

**BOROUGH OF SOUTH RIVER
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2026-22

AN ORDINANCE REPEALING AND REPLACING CHAPTER 43, “FILMING PERMITS,” AND AMENDING § 155-1.1 OF THE CODE OF THE BOROUGH OF SOUTH RIVER TO ESTABLISH A FILM PERMITTING FRAMEWORK CONSISTENT WITH THE FILM READY NEW JERSEY PROGRAM

WHEREAS, pursuant to N.J.S.A. 40:48-2 and other applicable law, the Borough of South River (the “Borough”) is authorized to adopt ordinances necessary and proper for the good government, order and protection of persons and property within the Borough; and

WHEREAS, Chapter 43, “Filming Permits,” of the Code of the Borough of South River was adopted by Ordinance No. 2024-11 to regulate filming and broadcasting activities within the Borough; and

WHEREAS, § 155-1.1 of the Borough Code was adopted by Ordinance No. 2024-12 to establish fees associated with filming permits issued pursuant to Chapter 43; and

WHEREAS, the New Jersey Motion Picture and Television Commission (“NJMPTVC”) administers the Film Ready New Jersey Program to prepare and certify municipalities to host film, television, streaming, digital media and related audiovisual productions through predictable permitting procedures, consistent fees, trained municipal contacts and recognized production practices; and

WHEREAS, the NJMPTVC has established requirements applicable to municipalities seeking designation as a Film Ready New Jersey community, including requirements concerning permit administration, application processing, filming hours, public notice, public safety, fees, waivers, insurance, communications with the NJMPTVC and other production-related matters; and

WHEREAS, the Mayor and Council recognize that responsible film and television production can provide economic, cultural, promotional and community benefits to the Borough, its residents and local businesses; and

WHEREAS, the Mayor and Council desire to encourage and facilitate responsible production activity while protecting public health, safety and welfare, municipal property, pedestrian and vehicular access, municipal operations, and the reasonable interests of residents and businesses; and

WHEREAS, the Mayor and Council have determined that the most appropriate means of conforming the Borough’s regulations to the Film Ready New Jersey Program is to repeal and replace Chapter 43 in its entirety and to amend the corresponding fee provision contained in § 155-1.1;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South River, County of Middlesex, State of New Jersey, as follows:

SECTION 1. Chapter 43 repealed and replaced.

Chapter 43, "Filming Permits," of the Code of the Borough of South River is hereby repealed and replaced in its entirety as follows:

CHAPTER 43
FILMING PERMITS

§ 43-1. Purpose and policy.

- A.** The purpose of this chapter is to establish a predictable, efficient, content-neutral and production-friendly process for the review and issuance of Film Permits within the Borough while protecting public health, safety and welfare, municipal property, traffic and pedestrian circulation, municipal operations, and the reasonable interests of residents and businesses.
- B.** It is the policy of the Borough to encourage responsible film, television, streaming, digital-media and other audiovisual production and to administer this chapter, to the extent reasonably practicable, consistently with the requirements and objectives of the Film Ready New Jersey Program administered by the New Jersey Motion Picture and Television Commission.
- C.** Nothing in this chapter shall authorize any activity prohibited by federal, State, county or municipal law, nor shall issuance of a Film Permit dispense with any other governmental approval required by law.

§ 43-2. Definitions.

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

APPLICANT

A Producer or a person authorized to submit and pursue a Film Permit application on behalf of a Producer.

BOROUGH

The Borough of South River, County of Middlesex, State of New Jersey.

BUSINESS DAY

A day on which the administrative offices of the Borough are open to the public.

FILM PERMIT

An authorization issued by the Borough pursuant to this chapter permitting a Project to conduct Filming involving Public Lands or otherwise requiring municipal authorization under § 43-4, subject to the locations, dates, hours and conditions stated therein.

FILM PERMIT REPRESENTATIVE

The full-time Borough employee responsible for receiving, administering, reviewing and acting upon Film Permit applications pursuant to this chapter.

