) Date

Print name: _____

Title: _____

Town of Kearny
APPLICATION FOR FILMING

FOR INTERNAL USE ONLY

_____ Total fees _____ Hold Harmless _____ Off-duty police officer (If necessary)
_____ Health (if necessary) _____ Fire _____ Legal (If necessary)
_____ Current Certificate of Insurance _____ Building/Zoning (If necessary)

License No. _____ issued on _____ by Town Clerk.

Application fee received: \$ _____

Signature of Town Clerk

Date

Required documents must be attached to this application

REQUIRED DOCUMENTS
(Must be attached to your application)

CERTIFICATE OF INSURANCE: Proof of insurance coverage as follows: (a) for bodily injury to any one person in the amount of \$500,000 and any occurrences in the aggregate amount of \$1,000,000. (b) for property damages each occurrence in the aggregate amount of \$300,000.

HOLD HARMLESS AGREEMENT: An agreement, in writing, whereby the applicant agrees to indemnify and hold harmless the Town of Kearny from any and all liability, expense, claim or damages resulting from the use of public land.

COMMUNICATIONS CONCERNING: The hiring of an off-duty Kearny police officer at the rates set by the Kearny Police Department for the times indicated on the permit. The Chief of Police shall determine, at his/her discretion, the number of officers required to maintain public safety.



Town of Kearny
APPLICATION FOR FILMING

HOLD HARMLESS AGREEMENT

For and in consideration of permission granted by the Town of Kearny to (name and address) _____

for (set forth activity or use) _____

the said (name) _____

agrees to indemnify and make harmless the Town of Kearny, its officers, agents, servants and/or employees, against any and all liability, claims, judgments, demands or expenses whatsoever in connection with the loss of life, personal injury and/or damage to property arising out of or resulting in whole or in part from the activity as mentioned, and agrees to submit evidence of insurance coverage for both liability and property damage in such amounts as may be required by the Town of Kearny, and shall include the Town of Kearny as a names insured.

The undersigned further agrees to and shall indemnify and save harmless the Town of Kearny, its officers, agents, servants and/or employees against any and all liability, claims, judgments, demands or expenses whatsoever in connection with the loss of life, personal injury and/or damage to property arising out of the aforesaid activity. The insurance coverages hereinabove stated for the benefit of the Town of Kearny shall include contractual insurance covering the indemnification and save harmless provisions of this agreement.

Date

By:

Print name:

Title:

Witness

MOTION PICTURE FILMING

5-71 MOTION PICTURE **FILMING**.

5-71.1 *Purpose.*

a. The Mayor and Council of the Town of Kearny recognize that the **filming** of motion pictures within the Town of Kearny has been increasing and will continue to increase in the future.

b. The production of motion pictures within the Town of Kearny requires various regulations to preserve the general health, safety and welfare of Kearny inhabitants.
(Ord. No. 1999-0-18 § 1)

5-71.2 *Definitions.*

Filming shall mean 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, on the internet or for institutional uses. The provisions of this section shall not be deemed to include the **filming** of news stories within the Town of Kearny.

Major motion picture shall mean any film for which the budget is at least one million (\$1,000,000.00) dollars or any film which is financed and/or distributed by (i) a major motion picture studio, including, but not limited to, any of the following: Universal Pictures, Warner Brothers (including New Line Cinema, Castle Rock Cinema and Turner Production Company), Paramount, 20th Century Fox, Columbia/TriStar, Disney, MGM-United Artists, or any successor-in-interest to any of the foregoing, or (ii) a major television network or cable television provider.

Public lands shall mean any and every public street, highway, sidewalk, square, public park or playground, or any other public place within the Town of Kearny which is within the jurisdiction and control of the Town of Kearny.
(Ord. No. 1999-0-18 § 2; Ord. No. 2002-O-47)
(Ord. No. 1999-0-18 § 2)

5-71.3 *Permits.*

a. No person or organization shall film or permit **filming** on public lands within the Town of Kearny without first having obtained a permit from the office of the Town Clerk, located at Town Hall in the Town of Kearny. A permit shall be required even if **filming** occurs wholly on private lands if public lands are utilized in connection therewith during **filming**. Said permit shall set forth the approved location of such **filming** and the approved duration of such **filming** by specific reference to day or dates. Said permit must be readily available for inspection by Town of Kearny officials at all times at the site of the **filming**.

b. All permits shall be applied for and obtained from the office of the Town Clerk during normal business hours. Applications for such permits shall be in a form approved
by the Town Clerk and be accompanied by a permit fee in the amount established by this section. The Town Clerk shall forward copies of all applications to the Town Administrator and Governing Body upon receipt.

