

1. Regular Council Meeting Agenda May 10, 2023

Documents:

[MAY 10, 2023.PDF](#)

2. Ordinance 23-17 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, "TRAFFIC", SECTION 7-44.1, "POND HOLE PARKING LOT REGULATIONS", OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES

Documents:

[23-17 AMENDMENT TO ORDINANCE 22-20 POND HOLE PARKING LOT REGULATIONS.PDF](#)

3. Ordinance 23-18 "AN ORDINANCE AMENDING CHAPTER 5, "LICENSES, PERMITS AND BUSINESS REGULATIONS," ARTICLE 1, "PAYMENT OF TAXES REQUIRED," SECTION 1, CHAPTER 20 "RENTAL PROPERTY," ARTICLE 1, "RENTAL PROPERTY REGISTRATION, "OF THE BOROUGH'S MUNICIPAL CODE"

Documents:

[23-18 ORDINANCE AMENDING RENT REGISTRATION FOR LIABILITY INSURANCE.PDF](#)

4. Ordinance 23-19 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, "TELEVISION AND MOVIE FILMING" OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES

Documents:

[23-19 ADDITIONAL CHAPTER FOR FILMING - FINAL.PDF](#)

*One or more record(s)/document(s) may have been redacted to comply with State Law included, but not limited to, Daniel's Law (P.L. 2020, c. 125).*

**AGENDA  
REGULAR MEETING  
May 10, 2023**

The following is the Agenda for the Regular Council Meeting of the Borough of Pompton Lakes Mayor and Council, a Municipal Corporation in the County of Passaic. The Meeting will begin at 7:30pm on May 10, 2023 in the Municipal Building, 25 Lenox Avenue, Pompton Lakes, NJ 07442. Consistent with the New Jersey Open Public Meetings Act, the Meeting will be opened for public comments and shall be in accordance with terms and conditions of the Borough's Municipal Code and By-laws.

**1. CALL TO ORDER** – Mayor Michael Serra

**PRAYER**

**SALUTE TO FLAG**

**STATEMENT OF COMPLIANCE:** “In conformance with the Open Public Meetings Law, Public Law 1975, Chapter 231, adequate notice of this Meeting setting forth the time, date, place and purpose of this regular Meeting through notice posted on the Bulletin Board in the Municipal Building, mailed to all who had requested and paid for same, and published in the Suburban Trends.

**ROLL CALL:** Mayor Michael Serra

Council President Jennifer Polidori  
Councilman William Baig  
Councilman Bobby Cruz  
Councilman Erik DeLine  
Councilwoman Maria Kent  
Councilman Ekamon Venin

**Borough Officers:**

Mark J. Semeraro, Borough Attorney  
Paula Cozzarelli, Borough Administrator  
Elizabeth Brandsness, Municipal Clerk

**MAYOR PRESENTATIONS AND UPDATES:**

**Redevelopment Agency Presentation**

**2. MEETING OPEN FOR PUBLIC COMMENTS:**

Motion to open the Meeting for Public Comments \_\_\_Second \_\_\_ All in favor\_\_\_ Nays\_\_\_

Motion to close the Meeting for Public Comments \_\_\_Second \_\_\_ All in favor\_\_\_ Nays\_\_\_

**3. APPROVAL OF MINUTES:**

Motion to approve the following Minutes \_\_\_ Second \_\_\_. All in favor \_\_\_, Nays \_\_\_.

Regular Meeting Minutes April 26, 2023

Closed Session Meeting Minutes April 26, 2023

**4. AUTHORIZED BILLS AND CLAIMS:**

Current Fund	\$
Capital Fund	\$
Recreation Trust	\$
Unemployment	\$
Dog Trust Account	\$
Other Trust Account	\$
Clerk’s Account	\$
Open Space Trust	\$
Affordable Housing	\$

**5. PRESENTATION OF PETITIONS:**

**6. CONSENT AGENDA – RESOLUTIONS:**

*(Does Any Councilperson Require Any Consent Agenda Item To Be Pulled For Separate Action?)*

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes (*does / does not*) desire to remove Resolutions for individual action from that Agenda.

**NOW, THEREFORE, BE IT RESOLVED** that the following resolutions on the Consent Agenda are hereby approved:

1. Resolution 23-120 Accepting The Resignation Of Emma Brennan (Part-Time Dispatcher) From The Pompton Lakes Police Department
2. Resolution 23-121 Accepting The Resignation Of Kyle Stefanic (Police Officer) From The Pompton Lakes Police Department
3. Resolution 23-122 Designating Paula Cozzarelli As The Qualified Purchasing Agent Pursuant To N.J.S.A. 40A:11-2(30)

Motion to approve the Resolutions \_\_\_\_, Second \_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_.

**7. RESOLUTIONS FOR SEPARATE ACTION (ROLL CALL)**

**8. INTRODUCTION OF ORDINANCES – FIRST READING AND INTRODUCTION:**

*(Ordinance will be presented for second reading and final adoption on May 24, 2023 )*

**ORDINANCE 23-17**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, “TRAFFIC”, SECTION 7-44.1, “POND HOLE PARKING LOT REGULATIONS”, OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES**

Motion to Approve Ordinance No. 23-17 for Introduction\_\_\_\_, Second\_\_\_\_.