FILM READY LIAISON

The Borough employee designated by the Mayor and Council to serve as the Borough's principal liaison with the NJMPTVC for purposes of obtaining and maintaining Film Ready New Jersey certification. The Film Ready Liaison and Film Permit Representative may, but need not, be the same person.

FILMING

The recording of still or moving images, with or without sound, upon film, videotape, digital media or any similar recording medium, for commercial, educational, entertainment, institutional, television, theatrical, streaming, advertising or other audiovisual production purposes. The term shall not include bona fide news gathering concerning matters of public interest.

MAJOR MOTION PICTURE

A motion picture or audiovisual production financed or distributed by a major motion-picture studio, television network or streaming platform, including their affiliates or successors; a motion picture with a production budget of at least \$20,000,000; or a recurrent weekly television or streaming series. Major studios or platforms include, by way of example and not limitation, NBCUniversal/Peacock, Warner Bros. Discovery/HBO, Paramount/Showtime, Walt Disney Studios/Hulu/Marvel, Sony Pictures, Amazon MGM Studios, Netflix and A24, together with comparable entities and their successors or affiliates.

NON-REVENUE PROJECT

A Project for which the Applicant certifies in writing that the Project is not intended to generate revenue from public exhibition.

PRODUCER

Any person, corporation, limited liability company, partnership, studio, network, production company, organization or other entity responsible for a Project.

PROJECT

A motion picture, television program or series, streaming production, commercial, documentary, educational or institutional production, music video, digital-media production or other production involving Filming.

PUBLIC LANDS

Any street, highway, road, lane, sidewalk, square, park, playground, parking area, building, facility, right-of-way, open space or other real property owned, leased, maintained or controlled by the Borough.

§ 43-3. Film Permit Representative; Film Ready Liaison.

- A.** The Borough Clerk shall serve as the Film Permit Representative and shall administer Film Permit applications and approvals under this chapter.
- B.** If the Borough Clerk is unavailable to perform such duties, or if the Mayor and Council determine that another arrangement would better serve the administration of this chapter, the Mayor and Council may, by resolution, designate another full-time Borough employee to serve as Film Permit Representative.
- C.** Neither the Mayor nor any member of the Borough Council shall serve as Film Permit Representative.
- D.** The Mayor and Council shall designate the Film Ready Liaison by resolution. The Film Ready Liaison shall be a Borough employee and shall perform the communications, location-development, resource-development, certification and recertification responsibilities required by the NJMPTVC.
- E.** The Film Permit Representative may consult and coordinate with the Borough Administrator, Chief of Police, Fire Official, Department of Public Works, Construction Official, Zoning Officer, Health Department and any other Borough department, officer or employee whose jurisdiction or operations may reasonably be affected by a proposed Project.

§ 43-4. Film Permit required; exemptions.

- A.** Except as otherwise provided herein, no person or entity shall conduct Filming:
 - (1)** Upon Public Lands;
 - (2)** On private property where the Project utilizes Public Lands or a Borough right-of-way for the operation, placement, parking or temporary storage of production vehicles, generators, lighting, cables, equipment, temporary structures, barricades or other production facilities;
 - (3)** Where the Project requires the temporary closure, restriction or controlled use of a Borough street, sidewalk, parking area or other Public Lands;
 - (4)** Where the Project requires special police, fire, public works, traffic-control, inspection or other municipal services beyond those ordinarily available to the public; or

- (5) Where Filming conducted principally on private property otherwise materially obstructs or interferes with public access to Public Lands or a Borough right-of-way, without first obtaining a Film Permit pursuant to this chapter.
- B. A single Film Permit may encompass multiple approved Borough locations and multiple filming dates associated with the same Project.
- C. No Film Permit shall be required for:
 - (1) Filming conducted entirely upon private property where the Project does not materially disrupt the public's use or enjoyment of Public Lands or a public right-of-way and does not require special municipal services;
 - (2) Filming conducted entirely upon property owned or controlled by the County of Middlesex, State of New Jersey, or the United States, provided that:
 - (a) all authorization required from the governmental entity having jurisdiction has been obtained;
 - (b) no Borough municipal services are specially utilized; and
 - (c) no Borough public right-of-way or Public Lands are obstructed or materially affected;
 - (3) Bona fide news gathering concerning matters of public interest;
 - (4) Constitutionally protected expressive activity to the extent that requiring a Film Permit would be prohibited by applicable law;
 - (5) Personal or noncommercial photography or recording involving handheld equipment where the activity does not assert or exercise exclusive use of Public Lands, materially obstruct pedestrian or vehicular traffic or require special municipal services; or
 - (6) Any other activity for which imposition of a Film Permit requirement would be prohibited by applicable law.
- D. An exemption from the Film Permit requirement shall not exempt any person or entity from complying with otherwise applicable laws or obtaining any separate permit or approval lawfully required for an activity associated with the Project.

