

## **ORDINANCE #10-2025**

### **AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 104, ENTITLED “FILMING”, IN THE BOROUGH CODE TO REGULATE COMMERCIAL FILMING IN THE BOROUGH**

**WHEREAS**, the Borough of Mendham finds it necessary to establish a new Chapter 104, entitled “Filming”, in the Borough Code to facilitate and regulate motion picture filming within the Borough and establish “Film Ready” standards; and

**WHEREAS**, the Borough aims to establish filmmaking regulations that maintain the quality of life of Borough residents, while also promoting the Borough as an attractive and desirable filming location for motion pictures and television programs; and

**WHEREAS**, the new regulations would help support the Borough’s application for “Film Ready” Certification from the New Jersey Motion Picture and Television Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris, State of New Jersey, as follows:

**SECTION 1.** Part II, General Legislation, of the Borough of Mendham Code is hereby amended and supplemented to add new Chapter 104, entitled “Filming”, to read as follows:

#### **§ 104-1. Definitions.**

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

##### **FILMING**

The taking of still or motion pictures either on film or videotape or similar recording medium, for 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 municipality.

##### **MAJOR MOTION PICTURE**

Any film which is financed and/or distributed by a major motion picture studio for which the budget is at least \$20,000,000, or any recurrent weekly television series programming.

##### **PUBLIC LANDS**

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality which is within the jurisdiction and control of the municipality.

#### **§ 104-2. Permit required.**

- A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.
- B. Where filming takes place on private property, the applicant must obtain permission of the property owner in writing and provide proof of same to the Municipal Clerk as part of the application. Filming days/hours must strictly comply with the requirements set forth in § 104-3 below so as not to unreasonably disturb neighboring property owners.
- C. All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this Chapter.
- D. 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 Municipal 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.

**Commented [SS1]:** We added to this to avoid issues where there is filming on private property that disturbs neighbors

#### **§ 104-3. Issuance of permits.**

- A. No permits shall be issued by the Municipal Clerk unless applied for prior to three days before the requested shooting date; provided, however, that the Business Administrator may waive the three-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.
- B. No permit shall be issued for filming upon public lands unless the applicant provides the municipality with satisfactory proof of the following:
  - (1) Proof of insurance coverage as follows:
    - a. Commercial General Liability Insurance: Limits of \$1 Million per Occurrence, \$2 Million Aggregate, and \$5,000/person medical expenses.
    - b. Owned, Leased, and Hired/Non-Owned Commercial

- Automobile Liability Insurance: Limit of \$1 Million CSL.
- c. Worker's Compensation Insurance: Part A - Statutory Limits; Part B \$500,000 /\$500,000 /\$500,000
- (2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Borough from any and all liability, expenses, claims and damages resulting from the use of public lands.
- (3) The hiring of a police officer for the times indicated on the permit.
- (4) Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of \$2,000 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Borough for property damage. The posting of the bond shall not be in lieu of providing liability insurance meeting/exceeding the current levels of coverage required by the Borough. The cash bond will be returned to the applicant, without interest, within 15 days of completion of wrap, unless the Borough has unsatisfied claims against the applicant, in which case the Borough will hold the bond, or a part thereof, until all claims against the applicant are satisfied.
- C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.
- D. Filming shall be permitted only Monday through Saturday, and shall commence not earlier than 8 a.m. and shall be completed not later than 7 p.m. No filming shall take place on any holiday, which for the purposes of this Chapter shall mean any federal, State or local holiday or any date during the school year on which the public schools of the Borough of Mendham are closed. The Business Administrator may, in accordance with § 104-7 below, waive or modify such time requirements if in the best interest of the Borough.
- E. The permit holder shall agree to comply with all lawful directives issued by the Mendham Borough Police Department, Fire Department, Mendham First Aid Squad and all other departments where deemed necessary.
- F. The permit holder shall be responsible for the removal, upon completion of filming, of all debris and equipment, or upon expiration of the permit, whichever comes first.
- G. The permit holder is prohibited from using the Borough of Mendham's identify or likeness for any use outside the scope of the approved project.

**Commented [SS2]:** We added this to ensure police coverage

**Commented [SS3]:** Added the bond, which doesn't hurt

**Commented [SS4]:** We set hours but later in the ordinance give the Administrator the right to waive them for good cause

**Commented [SS5]:** To avoid Borough being use in some unsavory project

**§ 104-4. Interference with public activity; notice of filming; film crew parking.**

- A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.
- B. 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 Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two days of the requested shooting date.
- C. Due to the high demand for parking in the Borough's business district, film crews must park in Borough designated parking areas. A small number of street spaces may be available for use during filming with permission of the Business Administrator. Parking fees are set forth below in **§ 104-10**.