Roll Call:

**ORDINANCE 23-18**

**AN ORDINANCE AMENDING CHAPTER 5, “LICENSES, PERMITS AND BUSINESS REGULATIONS,” ARTICLE 1, “PAYMENT OF TAXES REQUIRED,” SECTION 1, “PAYMENT OF TAXES REQUIRED FOR ISSUANCE OF LICENSE OR PERMIT” AND CHAPTER 20 “RENTAL PROPERTY,” ARTICLE 1, “RENTAL PROPERTY REGISTRATION,” OF THE BOROUGH’S MUNICIPAL CODE**

Motion to Approve Ordinance No. 23-18 for Introduction\_\_\_\_, Second\_\_\_\_.

Roll Call:

**ORDINANCE 23-19**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, "TELEVISION AND MOVIE FILMING" OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES**

Motion to Approve Ordinance No. 23-19 for Introduction\_\_\_\_, Second\_\_\_\_.

Roll Call:

**ORDINANCES FOR SECOND READING AND FINAL ADOPTION:** *(These Ordinances have been advertised and posted on the Municipal Bulletin Board)*

**ORDINANCE 23-15**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Motion to open the Meeting for public comments on Ordinance #23-15 \_\_\_\_, Second\_\_\_\_.  
All in favor\_\_\_\_, Nays\_\_\_\_.

Motion to close the Meeting for public comments on Ordinance #23-15\_\_\_\_, Second\_\_\_\_.  
All in favor\_\_\_\_, Nays\_\_\_\_.

Motion to approve Ordinance #23-15 for Final Adoption\_\_\_\_, Second\_\_\_\_.

Roll Call:

**ORDINANCE 23-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, "ADMINISTRATION," ARTICLE VII, "ADMINISTRATIVE POLICIES AND PROCEDURES," SECTION 71, "VIDEO RECORDING OF MEETINGS," OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES TO RECORD AND**

**BROADCAST THE MEETINGS OF ALL MUNICIPAL COUNCIL AND BOROUGH PLANNING BOARD, BOROUGH ZONING BOARD OF ADJUSTMENT AND THE POMPTON LAKES REDEVELOPMENT AGENCY**

Motion to open the Meeting for public comments on Ordinance #23-16\_\_\_\_, Second\_\_\_\_.  
All in favor\_\_\_\_, Nays\_\_\_\_.

Motion to close the meeting for public comments on Ordinance 23-16 \_\_\_\_, Second \_\_\_\_.  
All in favor \_\_\_\_, Nays \_\_\_\_.

Motion to approve Ordinance #23-16 for Final Adoption \_\_\_\_, Second \_\_\_\_.

Roll Call:

**9. MAYOR REPORT:**

**10. COUNCIL COMMITTEE REPORTS:**

Council President Polidori:

Councilman DeLine:

Councilwoman Kent:

Councilman Venin:

Councilman Baig:

Councilman Cruz:

**Motion** to approve request for the Veterans Of Foreign Wars of the U.S. John Hand-Tri County Post No. 2906 to conduct the annual Memorial Day parade sponsored by the John Hand Tri-County Veterans of Foreign Wars Post 2906 and the Borough of Pompton Lakes on Sunday May 28, 2023, parade to assemble at 10:45 AM at the intersections of Lakeside and Jefferson Avenues and the V.F.W. Memorial Services to be held at 11:30AM at the Veterans Memorial Park, Jefferson and Lakeside Avenues. Parade will then commence its route following the services and ending at the V.F.W. Post 2906 located at 260 Wanaque Avenue where refreshments will be served, the Police Department will temporarily close the route: portions of this route include County roads. (Notify Police/Fire/First Aid) \_\_\_Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

**Motion** to approve request to allow the Pompton Lakes Girl Scout Troop #96380 to hold a Girl Scout Camporee at Hershfield Park on May 20, 2023 from 8:00am thru 7:00pm. (Notify Police/Fire/First Aid) \_\_\_Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

**Motion** to approve request from Lakeside Middle School for a portion of Lakeside Avenue be closed to traffic between Mandeville Street and Grant/Schuyler Avenue to allow students and parents access to Lakeside Park prior to the 8<sup>th</sup> grade Dance. (Notify Police/Fire/First Aid) \_\_\_Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

**Professional Reports:**

**11. TABLED ITEMS:**

**12. MEETING OPEN FOR PUBLIC COMMENTS:**

Motion to Open Meeting for Public Comments \_\_\_ Second \_\_\_All in favor \_\_\_Nays \_\_\_.  
Motion to Close Meeting for Public Comments \_\_\_ Second \_\_\_All in favor \_\_\_Nays \_\_\_.

**13. PRIVILEGE OF THE FLOOR:**

**14. ADJOURN TO EXECUTIVE SESSION WHEN REQUIRED:**

Motion to Adjourn \_\_\_ Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

**Closed Session Time** \_\_\_\_\_ **Open Session Time** \_\_\_\_\_

Motion to Open \_\_\_, Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

**15. ADJOURNMENT:**

Motion to Adjourn \_\_\_ Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

Adjourn Time \_\_\_\_\_.