§ 43-5. Film Permit application.

- A. An Applicant shall submit an application to the Film Permit Representative upon a form approved by the Borough.

- B.** A standard application is an application submitted at least four Business Days before the proposed first day of Filming.
- C.** An application submitted three or fewer Business Days before the proposed first day of Filming shall be considered an expedited application and shall be subject to the expedited permit fee established by § 43-14, unless a different fee applies to the Project under that section.
- D.** The Film Permit Representative may accept and process an application upon shorter notice where reasonably practicable. Nothing herein shall require the Borough to dispense with an approval, public-safety requirement or governmental review that cannot lawfully or practicably be completed within the requested time.
- E.** The application shall identify, as applicable:
 - (1)** The Project name and production company;
 - (2)** The name, address, telephone number and email address of the Applicant;
 - (3)** The name and contact information of the Producer and location manager or other responsible production representative;
 - (4)** The proposed Filming locations;
 - (5)** Proposed dates and hours for preparation, Filming and restoration;
 - (6)** The approximate number of cast and crew;
 - (7)** The number, type and proposed location of production vehicles;
 - (8)** Proposed parking, base camp, holding, catering and equipment areas;
 - (9)** Proposed use of Public Lands;
 - (10)** Any requested street, sidewalk or parking closure or restriction;
 - (11)** Exterior lighting, generators, amplified sound or anticipated extraordinary noise;
 - (12)** Any proposed pyrotechnics, fire or smoke effects, simulated or actual weapons, stunts, vehicle chases or crashes, temporary structures, aircraft or drones, animals, water effects or other unusual or potentially hazardous activity;
 - (13)** Police, fire, public works, inspection or other municipal services reasonably anticipated or requested;
 - (14)** Any other governmental permit or approval known to be required;

(15) Whether the Project qualifies as a nonprofit, student or Non-Revenue Project;

(16) Whether the Project's production budget is less than \$20,000,000 or \$20,000,000 or more for purposes of the fee schedule; and

(17) Such additional information as is reasonably necessary to evaluate the Project's physical and operational effects upon Public Lands, public safety, traffic, pedestrian access and municipal services.

F. Materials already on file with the Borough may be incorporated by specific reference where current and complete.

§ 43-6. Review; issuance; conditions; denial; suspension or revocation.

A. The Film Permit Representative shall review each complete application promptly and may consult with affected Borough departments and officials.

B. The Film Permit Representative shall make reasonable efforts to resolve operational concerns through consultation with the Applicant and reasonable permit conditions rather than denial.

C. A Film Permit may contain reasonable, content-neutral conditions concerning locations, dates, hours, traffic, pedestrian access, parking, public safety, noise, lighting, municipal services, restoration of Public Lands and other matters reasonably related to the Project's actual municipal impacts.

D. A Film Permit may be denied only upon objective facts establishing that the proposed Filming:

(1) Would violate an applicable law or ordinance;

(2) Would unreasonably interfere with the use and enjoyment of adjoining property and such interference cannot reasonably be mitigated;

(3) Would unreasonably impede the free flow of vehicular or pedestrian traffic and such impediment cannot reasonably be mitigated;

(4) Would create an unreasonable and unmitigable risk to public health, safety or welfare;

(5) Conflicts with a previously authorized use of Public Lands that cannot reasonably coexist with the Project;

(6) Requires another governmental approval that has been finally denied or cannot be obtained before the proposed activity; or

(7) Is based upon an application containing a material misrepresentation or omission that has not been corrected after reasonable notice.

