

THE BOROUGH OF DEMAREST

118 SERPENTINE ROAD

~~BERGEN COUNTY~~, N. J. 07627-2199

201-768-0167 X39  
201-768-2581 FAX

APPLICATION FOR FILMING OF MOTION PICTURES  
AND TELEVISION IN THE BOROUGH OF DEMAREST

1. Name and Address \_\_\_\_\_  
\_\_\_\_\_ Telephone No. \_\_\_\_\_.
2. Location \_\_\_\_\_  
a. Public Land \_\_\_\_\_ b. Private Property \_\_\_\_\_.
3. If filming is to occur on private property, has owner's  
permission been obtained? Yes \_\_\_\_\_ No \_\_\_\_\_.  
(Written permission of owner must be submitted.)
4. Date of Commencement \_\_\_\_\_ Completion \_\_\_\_\_.

\_\_\_\_\_  
APPLICANT

-----  
FOR BOROUGH USE ONLY

Date Permit Issued _____	Proof of Insurance _____
	Hold Harmless _____
Date Permit Denied _____	Police Report _____
Permit Fee Paid _____	
Profit _____ Non-Profit _____	

\_\_\_\_\_  
BOROUGH CLERK

HOLD HARMLESS AGREEMENT

BETWEEN THE BOROUGH OF DEMAREST AND

\_\_\_\_\_ (applicant):

WITNESSETH:

1. In consideration of permission to use the public facility described below on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ the applicant does hereby covenant and agree to save and hold the Borough of Demarest, its agents, servants and employees harmless from any and all liabilities or costs arising out of the use of the described premises by the applicant, the applicant's invitees, or other persons.

2. The applicant has furnished the Certificate of Insurance described below as an additional inducement to the permission for the use of the premises:

Name of Insurance carrier: \_\_\_\_\_

Certificate Number: \_\_\_\_\_

Limits of Liability:

Property Damage: \$ \_\_\_\_\_

Public Liability: \$ \_\_\_\_\_

Note: Minimum Insurance required S.L. 1,000,000 Subject to review by Executive Director/Administrator.

3. The facilities will be used for the following purpose and no other:

\_\_\_\_\_  
\_\_\_\_\_

Number of persons expected to attend: \_\_\_\_\_  
Alcoholic beverages will \_\_\_\_\_ will not \_\_\_\_\_ be served at the affair.

4. The applicant is: \_\_\_\_\_ Non-profit corporation  
\_\_\_\_\_ Non-profit association  
\_\_\_\_\_ An individual  
\_\_\_\_\_ A profit-making organization

If applicant is an association or corporation, the undersigned certifies that the execution of the Hold Harmless Agreement has been duly authorized.

5. The applicant acknowledges that the permission to utilize the facilities is limited to the portion of the premises herein described (if applicable) and the permission to use the facility is valid only for the activity herein described. Notwithstanding the foregoing however, this Hold Harmless Agreement shall be applicable to any claim asserted against the Municipality or any loss incurred arising out of the applicant's activity whether or not same extends beyond the permitted type or locale of activity or occurs on a different date than specified.

6. The applicant specifically agrees that this Indemnification and Hold Harmless Agreement shall include the responsibility to provide legal defense for the Borough of Demarest for any suit arising out of the applicant's use of the premises, and that should the applicant or the applicant's insurance carrier fail or refuse to provide such a defense, the applicant will reimburse the Borough for any costs incurred by it for any person or organization acting on its behalf.

7. The undersigned is authorized to execute this Hold Harmless Agreement as the binding act of the applicant.

Applicant

Witness:

By: \_\_\_\_\_  
(person's name and title)

\_\_\_\_\_

AN ORDINANCE TO REGULATE FILMING FOR MOTION PICTURES AND TELEVISION WITHIN THE BOROUGH OF DEMAREST, COUNTY OF BERGEN, STATE OF NEW JERSEY.

WHEREAS, the Borough of Demarest has been the site of occasional television and movie filming; and

WHEREAS, said filming has created certain problems which require special regulation; and

WHEREAS, such regulation is necessary to preserve the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Demarest as follows:

SECTION 1. Definition.

FILMING shall mean the taking of still or motion pictures, either on film, video tape, or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theatres or for institutional use or for advertising purposes.

PUBLIC LANDS shall mean any and every public street, highway, sidewalk or square, public park or playground, or other public place within the Borough which is within the jurisdiction and control of the Borough.

SECTION 2. Permits.

A. No person, firm, or corporation shall film or permit filming within the Borough of Demarest without first obtaining a permit therefor, which permit shall set forth the location of such filming and the date or dates when filming shall take place.

B. Permits shall be obtained in the Office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Borough Clerk and shall be accompanied by a permit fee as set forth in SECTION 4. Incidental use of a public sidewalk or street which does not result in the closing of the street or sidewalk to public use shall not be considered filming on public land.