**SATURDAY, MAY 13 & SUNDAY MAY 21, 2023  
TRAILS MAINTENANCE DAYS 10:00 AM**

**SUNDAY, MAY 28, 2023  
MEMORIAL DAY PARADE  
MEMORIAL SERVICES 11:30AM  
PARADE 12:00 ENDING AT VFW HALL**

**Ordinance 23-17**

**BOROUGH OF POMPTON LAKES**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, "TRAFFIC", SECTION 7-44.1, "POND HOLE PARKING LOT REGULATIONS", OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES**

**WHEREAS**, on December 7, 2022, the Borough of Pompton Lakes adopted Ordinance 22-20, amending Chapter 7, "Traffic," Section 7-44.1, "Pond Hole Parking Lot Regulations," to establish revised parking lot regulations; and

**WHEREAS**, the Borough of Pompton Lakes desires to amend Ordinance 22-20 to address Pay Kiosk parking fees; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**BE IT HEREBY ORDAINED** by the Borough Council of the Borough of Pompton Lakes in the County of Passaic and the State of New Jersey as follows:

**SECTION 1.** The foregoing whereas clause is incorporate herein by reference and made a part hereof.

**SECTION 2.** Ordinance 22-20 establishing Chapter 7, "Traffic," Section 7-44.1, "Pond Hole Parking Lot Regulations," is hereby amended and supplemented as follows:

**Note:** Additions are shown in **bold and underlined** and deletions are shown as ~~strikethrough~~.

**§ 7-44.1 Pond Hole Parking Lot Regulations.**

**A.** Lot No. 28, Block 6300, as shown on the Tax Assessment Map of the Borough of Pompton Lakes and commonly known as the "Pond Hole Parking Lot" will hereby include the following designations as shown on the amended site plans which are on file in the office of the Municipal Clerk.

1. Metered parking
2. Permit parking
3. Reserved parking
4. Aisles and roadways
5. Handicap parking

**B.** No person shall park any vehicle or permit any vehicle to stop or stand or to be parked on the premises known and designated as the "Pond Hole Parking Lot" except in accordance with the designations and within the areas as shown on the amended site plans which are made part of this subsection; except that the following restrictions shall apply to all parking spaces within the Pond Hole Parking Lot:

1. No vehicle shall be parked in the Pond Hole Parking Lot between the hours of 3:00 a.m. and 5:00 a.m. except for vehicles displaying an appropriate parking sticker or permit.
2. Parking in the Pond Hole Parking Lot is hereby restricted to a ten-hour maximum time limit for all vehicles during the hours of 5:00 a.m. to 3:00 a.m. the following day unless the vehicle has a parking permit allowing a longer parking duration or has a parking permit that restricts parking durations to less than 10 hours.
3. Metered Parking Spaces may be time limited and such time limits shall be

conveyed to parking lot users via conspicuously placed signs installed as directed by the Chief of Police or Borough of Pompton Lakes.

**C.** Whenever snow has fallen and the accumulation is such that it covers the premises known as the "Pond Hole Parking Lot," the Chief of Police or, in his absence, the ranking officer, is authorized to declare an emergency and to direct the posting of temporary signs and/or barricades designed to enable the safe and efficient clearing of snow and ice from parking lot surfaces. Any business or individual in possession of any parking permit for the Pond Hole Parking Lot shall provide phone and/or email contact information that the Chief of Police or Borough of Pompton Lakes may employ to convey special parking instructions during snow or other emergency events. When weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the maintenance of the parking lot, notification that emergency parking procedures have been enacted shall be given to any business or individual in possession of any parking permit for the Pond Hole Parking Lot or the operator or owner of any vehicle which has been parked prior to the enactment of emergency procedures or posting of the signs. Any unoccupied vehicle parked or standing in violation of this subsection shall be deemed a nuisance, and any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of removal and storage which may result from such removal before gaining possession of such vehicle.

**D.** No person shall park or permit any vehicle to be parked in any designated aisle or roadway.

**E.** All moving vehicles within said parking lot shall be operated in accordance with the following provisions:

1. Maximum speed limit: 10 miles per hour.
2. Vehicles shall proceed in the direction of travel designated by pavement markings on the parking lot surface and/or posted signs.
3. All vehicles shall park within the marked areas of a parking stall.
4. Vehicles travelling within the parking lot or from one area of the parking lot to another area shall be limited to parking aisles or roadways only and shall not travel across or through painted parking stalls or cross-hatched areas.

**F.** Parking stalls shall be painted upon the paved surface of the parking lot and regulatory signs shall be installed to reasonably notify users of the parking lot of these regulations.

**G.** Parking Permits shall be designated by appropriate identification tags or stickers, the form and location of which shall be prescribed by the Chief of Police or Borough of Pompton Lakes, and issued in accordance with procedures hereinafter set forth:

1. The Chief of Police or Borough of Pompton Lakes shall determine the number of parking permits which can be issued, marking appropriate allowance for turnover of use, seasonal variations or changes in parking patterns so that the maximum number of permits may be issued.
2. Permits shall be issued on a first-come first-served basis and shall be classified as follows:
  - a. Student (S) Permits which shall be valid only on school days between the hours of 7:00 a.m. and 4:00 p.m.
  - b. Employee (E) Permits which shall be valid at all times between the hours of 5:00 a.m. and 3:00 a.m. the following day.
  - c. Resident (R) Permits which shall be valid at all times.
3. The fees to purchase Parking Permits shall be:
  - a. Made available to Student(s) by choosing one of the following options:
    1. \$150.00 for the entire calendar school year for each Student (S) Permit purchased. The calendar school year shall be defined as the period of time commencing on September 1 until June 30; or
    2. \$50.00 per trimester for a Student (S) Permit. The first trimester shall be defined by the period of time between September 1 and

the start of the Christmas/Holiday Break; the second trimester shall be defined by the period of time between January 1 and the start of Spring Break; and the third trimester shall be defined by the period of time between the end of Spring Break and June 30.