- E. Prior to denying a Film Permit, the Film Permit Representative shall, where reasonably practicable, consult with the Applicant concerning potential alternatives or conditions that might permit the Project to proceed.
- F. A denial shall be in writing and shall state the material grounds for the determination.
- G. No determination under this chapter shall be based upon the content, message, subject matter or viewpoint of a Project, or upon any status protected from discrimination by federal or State law.
- H. A Film Permit may be suspended or revoked for a material violation of this chapter or of a material permit condition, a material misrepresentation in the application, or an immediate and substantial public-safety condition attributable to the Project. Except where immediate action is reasonably necessary to address an emergency, the Applicant shall receive notice and a reasonable opportunity to cure before suspension or revocation.

§ 43-7. Public safety protection plan.

- A. Prior to commencement of Filming under a Film Permit, the Chief of Police and Borough Administrator, or another appropriate Borough official or designee, shall meet or confer with the Producer, location manager or other responsible production representative to develop an appropriate public safety protection plan for the Project.
- B. The Producer shall communicate the nature of planned interior and exterior sequences to the extent reasonably necessary to permit the Borough to identify and involve departments or agencies having public-safety responsibilities.
- C. A public safety protection plan may address, as appropriate:
 - (1) Traffic and pedestrian control;
 - (2) Police staffing;
 - (3) Fire and emergency medical needs;
 - (4) Emergency access;
 - (5) Crowd and spectator management;
 - (6) Street, sidewalk or parking restrictions;
 - (7) Temporary structures;

(8) Weapons, pyrotechnics, smoke, fire, stunts, animals and similar activities;

(9) Lighting, electrical and generator safety;

(10) Emergency contacts and communication procedures; and

(11) Other matters reasonably related to public safety.

D. Filming shall not commence until:

(1) A public safety protection plan has been established, including a determination that no special public-safety services are necessary where appropriate; and

(2) The Applicant and Borough have identified and agreed upon the public-safety services to be provided and the standard Borough rates applicable to those services.

E. The Chief of Police may require one or more off-duty police officers where reasonably necessary under the public safety protection plan. Charges shall be based upon the Borough's standard rates for such services.

F. Where existing electrical power lines or facilities are to be utilized in connection with a Project, an on-site licensed electrician may be required when reasonably necessary for public safety if the Producer does not otherwise have an appropriately licensed electrician available.

G. The Fire Official or other authorized Borough inspector may inspect a location or equipment when reasonably necessary and may issue lawful safety directions within the scope of the official's authority.

H. Neither the Borough nor any Borough department shall utilize feather bedding in connection with a Project. For purposes of this subsection, feather bedding means willfully assigning more law-enforcement or public-safety personnel than is reasonably considered necessary under standard public-safety practices for the planned Filming.

I. Borough officials shall use reasonable and customary public-safety criteria when determining the amount and nature of police, fire or other public-safety staffing required for a Project.

§ 43-8. Additional permits and governmental approvals.

A. Depending upon the nature of a proposed sequence or activity, a Project may be required to obtain separate approvals from the Police Department, Fire Official, Construction Department, Zoning Officer, Health Department, animal-control authority, Department of Public Works, County of Middlesex, State of New Jersey, federal government or another governmental entity having jurisdiction.

B. Activities potentially requiring additional approval include, without limitation:

- (1)** Pyrotechnics, explosives, fire and smoke effects;
- (2)** Temporary structures;
- (3)** Simulated or actual firearms or other weapons;
- (4)** Dangerous stunts;
- (5)** Vehicle chases or crashes;
- (6)** Aircraft or drone operations;
- (7)** Wild or regulated animals;
- (8)** Street, sidewalk or parking closures;
- (9)** Construction or structural alterations; and
- (10)** Any other regulated activity.

C. Issuance of a Film Permit shall not constitute or substitute for another permit or approval required by law.

§ 43-9. Filming days and hours.

A. Filming shall be permitted Monday through Sunday.

B. Unless different hours are expressly approved in the Film Permit, the standard exterior Filming period shall permit:

- (1)** Production activity beginning no earlier than 7:00 a.m.;
- (2)** Camera activity through 9:00 p.m.; and
- (3)** Crew wrap through 10:00 p.m.

