

Chapter 245

FILMING

§ 245-1. Definitions.

As used in this chapter, these terms shall have the following meanings:

FAMILY VIDEOS AND PHOTOGRAPHY — The filming or videotaping of motion pictures, or still photography, intended solely for private use.

FILMING — The taking of still or motion pictures either on film, videotape, or similar recording medium, for any purpose intended for viewing on television, in theaters or for institutional uses. This term shall not include family videos and photography and news media, as defined herein, or as otherwise provided herein.

MAJOR MOTION PICTURE — Any film which is financed and/or distributed by a major motion picture studio or corporation for presentation in movie theaters, including any filming activity connected with any part of such a production; provided that the production has an overall budget of \$2,000,000 or more.

MOTION PICTURE, TELEVISION PICTURES, STILL PHOTOGRAPHY — All activities attendant to the staging and/or shooting of commercial motion pictures, television series, television movies, commercials and to the taking of single or multiple photographs for sale or commercial use where the photographer sets up stationary equipment in any one location for longer than five consecutive minutes.

NEWS MEDIA — Photographic, filming, and/or videotaping for the purpose of a television news broadcast or reporting for print media by reporters, photographers or cameramen.

PUBLIC LANDS — The areas including but not limited to any public building, street, sidewalk, highway, sidewalk, square, park, playground, the beachfront, boardwalk and the marina, and other public places, which is within the jurisdiction and control of the Township of Middletown.

STUDENT FILMS — Motion picture, television or still photography produced to satisfy a course or curriculum requirement at an accredited educational institution. The student filmmaker must supply proof that they are currently enrolled in any such educational institution.

§ 245-2. Permit required.

- A. No person shall use any public lands or private property, public right-of-way, facility, and/or residence for the purpose of taking motion pictures, television pictures or still photography without first applying for and receiving a permit from the Township Clerk or the Township Administrator of the Township of Middletown, as applicable.
- B. The permit shall set forth the approved location of such filming and also 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 satisfies the major motion picture exception defined herein. Said permit must be readily available for inspection by Township officials at all times at the site of the filming.

- C. All permits shall be applied for and obtained from the office of the Township Clerk during normal business hours. Applications for such permits shall be in a form approved by the Township Administrator and be accompanied by permit fees as required herein.
- D. If a permit is issued and filming does not in fact take place on the dates specified due to good cause, including but not limited to reasons of inclement weather, the Township Administrator may 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 new permit.
- E. The provisions of this section shall not apply to news media, family videos and/or student films.
- F. The provisions of this section shall not apply to all activities attendant to the staging and/or shooting of a segment of a television series where all such activities occur on private property and within a commercial building or other structure which is not in a residential area and is not visible outside of such building or structure, provided that the filming activities do not exceed three days.

§ 245-3. Review and issuance of permits.

- A. Permits shall be issued by the Township Clerk or Administrator. Any such review shall determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Permits shall be issued by the close of the 10th business day after submission of a complete permit application.
- B. Expedited permits may be issued by the Township Clerk or Administrator upon payment of the requisite fee. The Township Clerk or Administrator, after consultation with the Chief of Police and the Director of Public Works, may issue the permit, so long as the application complies with all other requirements of this chapter. The Township Clerk or Township Administrator may determine whether any additional municipal services may be reasonably required depending upon the nature of the activities proposed. Expedited permits shall be issued by the close of the fourth business day after submission of a complete permit application.

- C. No permits shall be issued unless all fees and reasonably necessary reimbursable expenses are paid to the Township.
- D. No permit shall be issued for filming upon public lands unless the applicant shall provide the Township of Middletown with satisfactory proof of the following:
 - (1) Proof of insurance coverage, including but not limited to for bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000.
 - (2) For property damage for each occurrence in the aggregate amount of \$1,000,000.
 - (3) A written hold harmless and indemnification agreement acceptable to the Township Attorney.
 - (4) The posting of cash or maintenance bond for the value of \$500 protecting and insuring that the location utilized for the filming will be left, 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 seven days of the completion of the filming, the Township will return the bond if there has been no damage to the public property or public expense caused by the filming.
 - (5) 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 Middletown Police Department, the Fire Chief and the Township Administrator and with respect thereto.
 - (6) The applicant shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners as a result of such filming and shall, to the extent practicable, abate noise and park vehicles off the public streets. All vehicles parked on public streets and rights-of-way shall be done so in accordance with all applicable state and local regulations.
 - (7) The holder shall not interfere with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands.
 - (8) The applicant shall give written notice of the filming to all businesses and residents within 200 feet of the filming location and further provide written proof of such notice at least three business days prior to the submission of a completed permit application. Such written notice shall be in a form acceptable to the Township Clerk or Administrator and shall inform such businesses and residents that objections may be filed with the Township Clerk within the next three business days, said objections to form a part of applicant's application and be considered in the review

of the same. However, an applicant may request a waiver of the notice requirement, or if the Township Clerk or Administrator finds that by not giving notice there would be less of a potential for disruption, if the permit is granted, than a waiver may be granted by the Township Administrator, as applicable.

§ 245-4. Filming in residential areas.

Filming in residential areas shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m. Nighttime filming, after 9:00 p.m., can be considered on a case-by-case basis by the Township Administrator, who can establish specific limitations and locations. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 245-5. Refusal to issue permit; employment of patrolmen and electrician.

- A. The Township may refuse to issue a permit whenever it determines, on the basis of objective facts and after a review of the application 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. The Township reserves the right to require one or more Township police officer(s), Fire Department personnel or any such other specialized Township officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic, or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as 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.

§ 245-6. Waiver of requirements by Township.

The Township may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Township shall consider factors, including but not limited to the following:

- A. Traffic congestion at the location;
- B. The applicant's ability to remove film-related vehicles off the public streets;

- C. Whether 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 outdoor; day or night; on public lands or private lands; proximity to residential neighborhoods; potential for disruption of normal residential or business activities; and
- E. Prior experience of the film company/applicant with the Township, if any.

§ 245-7. Copies of permit; inspections.

Copies of the approved permit shall be sent to the Police and Fire Departments before filming takes place. The applicant shall permit the Police Department, the Fire Chief or other Township inspectors to inspect the site and equipment to be used. The applicant shall comply with all safety instructions issued by the Police Department, the Fire Chief, or other Township inspections.

§ 245-8. Reimbursement of certain costs.

In addition to any and all other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, including but not limited to repairs required to public property, and any revenues that the Township was prevented from earning because of the filming.

§ 245-9. Special regulations for major motion pictures.

- A. With regards to filming being done on a major motion picture, and upon a favorable review of the factors set forth herein, the Township may grant an exemption of the three consecutive filming day limit and/or the six total filming days within a calendar year limit.
- B. Any days that are necessary for setup and preparation of a major motion picture filming may, at the discretion of the Township, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in this chapter.

§ 245-10. Fees.¹

The schedule of fees for the issuance of permits authorized by this chapter is as provided in Chapter 240, Fees.

§ 245-11. Violations and penalties.²

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

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).**

for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be subject to the penalties set forth in Chapter 1, General Provisions, § 1-4 of the Code of the Township of Middletown.