- b.** \$50.00 per month for an Employee (E) Permit which shall be valid between the first and last day of the month purchased.
- c.** \$100.00 per month for a Resident (R) Permit which shall be valid between the first and last day of the month purchased.

**4.** The following valid documents must be provided in order to purchase a Parking Permit:

- a.** For a Student (S) Permit: Vehicle Registration of the vehicle that will display the Parking Permit; Student ID; Driver's License of the student named on the Student ID.
- b.** For an Employee (E) Permit: Vehicle Registration of the vehicle that will display the Parking Permit; Copy of a recent Pay Stub (with sensitive information redacted) from a business located on the east side of Wanaque Avenue or a property bordering the Pond Hole Parking Lot; Driver License of the employee named on the Pay Stub.
- c.** For a Resident (R) Permit: Vehicle Registration of the vehicle that will display the Parking Permit; a recent Utility or Tax Bill having an address located within 400' of the Pond Hole Parking Lot and matching the address on the Vehicle Registration, Driver License of the permit holder.
- d.** Student (S) Permits being renewed need to be re-purchased each trimester with the required accompanying documentation using procedures determined by the Chief of Police or Borough of Pompton Lakes.
- e.** Employee (E) Permits may be automatically renewed each month however, recent Pay Stubs must be re-submitted at least every three (3) months to verify continued employment within the boundaries described in Section G.4.b.
- f.** Resident (R) Permits may be automatically renewed each month however, recent Utility or Tax Bills must be re-submitted at least every three (3) months to verify continued residency within the boundaries described in Section G.4.c.
- g.** Parking Permits will not be automatically renewed for any month or trimester when the accompanying Driver License or Vehicle Registration is set to expire.

**5.** The number of Parking Permits issued shall be limited as follows: however, the Chief of Police or Borough of Pompton Lakes may, from time to time, make modifications to these limitations in accordance with Paragraph 1. of this section.

- a.** Student (S) Permits issued shall be initially limited to a maximum of 35.
- b.** Employee (E) Permits issued shall be initially limited to a maximum of 50.
- c.** Resident (R) Permits issued shall be initially limited to a maximum of 150.

**6.** The Chief of Police or Borough of Pompton Lakes may issue Employee (E) Permits to businesses located on properties that border the Pond Hole Parking Lot using guidelines, rules and regulations that differ from Sections 2 through 5 above.

**7.** Any time the maximum number of Parking Permits in any category has been reached, the Chief of Police or Borough of Pompton Lakes may establish a waiting list for such permits in accordance with the following:

- a.** If or when certain categories of Parking Permits become over-subscribed, customers may request to be placed on a waiting list to be contacted in the event a Parking Permit(s) becomes available. In the event a Parking Permit becomes available, the longest listed individual on the waiting list will be contacted to purchase the permit. If that individual refuses to



purchase the permit they will be removed from the waiting list and the next longest listed individual will be contacted for the same purpose, and so forth.

**H.** The Pond Hole Parking Lot shall be available to public parkers without a parking permit on a first-come first-served basis subject to availability.

1. The Pond Hold Parking Lot will contain parking Pay Kiosks that will, upon deposit of ~~United States currency or~~ **valid credit card, Google Pay, Apple Pay or other contactless payment** dispense “Paid” parking stubs for use by non-permitted public parkers who must display such stubs on their vehicle dashboard as proof of purchase of parking time. The fee for parking time shall be ~~50¢ per hour~~ **minimum \$1.00 for two hours and .50 per hour thereafter.** ~~and the minimum purchase for credit card.~~
2. It shall be unlawful for non-permitted public parkers to cause their vehicle to be parked in a Pond Hole Parking Lot parking space without displaying a valid, non-expired, “Paid” parking stub on the vehicle’s dashboard.
3. It shall be unlawful for non-permitted public parkers to cause their vehicle to be parked in a Pond Hole Parking Lot parking space if a “Paid” parking stub displayed on the vehicle’s dashboard is invalid due to expiration.
4. “Paid” parking stubs are valid for use and display in one (1) vehicle only and it shall be unlawful to transfer a still-valid “Paid” parking stub to another individual or vehicle after the stub has been displayed.
5. Non-permitted public parkers are subject to all rules and regulations posted on signs within the Pond Hole Parking Lot, posted or displayed on the parking Pay Kiosks, and printed on the parking stubs. It shall be unlawful for non-permitted public parkers to violate any of these rules and regulations.

**I.** It shall be unlawful to utilize any portion of the Pond Hole Parking Lot, including but not limited to parking spaces, driveways, traffic lanes and planting areas, for the purpose of storing or causing to be stored commercial and/or private vehicles or for the purpose of using said public parking spaces or general areas for the storage, maintenance, washing, painting, repairing, loading or unloading of vehicles or for the conduct of private business, regardless of time limits posted and fees paid, within the subject areas, which practice denies or unduly limits the use of the parking facilities to the general parking public for whom they are intended. Nothing herein shall be construed to prohibit necessary and minimal emergency repairs which are required to render a car operational so that it can be moved from any parking space.