C. Exterior night Filming outside the standard hours may be approved by the Film Permit Representative subject to reasonable conditions concerning lighting, noise, traffic, public safety and neighboring properties.

D. Interior Filming outside the standard hours may be permitted where it does not create a material exterior impact upon adjoining properties or the public.

- E. Weekend and night Filming shall not be prohibited solely because of the day or hour proposed where the Project can be reasonably accommodated consistent with applicable law and the protection of public health, safety and welfare.
- F. The Borough shall not, solely by reason of the duration or frequency of Filming, impose a limit upon:
 - (1) The number of consecutive Filming days at a location; or
 - (2) The total number of Filming days per calendar year at a location.

§ 43-10. Notice to immediately affected properties.

- A. Notice shall not be required based upon a predetermined geographic radius.
- B. Where a Project is reasonably anticipated to cause additional exterior light or noise affecting neighboring property, or to materially impair pedestrian or vehicular traffic, the Film Permit Representative may require written notice to immediately adjacent residents, businesses or merchants reasonably expected to be affected.
- C. Any notice required under this section shall:
 - (1) Identify the general Filming location;
 - (2) State the anticipated dates and approximate hours;
 - (3) Describe the general nature of the anticipated impact; and
 - (4) Provide appropriate contact information.
- D. The Film Permit Representative shall not require notice to be transmitted more than three days before the first affected Filming date.
- E. Certified mail shall not be required. Notice may be hand-delivered, transmitted by registered mail, or delivered by another reasonably verifiable method approved by the Film Permit Representative.
- F. Proof of notice shall not be required to be submitted more than two days before the first affected Filming date.
- G. A resident, business or merchant receiving notice may submit an objection or concern to the Film Permit Representative. Any such submission may be considered only insofar as it identifies legitimate operational effects including noise, lighting, traffic, access, parking or public safety. Opposition to the content, subject matter, message or viewpoint of a Project shall not constitute a basis for denial or conditioning of a Film Permit.

§ 43-11. Operational standards.

- A.** A copy of the Film Permit shall be maintained at the location during permitted Filming and made available for inspection by an authorized Borough official.
- B.** The Producer shall comply with all locations, dates, hours and material conditions stated in the Film Permit.
- C.** Production vehicles and equipment shall be parked, placed or stored only in approved locations and shall not obstruct fire lanes, hydrants, emergency access, driveways or pedestrian routes except as specifically authorized.
- D.** Signs identifying production parking, base camp, cast or crew holding areas, traffic changes or safety restrictions shall be installed when required by the public safety protection plan, Police Department or applicable law and shall be removed promptly upon completion.
- E.** Exterior lighting and amplified sound shall be arranged and operated so as to minimize unreasonable intrusion upon neighboring residents and businesses while accommodating the reasonable needs of the Project.
- F.** No tree, landscaping feature, Borough building facade, street fixture, traffic-control device, sign or other Public Lands or Borough property shall be removed, damaged, painted, covered or materially altered without prior approval of the Borough official or department having jurisdiction.
- G.** Any temporary change approved for production purposes shall be restored promptly after completion of the affected activity unless the Borough agrees otherwise in writing.
- H.** Production equipment shall be stored only at locations approved for such purpose.
- I.** The Producer shall maintain reasonable sanitation, litter-control and waste-removal practices and shall remove production debris and equipment promptly following completion.
- J.** Reasonable pedestrian and customer access to residences, businesses and public places shall be maintained except where a temporary restriction has been expressly authorized pursuant to the Film Permit or public safety protection plan.
- K.** The Producer shall take reasonable measures to minimize interference with previously scheduled activities upon Public Lands and with normal public activity.
- L.** Nothing in this section shall prohibit temporary impacts expressly authorized by a Film Permit, public safety protection plan or other lawful governmental approval.

§ 43-12. Insurance, indemnification and bond.