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 Town 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 section. No additional fee shall be paid for this permit.
(Ord. No. 1999-0-18 § 3; Ord. No. 2002-O-47; Ord. No. 2004-(O)-05)

5-71.4 *Rules and Regulations.*

a. No permits shall be issued by the Town Clerk unless applied for prior to five (5) days before the requested shooting date; provided, however, that the Town Administrator may waive the five-day period if, in his or her 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 Town of Kearny with satisfactory proof of the following:

1. Proof of insurance coverage as follows:

(a) For bodily injury to any one (1) person in the amount of five hundred thousand (\$500,000.00) dollars and any occurrence in the aggregate amount of one million (\$1,000,000.00) dollars; and

(b) For property damage, each occurrence, in the aggregate amount of three hundred thousand (\$300,000.00) dollars.

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

3. The hiring of an off-duty Town of Kearny Police Officer for the times indicated on the permit, when deemed necessary by the Town Administrator.

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 Town of Kearny Police Department with respect thereto. The holder of a permit shall on each day of film shooting or production leave the location(s) used in a satisfactory condition free of debris and rubbish. Further, when deemed necessary by the Town Administrator, the holder of the permit shall hire, at its sole expense, a waste removal service to remove on a daily basis all debris and rubbish resulting from its film shooting or production.

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 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(s) and informed that objections may be filed with the Town Clerk, which objections will form part of the 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 Town Clerk at least two (2) days before the requested shooting date.

e. All **filming** must be completed within one-half (1/2) hour after sunset, unless approved in advance by the Town Administrator. In no event, however, shall an applicant be allowed to film in a residential area after 10:00 p.m.

f. The Town Administrator may refuse to issue a permit whenever he or she determines, on the basis of objective facts and after a review of the application and consultation with the Town of Kearny Police Department, Town of Kearny Fire Department and such other Departments of the Town of Kearny that the Town Administrator shall reasonably deem necessary 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 flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, Town of Kearny reserves the right to require one (1) or more on-site patrol persons in situations

where the proposed production may impede the proper flow of traffic or in any other way jeopardize the public safety, the cost of said patrol person 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 Town Administrator denying or revoking a permit or a person requesting relief pursuant to paragraph h. of this subsection 5-71.4 may appeal to the Town Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Town Administrator. An appeal from the decision of the Town Administrator shall be filed within ten (10) days of the Town Administrator's decision. The Town Council shall set the matter down for a hearing within thirty (30) days of the day on which the notice of appeal was filed. The decision of the Town Council shall be in the form of a resolution. A resolution supporting the decision of the Town Council shall be adopted at the first regularly scheduled public meeting of the Town 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 Town Administrator shall be deemed to be reversed and a permit shall be issued in conformity with the application or the relief pursuant to paragraph h. of this subsection 5-71.4 shall be deemed denied.

h. The Town Council may authorize a waiver of any of the requirements or limitations of this section whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that 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 Police and Fire Departments before **filming** takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Town of Kearny inspectors to inspect the site and the equipment to be used. The applicant shall follow all safety instructions issued by the Fire Prevention Bureau or other Town of Kearny inspectors.

j. In addition to any other fees or costs mentioned in this section, the applicant shall reimburse the Town of Kearny for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Town of Kearny was prevented from earning because of the **filming**.
(Ord. No. 1999-0-8 § 4)

5-71.5 Fees.

a. A basic **filming** permit fee of one hundred (\$100.00) dollars per permit term, payable by all applicants except nonprofit organizations **filming** exclusively for educational purposes, which organizations shall be required to pay a basic **filming** permit fee of fifty (\$50.00) dollars; and

b. A daily **filming** permit of (i) two thousand (\$2,000.00) dollars per day for applicants **filming** a major motion picture having a budget of five million (\$5,000,000.00) dollars or more, (ii) one thousand (\$1,000.00) dollars per day for applicants **filming** a motion picture having a budget of more than one million (\$1,000,000.00) dollars but less than five million (\$5,000,000.00) dollars, or one hundred fifty (\$150.00) dollars per day for all other applicants except nonprofit organizations **filming** exclusively for educational purposes, which organizations shall not be required to pay any daily **filming** permit fees.

In addition to the basic **filming** permit fee and the daily **filming** permit fee, the permittee shall be required to pay a fee of seventy-five (\$75.00) dollars per day for each commercial vehicle used by the permittee, but in no event more than seven hundred fifty (\$750.00) dollars for all commercial vehicles which are subject to this fee.
(Ord. No. 1999-O-18 § 5; Ord. No. 2002-O-47; Ord. No. 2012-22)

5-71.6 *Violations and Penalties.*

Any person violating this section or rules and regulations contained herein shall be subject to a fine not to exceed one thousand (\$1,000.00) dollars per day or imprisonment for a term not to exceed ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 1999-0-18 § 6)

5-71.7 *Applicability of Other Ordinances.*

Nothing in this section shall be construed to impair or limit in any way any other power of the Town of Kearny to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Ord. No. 1999-0-18 § 7)