**J.** The Pond Hole Parking Lot includes parking spaces for handicapped persons in accordance with law and it shall be unlawful to park in any space designated for handicapped persons unless the appropriate handicapped parking credentials are displayed. The prohibition against parking in a space designated for handicapped persons without the appropriate credentials shall be enforced by Law Enforcement personnel in accordance with New Jersey State and Federal law.

**K.** It shall be unlawful to damage or tamper with parking control equipment or to deposit therein anything other than U.S. currency, credit cards, or parking stubs and slips. It shall be unlawful to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, parking control equipment installed in the Pond Hole Parking Lot.

**L** It shall be unlawful to deface or alter in any way “Paid” Parking Stubs or Parking Permits issued by the Borough of Pompton Lakes. It shall be unlawful to produce or duplicate “Paid” Parking Stubs or Borough-issued Parking Permits. It shall be unlawful to attempt the use of any defaced, altered, duplicated, counterfeit, or unlawfully produced “Paid” Parking Stub or Parking Permit.

**M.** Loitering in or upon any parking areas, garages, facilities, or lots owned or operated by the Borough of Pompton Lakes which obstructs the free passage of pedestrians or vehicles, or

obstructs, molests, or interferes with any person lawfully upon such Borough property shall be prohibited. No person shall be prosecuted for loitering upon such Borough property unless the violator shall first disobey a Police Officer's or Parking Enforcement Officer's direction to cease loitering and disburse, move on, or exit the property.

**N.** The Chief of Police or Borough of Pompton Lakes shall publish notice in the official newspaper of the Borough and prominently post notice in locations deemed by him to give adequate notice to the public of the acceptance of applications for parking permits.

**O.** The Chief of Police or Borough of Pompton Lakes is authorized to establish permit issuing procedures: to allow a person to whom a permit has been issued to substitute a vehicle; designed to improve or maximize the efficiency and/or utilization of the Pond Hole Parking Lot; to discourage abuse or misuse of parking permits; to discourage or alter the emergence of unhealthy parking patterns or practices; to prioritize permit issuance for Pompton Lakes residents or other user groups; to improve safety and security, or; for any reason or reasons that would better serve the interests of Pond Hole Parking Lot users, local businesses, Borough residents and/or the Borough of Pompton Lakes.

**P.** Parking violations within the Pond Hole Parking Lot will be issued in accordance with law and the following fine schedule which shall be subject to change.

1. Overtime Parking / Parking Without Payment - \$35
2. Unlawful Extension / Parking Beyond Posted Time Limits / Parking During Restricted Time Periods / Unlawful Transfer Of Paid Parking Stub - \$45
3. Improper Placement of Vehicle - \$55
4. Handicap Violations – In accordance with Federal and New Jersey statutes.

**Q.** Whenever any words and phrases are used in this subsection, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein.

**R.** The provisions of this subsection imposing regulations shall not relieve any person of the duty to observe any more restrictive provisions set forth in Title 39 of the Revised Statutes of the State of New Jersey.

**SECTION 3.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**SECTION 4.** If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

**SECTION 5.** This Amending Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

#### **NOTICE**

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 10<sup>th</sup> day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 24<sup>th</sup> day of May, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

\_\_\_\_\_  
Michael Serra, Mayor

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Elizabeth Brandsness, Borough Clerk

**ORDINANCE 23-18**

**BOROUGH OF POMPTON LAKES**

**AN ORDINANCE AMENDING CHAPTER 5, “LICENSES, PERMITS AND BUSINESS REGULATIONS,” ARTICLE 1, “PAYMENT OF TAXES REQUIRED,” SECTION 1, “PAYMENT OF TAXES REQUIRED FOR ISSUANCE OF LICENSE OR PERMIT” AND CHAPTER 20 “RENTAL PROPERTY,” ARTICLE 1, “RENTAL PROPERTY REGISTRATION,” OF THE BOROUGH’S MUNICIPAL CODE**

**WHEREAS**, on August 5, 2022, the Governor of the State of New Jersey signed into legislation N.J.S.A. 40A:10A-1, et seq., a law that requires all owners of businesses and rental units to maintain certain levels of liability insurance, which became effective November 3, 2022; and

**WHEREAS**, on August 5, 2022, the Governor of the State of New Jersey signed into legislation N.J.S.A. 40A:10A-2, et seq., a law that requires all owners of businesses and multifamily rental units of four or fewer to register a certificate of insurance on an annual basis and impose fines for failure to comply of not less than \$500 but not more than \$5,000 against an owner, which became effective November 3, 2022; and

**WHEREAS**, it is necessary to amend Ordinance § 5-1.1, “Payment of Taxes Required for Issuance of License or Permit,” and Ordinance § 20-1.1, “Permit Required for Rental or Lease of Property” to include the recently effective legislation; and

**WHEREAS**, adoption of this Ordinance complies with N.J.S.A. 40A:10A-1 and N.J.S.A. 40A:10A-2.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that:

**SECTION 1.** The foregoing whereas clause is incorporated herein by reference and made a part hereof.

**SECTION 2.** Chapter 5. “Licenses, Permits and Business Regulations” is hereby amended as follows:

**Note:** Additions are shown in **bold and underline** and deletions are shown as ~~strikethrough~~.

**5-1 PAYMENT OF TAXES REQUIRED.**

**§ 5-1.1 Payment of Taxes Required for Issuance of License or Permit.**

**A. All owners of businesses that are located within the Borough shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any accident or occurrence, pursuant to N.J.S.A. 40A:10A-1(a).**