- A.** As a condition of a Film Permit involving Public Lands or material municipal exposure, the Applicant shall provide satisfactory evidence of liability insurance providing coverage of not less than:
- (1)** \$500,000 for bodily injury to any one person;
 - (2)** \$1,000,000 aggregate bodily injury coverage for an occurrence; and
 - (3)** \$300,000 for property damage for each occurrence.
- B.** The Borough shall be named as an additional insured with respect to activities conducted pursuant to the Film Permit.
- C.** The Film Permit Representative may accept equivalent or broader Commercial General Liability coverage, provided that any insurance requirement imposed pursuant to this chapter shall remain within the maximum coverage permitted under the then-current Film Ready New Jersey requirements.
- D.** The Applicant shall agree in writing to defend, indemnify and hold harmless the Borough and its officials, employees and agents from claims, liabilities, losses, damages and reasonable costs arising out of the Applicant's Filming activities, except to the extent caused by the negligence, gross negligence or willful misconduct of the Borough or a person for whom the Borough is legally responsible.
- E.** Where reasonably necessary to secure restoration of Public Lands, removal of equipment, compliance with municipal requirements or reimbursement of public expense, the Film Permit Representative may require a cash or maintenance bond in an amount not exceeding \$2,000.
- F.** A bond required pursuant to this section shall be returned no later than 15 days after completion of Filming if there has been no damage to Public Lands, unreimbursed public expense or other lawful charge properly secured by the bond.

§ 43-13. Waivers; modifications; production changes.

- A.** After consultation with any Borough agency or department significantly affected by the Project, the Film Permit Representative may waive or modify any requirement, limitation or restriction of this chapter that is within the Borough's lawful discretion to waive where the Film Permit Representative determines that:
- (1)** Strict compliance would impose an unreasonable burden upon the Applicant or the Borough under the circumstances; and

- (2) The waiver or modification can be granted without endangering public health, safety or welfare.

B. In considering a waiver, the Film Permit Representative may consider:

- (1) Potential traffic congestion;
- (2) The Applicant's ability to remove vehicles and equipment from Public Lands;
- (3) The extent of requested restrictions upon public streets or parking;
- (4) Whether Filming is interior or exterior and the proposed hours;
- (5) The reasonably anticipated effect upon adjoining properties and occupants; and
- (6) The Borough's prior experience with the Applicant, if any.

C. The waiver authority established herein is intended to permit the Borough to respond efficiently to unexpected production changes, including weather, sudden illness of cast or essential crew, loss of access to a location, emergencies, unavoidable scheduling changes or other good cause.

D. Where Filming cannot occur on an approved date because of inclement weather or other good cause not reasonably attributable to the Applicant, the Film Permit Representative may approve substitute dates without requiring an additional basic Film Permit fee.

E. A waiver may contain reasonable conditions necessary to address the circumstances giving rise to the waiver.

F. Nothing herein authorizes waiver of a requirement imposed by State, federal or county law, or another municipal requirement that the Borough lacks lawful authority to waive.

§ 43-14. Fees and reimbursements.

A. The following fees shall apply to Film Permits issued pursuant to this chapter:

- (1) Basic Film Permit, submitted four or more Business Days before the first Filming date: \$100, one time per Project.
- (2) Expedited Basic Film Permit, submitted three or fewer Business Days before the first Filming date: \$250, one time per Project.
- (3) Nonprofit or student Film Permit: \$25, one time per Project. No daily Filming fee shall be charged.
- (4) Daily Filming on Public Lands:

