

## 4-15 TELEVISION AND MOVIE FILMING ON PUBLIC PROPERTY.

### 4-15.1 Definitions.

*Filming* shall mean the taking of still or motion pictures either on 8mm or video tape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters or for institutional uses.

*Public Lands* shall mean any and every public street, highway, sidewalk, square, public park or playground or any other public place within the Borough, which is within the jurisdiction and control of the Borough of Bloomingdale. Incidental use of a public sidewalk or street, which is of minimal impact and does not result in a closing of it to public use, shall not be considered filming on public land.

(Ord. No. 15-2003 § I)

### 4-15.2 Permits.

a. No person or organization shall **film** or **permit** filming on public property within the Borough of Bloomingdale without first having obtained a **permit** from the Borough of Bloomingdale, which **permit** shall set forth the approved location of such filming and the approved duration of filming by specific reference to day or dates. Said **permit** must be readily available for inspection by the Borough officials at all times at the site of the filming.

b. All permits shall be applied for and obtained from the office of the Borough Clerk during normal business hours. Applications for such permits shall be in a form approved by the Mayor and Council and accompanied by a **permit** fee in the amount established by this subsection 4-15.4 herein. All applications shall be accompanied with a description of the **film** and proposed **film** rating.

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 Borough Clerk may, at the request of the applicant, issue a new **permit** for filming on the dates subject to full compliance with all other provisions of this section. No additional fee shall be paid for this **permit**.

(Ord. No. 15-2003 § I)

### 4-15.3 Rules and Regulations Governing Issuance of **Permit**.

a. No **permit** will be issued by the Borough Clerk unless applied for prior to twenty-four (24) hours before the requested shooting date, provided, however, that the Borough Clerk may waive the twenty-four (24) hour time period, if, in his/her judgment, applicant has obtained all related approvals.

b. No **permit** shall be issued for filming upon public lands unless applicant has provided Borough Clerk with the satisfactory proof of the following:

1. Proof of insurance coverage as follows:

(a) For bodily injury to any one 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.

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

2. An agreement in writing whereby applicant agrees to indemnify and save harmless the Borough of Bloomingdale from the use of public lands.

3. Any agreement in writing whereby the applicant agrees 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 Borough ordinances, laws and regulations will be followed.

4. The hiring of qualified security personnel, as recognized by State law, separate and apart from the Borough police officers which may be needed as per paragraph c. below.

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 so that they will have minimum affect on traffic. The holder shall avoid any interference with previously scheduled activities upon public lands and shall limit to the extent possible any interference with normal public activity on such public lands.

c. The Borough Clerk may refuse to issue a **permit** whenever he/she determines, on the basis of objective facts and after a review of the application and report thereon by the Police Department and by other Borough departments involved with the proposed filming site, that the 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. Further, the Borough reserves the right to require one or more on-site police officers only in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolmen 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 is required if the production company does not have a licensed electrician on staff.

d. The Borough Clerk, Police Department and Fire Department will maintain copies of the approved **permit**.

e. The applicant shall **permit** the Fire or other Borough 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 Borough inspectors.

f. In addition to any other fees or costs mentioned herein, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

g. The Mayor and Council may authorize a waiver of any of the requirements or limitations of this section.

(Ord. No. 15-2003 § I)

#### **4-15.4 Fees.**

The schedule of fees for the issuance of **permit** authorized by this ordinance is as follows:

a. Filming **permit**: \$50.00

b. Daily filming fee:

1. For filming of eight (8) or more hours of use of public lands per day, one thousand (\$1,000.00) dollars per day.

2. For filming of less than eight (8) hours of use of public lands per day, five hundred (\$500.00) dollars per day.

c. Not-for-profit and educational purposes: No fee.

(Ord. No. 15-2003 § I)

#### **4-15.5 Penalties.**

Any person violating this section or rules and regulations contained within shall upon conviction thereof, be punished by a fine not to exceed one thousand (\$1,000.00) dollars per day or by imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 15-2003 § I)