**B. All owners of businesses that are located within the Borough shall annually register a certificate of insurance with the Borough Clerk, demonstrating compliance with N.J.S.A. 40A:10A-1(a), pursuant to N.J.S.A. 40A:10A-2.**

**Each annual registration of a certificate of insurance for each business shall be \$25.00. Noncompliance with the registration of the certificate of insurance shall result in a fine against the owner of \$ 500.00.**

**C. As a condition for the issuance or renewal of any license or permit issued by or requiring approval of the Borough, the owner of any real property for which the license or permit is to be located, shall be current on all property taxes and assessments on the property where the license or permitted activity or business is or will be conducted.**

In such cases where a property affected by the licensed or permitted activity by the property owner is delinquent on property taxes or assessments for at least three consecutive quarters, a license or permit may be revoked or suspended by resolution of the Borough Council. When the delinquency is cured, the license or permit shall be restored by resolution of the Borough Council.

The provisions of this subsection shall not apply to alcoholic beverage licenses or permits issued pursuant to N.J.S.A. 33:1-1 et seq.

**SECTION 3.** Chapter 20, “Rental Property,” Article 1, “Rental Property Registration” is hereby amended as follows:

**§ 20-1 RENTAL PROPERTY REGISTRATION.**

**§ 20-1.1 Permit Required for Rental or Lease of Property.**

**A.** It shall be unlawful for any owner or persons having possession and control of premises, or their agents, to use, establish, maintain, operate, or let any premises subject to the provisions of this section, entirely, or partially for residence occupancy, where any rent is paid, charge is made, or any benefit obtained for such use and occupancy, without first having registered the premises with the Construction Code Official or his designee(s) and obtaining a permit for the residential rental use thereof. Nursing homes specifically shall be excluded from the permitting requirements of this section. Failure or refusal to register the premise or to procure a permit hereunder shall be deemed a violation of this section.

**B.** All owners of rental unit(s) located within the Borough shall maintain liability insurance for negligent acts and omissions in the amount of \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, pursuant to N.J.S.A. 40A:10A-1(a).

All owners of a multifamily home(s) of four or less units, one of which is owner occupied, that are located within the Borough, shall maintain liability insurance for negligent acts and omissions in the amount of \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, pursuant to N.J.S.A. 40A:10A-1(b).

**C.** All owners of rental unit(s) and owners of a multi-family home of four or fewer units, one of which is owner occupied, that are located within the Borough, shall annually register a certificate of insurance with the Borough Clerk demonstrating compliance with N.J.S.A. 40A:10A-1, pursuant to N.J.S.A. 40A:10A-2(a).

**D.** Each annual registration of a certificate of insurance for each rental unit (s) and/or multi-family home of four or fewer units, one of which is owner occupied shall be \$25.00. Noncompliance with the registration of the certificate of insurance shall result in a fine against the owner of \$500.00.

Noncompliance with the registration of the certificate of insurance shall result in a fine against the owner of \$500.00

**§20-1.10 Fees.**

**A.** Each registration and application for permit shall be accompanied by a fee as required by the following table:

Type of Dwelling	Fee
Residential detached single-family dwelling	\$50 per dwelling
Residential two-family or	\$50 for the first dwelling unit, plus \$25 per additional dwelling unit

Type of Dwelling	Fee
multifamily dwelling	
Rooming or boardinghouse	\$50 for the first dwelling unit, plus \$25 per additional rooming/boarding unit
Residential apartments	\$50 for the first dwelling unit, plus \$25 per additional apartment unit

**B. Each annual registration of a certificate of insurance for each business, rental unit(s) or multi-family rental units of four or fewer units, one of which is owner occupied, shall be accompanied by a fee as required by the following table:**

Type of Dwelling	Fee
<b><u>Business Owner</u></b>	<b><u>\$25.00 per business</u></b>
<b><u>Rental unit (s)</u></b>	<b><u>\$25.00 per rental unit address</u></b>
<b><u>Multi-family home with four or fewer units, one of which is owner occupied</u></b>	<b><u>\$25.00 per multi-family home</u></b>

**SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**SECTION 5.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

### NOTICE

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 10<sup>th</sup> day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 24<sup>th</sup> day of May, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

APPROVED:

\_\_\_\_\_  
MICHAEL SERRA, MAYOR

ATTEST:

\_\_\_\_\_  
ELIZABETH BRANDSNESS, RMC  
MUNICIPAL CLERK



**ORDINANCE 23-19**

**BOROUGH OF POMPTON LAKES**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, “TELEVISION AND MOVIE FILMING” OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES**

**WHEREAS**, The Mayor and Council of the Borough of Pompton Lakes (the “Borough”), County of Passaic, State of New Jersey adopted Ordinance 22-16 creating Chapter 28 “Television and Movie Filming”; and.

**WHEREAS**, the Borough desires to amend Ordinance 22-16 in furtherance of ensuring the Borough is able to execute “film ready” opportunities more timely and efficiently.

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**BE IT HEREBY ORDAINED** by the Borough Council of the Borough of Pompton Lakes in the County of Passaic and the State of New Jersey as follows:

**Section 1. RECITALS.** The foregoing whereas clause is incorporated herein by reference and made a part hereof

**Section 2.** Chapter 28, “Television and Movie Filming,” shall be created to include the following:

**Note:** Additions are shown in **bold and underline** and deletions are shown as ~~strikethrough~~.

**CHAPTER 28 Television and Movie Filming.**

**§ 28-1 Definitions.**

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

**APPLICANT or APPLICANT OF PERMIT**

Any person, organization, corporation, association or other entity applying for a film permit from the Borough of Pompton Lakes.