- (a)** Project with a production budget of less than \$20,000,000: \$150 per Filming day.
 - (b)** Project with a production budget of \$20,000,000 or more: \$500 per Filming day.
 - (5)** Daily Filming entirely on private property: No municipal Filming fee, provided the Project does not materially disrupt the public's use or enjoyment of Public Lands or a public right-of-way and does not require special municipal services.
 - (6)** Public-safety services: the Borough's standard hourly rates applicable to the police, fire or other public-safety services actually required under the approved public safety protection plan.
 - (7)** Street-closure inconvenience fee: \$5,000 per day for a Borough street closure authorized in connection with a Project.
 - (8)** Municipal parking: the same rate charged to members of the general public for comparable parking.
- B.** A Project for which the Applicant certifies that the Project will not generate revenue from public exhibition shall not be assessed a daily Filming fee.
- C.** If a Project initially certifies that all Filming will occur entirely upon private property without affecting Public Lands but thereafter utilizes or materially affects Public Lands or a Borough right-of-way, the Borough may assess the applicable daily public-property Filming fee and may require public-safety personnel in accordance with this chapter.
- D.** In addition to the foregoing fees, an Applicant shall reimburse the Borough for:
- (1)** Actual and documented damage to Public Lands caused by the Project;
 - (2)** Reasonable restoration costs attributable to the Project; and
 - (3)** Actual and demonstrable municipal revenue directly lost because the Project was granted exclusive or restricted use of Borough property, including applicable public parking revenue.
- Where reasonably ascertainable in advance, the basis for such reimbursement shall be disclosed to the Applicant before commencement of Filming.
- E.** The Film Permit Representative may waive or reduce any municipal fee established by this chapter when the Film Permit Representative determines that a waiver or reduction is appropriate and consistent with the Film Ready New Jersey Program. Nothing herein requires waiver of a third-party charge or a Borough service charge that the Film Permit Representative lacks lawful authority to waive.

- F. No Borough department, officer or employee shall impose a production-specific fee, surcharge or charge not stated in this chapter or otherwise charged at the same rate to a similarly situated non-production applicant.
- G. No fee shall be described or assessed as “at cost,” “to be determined,” “TBD,” or by comparable open-ended terminology unless the charge is a generally applicable municipal charge imposed upon similarly situated applicants without regard to production activity and is authorized by law.
- H. Once an applicable fee schedule has been identified and agreed upon between the Borough and the Applicant and production has commenced, the Borough shall not renegotiate or increase those fees above the rates or maximums permitted by this chapter and applicable Film Ready New Jersey requirements.

§ 43-15. Appeals.

- A. An Applicant aggrieved by the denial, suspension, or revocation of a Film Permit, by a material permit condition, or by the denial of requested relief under this chapter may appeal to the Mayor and Council.
- B. A written notice of appeal stating the grounds for the appeal shall be filed with the Borough Clerk within 10 calendar days after the determination being appealed.
- C. The Mayor and Council shall schedule a hearing upon the appeal within 30 days after the notice of appeal is filed.
- D. The Mayor and Council shall decide the appeal by resolution at the first regularly scheduled public meeting following the hearing, unless the Applicant agrees in writing to a later decision date.
- E. The Mayor and Council may affirm, reverse or modify the determination being appealed.
- F. If a resolution is not adopted within the time required by this section, a denial, suspension, or revocation being appealed shall be deemed reversed and the Film Permit shall issue or be reinstated, subject to satisfaction of any separate, non-waivable governmental approval or legal requirement applicable to the Project.

§ 43-16. Copies, inspections and NJMPTVC communications.

- A. Prior to commencement of permitted Filming, the Film Permit Representative shall transmit or make available a copy of the Film Permit to:
 - (1) The South River Police Department;
 - (2) The Borough Fire Official or appropriate Fire Department representative; and

(3) The NJMPTVC, to the extent required by the Film Ready New Jersey Program.

- B. The Applicant shall permit inspections by the Fire Official, Construction Official or another authorized Borough official where such inspection is reasonably necessary and within that official's lawful jurisdiction.
- C. Within 10 Business Days following completion of photography for a Project filmed in the Borough after Film Ready certification, the Film Ready Liaison shall provide the NJMPTVC with the information required by the Film Ready New Jersey Program, including:
 - (1) Project name and production-company name;
 - (2) Start and completion dates of physical production in the Borough;
 - (3) Total number of Filming days; and
 - (4) Addresses of Filming locations.
- D. Any amendment to this chapter or to the municipal Film Ready fee schedule shall be transmitted to the NJMPTVC within 10 Business Days after adoption.
- E. Any change in the Borough's Film Ready Liaison shall be reported to the NJMPTVC within 10 Business Days.
- F. Appropriate Borough officials are authorized to provide such additional administrative information and certifications as are reasonably necessary to obtain and maintain Film Ready New Jersey certification.