**Commented [SS6]:** Due to extreme parking congestion in Denville, they imposed restrictions and fees. May or may not be appropriate for Mendham but we can strike if not needed.

**§ 104-5. Refusal to issue permit; employment of Police Officer and electrician.**

- A. The Business Administrator may refuse to issue a permit whenever the Business Administrator determines, on the basis of objective facts and after a review of the application and associated reports by the Police Department and by other Borough Departments involved with the proposed filming site, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. Further, the Borough reserves the right to require one or more onsite police officer in situations where the proposed production may impede the proper flow of traffic, the cost of said police officer to be borne solely by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production company, an onsite licensed electrician may be similarly required if the production company does not have a licensed electrician on staff, with the cost borne solely by the applicant. The applicant shall obtain the property owner's permission for use of electricity and shall bear the additional cost of same.

#### **§ 104-6. Appeals.**

- A. Any person aggrieved by a decision of the Business Administrator denying or revoking a permit or a person requesting relief my appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Business Administrator.
- B. An appeal from the decision of the Business Administrator shall be filed within 10 days of the Business Administrator's decision. The Borough Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution supporting the decision of the Business Administrator at the first regularly scheduled public meeting of the Borough Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Business Administrator shall be deemed to be reversed, and a permit shall be issued on conformity with the application, or the relief shall be deemed denied.

#### **§ 104-7. Waiver of requirements by the Business Administrator.**

- A. The Borough Administrator may authorize a waiver of any of the requirements, provisions, or restrictions of this Chapter if the Borough Administrator determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Borough Administrator 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.

**Commented [SS7]:** You can waive requirements as appropriate

#### **§ 104-8. Copies of permit; inspections.**

Copies of the approved permit shall be sent to the New Jersey Film Commission and various Borough Departments. The applicant shall permit the Fire Prevention Bureau and other Borough inspectors to inspect the site and the equipment to be used if deemed necessary. The applicant shall comply with all safety instructions issued by the Borough.

#### **§ 104-9. Reimbursement of certain costs.**

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

#### **§ 104-10. Fees.**

- A. Basic filming permit (one-time fee with 3 or more days' advance notice of the first day of filming): \$500
- B. Expedited basic filming permit (one-time fee with 2 or less days advance notice of the first day of filming): \$750
- C. Basic filming permit for nonprofits (one-time fee): \$50
- D. Public Safety: Hiring of off-duty law enforcement officers of the Mendham Borough Police Department in accordance with § 38-19.
- E. Parking/inconvenience fees. There is a high demand for parking in the Borough's business district. Therefore, the following fees are required:
  - (1) Monday through Wednesday - \$1,250 per day to the Borough per day to for exclusive use of designated Borough Parking Lot.
  - (2) Thursday through Saturday - \$2,000 per day to Borough for exclusive use of designated Borough Parking Lot.
  - (3) For each street parking space reserved, \$25 per day to Borough.
  - (4) \$1,000 for street closures

**Commented [SS8]:** I don't see that \$1k is the standard fee. Most towns are charging a few hundred for smaller projects and \$500 to \$1,500 for larger projects like major motion pictures. There may be daily fees in addition to permit fee.

**Commented [SS9]:** This was done in Denville due to fact that film crew were using up parking needed by shoppers/residents. Again, may not apply here.

#### **§ 104-11. Violations and penalties.**

Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment for a term no exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day

of the violation as the Municipal Judge may determine.

**SECTION 2.** The Mayor, Borough Administrator, Borough Attorney, and Borough Clerk and all other proper officers and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

**SECTION 3.** All articles, sections, paragraphs, subsections, clauses, or other provisions of the Mendham Borough Code inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such adjudication shall apply only to those the portions held unconstitutional and/or invalid shall be deemed severed, and such decision shall not affect the remaining portion of this Ordinance; and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 5.** This Ordinance may be renumbered for purposes of codification.

**SECTION 6.** This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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Introduced: August 13, 2025  
Public Hearing: September 10, 2025  
Adopted: September 10, 2025  
Effective Date: September 30, 2025

ATTEST      BOROUGH OF MENDHAM

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Lauren McBride, Acting Borough Clerk

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James R. Kelly, Mayor