**FILMING**

The taking of still or motion pictures either on film or videotape, or similar recording medium, for the 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 Borough of Pompton Lakes.

**FILM CREW MEMBERS**

Any and all persons associated with the filming, including, but not be limited to: directors, actors, set or costume designers, camera crew members, lighting crew members, sound crew members, boom operators, pyrotechnic experts, stunt performers, extras, stagehands, security personnel, production or personal assistants, contractors and subcontractors, photographers, interns (paid or unpaid) and agents.

**LICENSEE**

A person who has a privilege to enter upon land arising from the permission or consent of the owner of the land.

**MAJOR MOTION PICTURE**



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

- (1) Universal Pictures/Comcast/NBC Universal;
- (2) Warner Brothers, including New Line Cinema, Castle Rock Cinema and Turner Production Company;
- (3) Paramount Global, including MTV Films and Nickelodeon Movie;
- (4) 20<sup>th</sup> Century Fox, including Fox Searchlight;
- (5) Sony/Columbia/Tri-Star;
- (6) Disney/Miramax/Pixar/Marvel Studios;
- (7) DreamWorks;
- (8) Lionsgate Films;
- (9) HBO and other cable network providers and heir subsidiaries or affiliates; and/or
- (10) MGM United Artists.

B. Any film for which the budget is at least \$5,000,000.

C. Any recurrent weekly television series programming.

#### **PUBLIC LAND**

Any and every 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 of Pompton Lakes.

#### **RESIDENTIAL ZONES**

Shall mean as established by Chapter 190 of the Code of the Borough of Pompton Lakes.

#### **§ 28-2 Permit required; application; duration; extensions.**

- A. No person or organization shall film or permit filming on public property within the Borough of Pompton Lakes without having first applied and obtained a permit from the Borough Clerk, which shall set forth the approval location of such filming and the approved duration of such filming by specific reference to day or dates. All permits shall be applied for and obtained during normal business hours of the Office of the Clerk. Applications for such permits shall be in a form approved by the Office of the Clerk and be accompanied by a permit fee in the amount established by this ordinance, along with the necessary supporting documents.
- B. The following information shall be included in the permit application:
  - (1) Locations of filming;
  - (2) Proposed duration of filming, including date(s) and hours; subject to the final approval of the Borough Clerk as to the final filming schedule within the Borough of Pompton Lakes and subject to the requirements of this section;
  - (3) Amount of space required on public streets/highways/sidewalks; etc.; and
  - (4) Contact information for the applicant, including the on-site person;
  - (5) The estimated number of film crew members expected to be on-site during filming;

- (6) If filming is conducted on private property, proof of the property owner's consent to film.
- 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 other dates, subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

### §28-3 Issuance of Permits.

- A. ~~No permits will be issued by the Borough Clerk unless applied for prior to ten days before the requested shooting date~~  
**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 Borough Administrator may waive the five-day period if, in their judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified. If waived, the expedited film permit fee will be applied.**
- B. No permits will be issued for filming upon public lands unless the applicant shall provide the Borough of Pompton Lakes 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 \$1,000,000 per occurrence and in the aggregate amount of \$2,000,000
    - (b) For property damage for each occurrence in the aggregate amount of \$300,000.
    - (c) The Borough of Pompton Lakes shall be named as an additional insured and  
a certificate holder entitled to 30 days' notice of modification or cancellation
  - (2) An agreement, in writing, whereby the applicant agrees to indemnify, defend and hold harmless the Borough of Pompton Lakes, against any and all claims for damage and liability to or death of persons; and for damages to or destruction of public lands occurring during applicant's use of the premises and caused by the application's operations under and pursuant to this Agreement; and shall pay the reasonable costs of defending lawsuits resulting including, but not limited to, reasonable attorneys' fees, court costs and any judgment awarded to a third party as the result of such suit. In accordance with the foregoing, permittee shall also indemnify, defend and hold harmless the Borough of Pompton Lakes from any and all claims of intellectual property.
  - (3) The posting of a \$500.00 cash deposit protecting and ensuring that the location utilized will be left after filming in a satisfactory and debris free condition and in a fashion consistent with the Borough code. In the event that the property is not left in such condition, and remains unabated for more than 24 hours after the Borough notifies the Applicant of the same, the Borough is free to draw upon said monies to abate such condition that the Borough deems necessary in its sole and unencumbered judgment and to the extent that the \$500.00 deposit is insufficient to reimburse the Borough for all related expenses associated with the same, it shall be permitted to pursue recover against the Applicant for all reasonable costs associated with the same and if successful, the applicant must reimburse the Borough for all reasonable expenses associated with the same, including, but not limited to reasonable attorney's fees.
  - (4) The hiring of an off-duty Pompton Lakes police officer(s) for the times indicated on the permit in such number as required by the Pompton Lakes Police Department.