§ 43-17. Private inconvenience or location compensation.

- A. Any payment to a private resident or private business for:

- (1) Use of private property;
- (2) Appearance of private property in a camera shot;
- (3) Preparation, modification or “dressing” of private property;
- (4) Loss of business; or
- (5) Private inconvenience,

shall be privately negotiated between the Producer and the affected property owner, resident or business.

- B. The Borough shall not negotiate or renegotiate private compensation on behalf of a Producer, property owner, resident or business.

- C. Nothing herein prevents a Borough official from facilitating communications between affected parties concerning operational matters, provided that the official does not participate in the negotiation of private compensation.

§ 43-18. Violations and penalties.

- A. No person shall knowingly:

- (1) Conduct Filming requiring a Film Permit without first obtaining such permit;
- (2) Materially exceed the scope of an issued Film Permit; or
- (3) Violate a material condition of a Film Permit or a lawful order issued pursuant to this chapter.

- B. Any person convicted of violating this chapter shall be subject to:

- (1) A fine not exceeding \$2,000;
- (2) Imprisonment for a term not exceeding 90 days;
- (3) Community service for a period not exceeding 90 days; or
- (4) Any combination thereof as determined by the Municipal Court.

- C. Each day upon which a violation continues after notice shall constitute a separate violation.

- D. The remedies established herein shall be cumulative and shall not preclude the Borough from seeking injunctive relief, reimbursement for property damage or any other remedy available by law.

SECTION 2. Amendment to § 155-1.1.

Section 155-1.1, "Chapter 43, Filming Permits," of the Code of the Borough of South River is hereby repealed and replaced in its entirety as follows:

§ 155-1.1. Chapter 43, Filming Permits.

Fees applicable to Film Permits, Filming and related activities regulated pursuant to Chapter 43 shall be as established in § 43-14, Fees and reimbursements, of the Borough Code.

SECTION 3. Film Ready New Jersey certification and municipal support.

- A. The Mayor and Council hereby declare their support for responsible film and television production within the Borough and for the Borough's participation in the Film Ready New Jersey Program.

- B. The Mayor, Borough Administrator, Borough Clerk, Film Permit Representative, Film Ready Liaison and other appropriate Borough officials and employees are authorized and directed to take reasonable administrative action necessary to apply for, obtain and maintain Film Ready New Jersey certification, including:
- (1) Completion of required Film Ready training;
 - (2) Designation of the Film Ready Liaison;
 - (3) Identification and submission of Borough Filming locations to the NJMPTVC Location Library;
 - (4) Identification and submission of local production resources;
 - (5) Submission of the Borough's Film Ready certification and recertification applications;
 - (6) Maintenance and updating of required locations, contacts and production resources; and
 - (7) Communications and reporting required by the NJMPTVC.
- C. The NJMPTVC is authorized to use an electronic version of the official Borough seal or logo solely in connection with the Film Ready New Jersey Program, identification of the Borough as a participating or certified Film Ready community, and related NJMPTVC governmental marketing materials.
- D. Nothing in this section shall authorize expenditure of municipal funds except in accordance with applicable law and an available appropriation.

SECTION 4. Repealer.

All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed solely to the extent of such inconsistency.

SECTION 5. Severability.

If any section, subsection, paragraph, sentence, clause, phrase or provision of this Ordinance is adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall apply only to the section, subsection, paragraph, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall remain valid and effective.

SECTION 6. Codification.

This Ordinance shall be incorporated into the Code of the Borough of South River. The Borough's codifier is authorized to make nonsubstantive changes in numbering, formatting, capitalization, punctuation, cross-references and other matters necessary for proper codification, provided that no substantive provision of this Ordinance is altered.

SECTION 7. Effective Date.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on September 14, 2026, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 5th day of October, 2026, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 9-14-26

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman DaSilva</i>			X			
<i>Councilman Donato</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Giannakopoulos</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Council President DeSantis</i>	X		X			

Silvana Jaeckle

Silvana Jaeckle
Deputy Municipal Clerk
Borough of South River