C. Where filming takes place on private property, permission of the owner must be obtained in writing.

D. One permit shall be required for each location.

SECTION 3. Rules and Regulations.

A. No permit shall be issued for filming at a particular location in a residential zone within the Borough of Demarest which would permit filming at said location on more than four (4) days during any one calendar year.

B. No permit shall be issued for filming upon public lands within the Borough of Demarest unless applicant for such permit:

I. Provides proof of insurance coverages as follows: for bodily injury for any one person in the amount of \$500,000.00 and for any aggregate occurrence in the amount of \$1,000,000.00;

II. Agrees in writing to indemnify and save harmless the Borough of Demarest from any and all liability or damages from the use of such public lands.

C. The holder of a 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 Demarest Police Department with respect thereto.

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 public activity on such public lands.

E. 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 the completion of filming or the expiration of the permit, whichever comes first.

F. Filming shall be permitted only Monday through Friday between the hours of 8 A.M. and 7 P.M. or sundown, whichever is earlier, in residential zones.

G. The Borough Clerk may refuse to issue a permit whenever she 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 borough agencies involved with the proposed filming site 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 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.

H. Any person aggrieved by a decision of the Borough Clerk denying or revoking a permit or a person requesting relief

pursuant to paragraph "I" may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk. An appeal from the decision of the Borough Clerk shall be filed within ten (10) days of the Borough Clerk's decision. The Mayor and 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 Mayor and Council shall be in the form of a Resolution. A Resolution supporting the decision of the Borough Clerk or granting relief pursuant to paragraph "I" shall be approved by the Mayor and Council at the first regularly scheduled public meeting of the Mayor and 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 in the time required the decision of the Borough Clerk shall be deemed to be reversed and a permit shall be issued in conformity with the application or the relief pursuant to paragraph "I" shall be deemed denied.

I. The Mayor and Council may authorize a waiver of any of the requirements or limitations of this ordinance, and may authorize filming other than during the hours herein described, or may extend the duration of a permit beyond ten (10) days, or may permit filming at a particular location in a residential zone on more than four (4) days during any one calendar year or may waive any other limitation or requirement of this ordinance whenever it determines that strict compliance with such limitations will pose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety or welfare.

J. The applicant shall notify the Fire Marshall twenty-four (24) hours before filming takes place and permit the Fire Marshall to inspect the site and the equipment to be used. The applicant shall comply with all fire safety instructions issued by the Fire Marshall.

SECTION 4. Fees.

	<del>Filming Permit</del>	<del>\$25.00</del>
<i>See</i>	<del>Filming Permit for filming on public land</del>	<del>\$400.00</del>
<i>Attached</i>	<del>Filming Permit for non-profit applicants filming for educational purposes (including public land)</del>	<del>\$25.00</del>

SECTION 5. Penalties.

Any person violating this ordinance or rules and regulations contained herein shall be subject to a fine not to exceed \$500.00 or imprisonment for a term not to exceed ninety (90) days, or both.

SECTION 6. Exemptions.

The provisions of this ordinance shall not apply to the filming of news stories within the Borough of Demarest.

SECTION 7. Severability.

If any section, sentence, clause, or other portion of this ordinance or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 8. Effective Date.

This ordinance shall take effect immediately upon passage and publication as required by law.

\* \* \* \* \*

Adopted: April 16, 1984

Borough of Demarest  
County of Bergen  
State of New Jersey  
Ordinance No. 849

ORDINANCE AMENDING CHAPTER 96  
FILMING, MOTION PICTURE AND  
TELEVISION OF THE CODE OF THE  
BOROUGH OF DEMAREST

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF  
DEMAREST that Chapter 96, Filming, Motion Picture and Television, be and is hereby amended  
as follows:

Section I: That Section 96-1, Definitions, be and is hereby amended as follows:

Section 96-1, Definitions

Filming - The taking of still or motion pictures, either on film, videotape or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes. Filming includes any and all staging, setup and activities leading to or related to the taking of still or motion pictures.

Section II: That Section 96-4, Fees, be and is hereby amended as follows:

Section 96-4, Fees

Permit fees shall be as follows:

- A. Filming permit on privately-owned property: \$500.00 per day for each day or part thereof.
- B. Filming permit for filming on public land: \$1,000.00 per day for each day or part thereof.
- C. Filming permit for non-profit applicants, filming for educational purposes, including filming on public land: \$25.00 per day for each day or part thereof.

Section III: All Ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are repealed to the extent of said inconsistency.

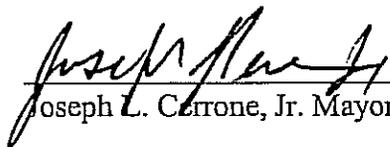
Section IV: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section V: This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF DEMAREST

  
\_\_\_\_\_  
Carol A. Kroepke, Borough Clerk

  
\_\_\_\_\_  
Joseph L. Carrone, Jr. Mayor

Introduced: 10/11/01

Adopted 10/15/01