- C. The holder of the permit shall take all responsible 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 Pompton Lakes Police Department with respect thereto.
- D. The holder of the 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. 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 Borough Clerk, said objection to form a part of applicant's application and be considered in the review of same. Proof of service of notification to adjacent owners shall be submitted to the Borough Clerk within two days of the requested shooting date.
- E. Any applicant shall be required to hire off-duty police officers during filming if:
  - 1. Firearms, pyrotechnics, or other hazardous materials are to be used;
  - 2. Any actors or film crew members are to be wearing costumes that resemble the uniforms of any type of public personnel;
  - 3. Any streets or lanes are to be closed; or
  - 4. The filming involves activities in which a police presence is necessary to protect health, safety or welfare of the residents of the Borough of Pompton Lakes.
- F. Any applicant shall be required to arrange with the Parking Authority for the use of parking in a municipal lot or metered spot(s).

**§ 28-4 Refusal to issue permit; employment of patrolmen and electrician.**

- A. The Borough may refuse to issue a permit whenever it is determined, on the basis of objective facts and after a review of the application and a written report thereon by the Police Department and by Borough departments involved in the proposed building 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, or in the opinion of the Police Department would unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. The Borough of Pompton Lakes reserves the right to require one or more on-site police officers in situations where proposed production may impede the proper flow of traffic, the cost of said officers to be borne by the applicant as a cost of production. Where existing 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.

**§ 28-5 Appeals**

- A. Any person aggrieved by the decision of the Borough Clerk denying or revoking a permit that has been denied by the Borough of Pompton Lake may appeal to the Borough Administrator. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk.
- B. An appeal from the decision of the Borough Clerk shall be filed within 10 calendar days from the date of the denial or revocation of the permit. The matter shall be decided by the Borough Administrator upon the written record unless a hearing is requested. Any hearing shall be conducted informally by the Borough Administrator, and the formal rules of evidence shall not apply. The decision of the Borough Administrator shall be

issued within 45 days from the date of the notice of the appeal. Such decision is final and appealable to the Superior Court of New Jersey.

#### **§ 28-6 Copies of permit; inspections.**

- A. Copies of the approved permit shall be sent by the Borough Clerk to the Police Department and Fire Department before filming takes place. Copies shall be sent to any appropriate New Jersey state agencies, including the New Jersey Motion Picture and Television Commission.
- B. The applicant shall notify the Police Department and Fire Department 48 hours before the filming takes place and shall permit the Police Department and Fire Department or other designated Borough inspector to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by Borough inspectors, including but not limited to the Police Department and Fire Department.

#### **§ 28-7 Interference with Public Activity; Notice of Filming.**

The licensee 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 licensee 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 licensee'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 Office of the Clerk. Proof of service of notification to adjacent owners shall be submitted to the Office of the Clerk within two days of the requested shooting date.

#### **§ 28-8 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. or dusk, whichever is earlier, and between 9:00 a.m. and 9:00 p.m. on weekends or dusk, whichever is earlier and provide that all requests for night scenes shall be approved in the permit. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

#### **§ 28-9 Fees.**

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

- (1) Basic Filming Permit Fee: \$150.00
- (2) Expedited Film Permit Fee: \$250.00**
- (3) Non-profit Organization: \$25.00
- (4) Daily Filming Fee: \$500.00 (in addition to the Basic Permit Fee)
- (5) Daily Filming Fee for Major Motion Picture: \$1,500.00 per day (in addition to the Basic Permit Fee)
- (6) Overnight Parking Fee for Use of Publicly Owned Property or Right-of-Way: \$500.00 per day. Non-profit applicants: \$50.00 per day.

#### **§28-10 Waiver of Fees for Student.**

The fees set forth in § 28-9 shall be waived when filming is done by a student in a grade school, middle school, high school, college, university or other bona fide educational institution upon receipt by the Borough Clerk of a written certification from a teacher or administrator at the school attended by the student stating that the filming is for educational purposes only and is not intended for commercial use.

#### **§ 28-11 Reimbursement of certain costs.**

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough of Pompton Lakes 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.

#### **§ 28-12 Special regulations for major motion pictures.**

Any days necessary to be used for setup and preparation for a major motion-picture filming shall be counted as a filming day where such setup is anticipated to involve one or more of the following conditions: traffic congestion; applicant's ability to remove film-related vehicles off the public streets; restrictions on the use of public streets or public parking during the course of the filming; and the nature of the film shoot (i.e., time of day, indoors or outdoors)

#### **§ 28-13 Violations and penalties.**

Where the owner of the premises is not the applicant for the 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 \$2,000 per day or by imprisonment in the county jail for a term not exceeding 90 days, of both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### **§ 28-14 Waiver of Requirements**

**The Borough Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if they determine that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the shall consider the following factors:**

- (1) Potential traffic congestion at the location.**
- (2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.**
- (3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.**
- (4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.**
- (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.**
- (6) The Borough's prior experience with the applicant, if any.**

#### **§ 28-15 Exemptions.**

The provisions of this chapter shall not apply to

- A.** The filming of news stories within the Borough of Pompton Lakes by individuals and/or legitimate entities or organizations for purposes of journalism or news reporting;
- B.** Filming by one individual using a hand-held camera without the assistance of other persons, or filming by one or more individuals for weddings, religious, occasions and other family or social private parties, occasions, events or functions;
- C.** Filming for authorized municipal government purposes as may be authorized by the Borough Council or the Borough Administrator.

**SECTION 3.** All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication according to law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 10th day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 24th day of May, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

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Michael Serra, Mayor

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Elizabeth Brandsness, Borough Clerk