

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 07-2026** - Ordinance of the Borough of Eatontown Entitled **“AN ORDINANCE AMENDING CHAPTER 152 ENTITLED “FILMING”**” was passed after a public hearing at the regular meeting of **April 8, 2026**, by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Trina Lindsey, RMC, Borough Clerk

ORDINANCE 07-2026

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH

AN ORDINANCE AMENDING CHAPTER 152 ENTITLED “FILMING”

WHEREAS, the Borough Council adopted a Film Ready Ordinance to promote the Borough as a filming destination to connect film and TV professionals with skilled and knowledgeable liaisons across the state, who can provide local expertise and support to create easier, faster, and better access to nearby resources and location information.

WHEREAS, the Borough Council believes it is in the best interest of the Borough to update the Film Ready Ordinance with the advent of the Netflix project proceeding on Fort Monmouth;

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, that it hereby amends Chapter 152 “Filming” of the Borough Code as follows:

[additions are underlined and deletions are underscored]

Section 252-1: Definitions.

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, major linear broadcast network or streaming platforms, or for institutional uses, ~~over the internet, or on any other medium.~~ The provisions of this chapter shall not be deemed to include the filming of news stories within the Borough. ~~Filming includes all rehearsals, preparations, assembly and dismantling of all equipment and structures, including, but not limited to, scaffolding, lights, backdrops, tools and food, and the loading and unloading of vehicles containing the equipment, structures, and food.~~

MAJOR MOTION PICTURE: Any film which is financed and/or distributed by a major motion picture studio including but not limited to the following: NBCUniversal, including Peacock; Warner Bros. Discovery, including New Line Cinema, HBO, DC Studios and Castle Rock Entertainment; Paramount Pictures, including Miramax, MTV Films, Showtime, Skydance, Dreamworks and Nickelodeon Movies; Walt Disney Studios, including 20th Century Studios, Searchlight Pictures, Hulu and Marvel Studios; Sony Pictures, including Columbia Pictures, Screen Gems and Tristar Pictures; Amazon MGM Studios; Netflix Studios; A24; any film 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 ~~or owned by the Borough which is within or owned by the Borough which is within~~ the jurisdiction and control of the Borough.

TELEVISION SERIES: ~~A series of programs or shows to be aired on television or any other platform, such as streaming or on the internet.~~

Section 252-2. 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 utilizing 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 Zoning Officer, after having been reviewed and approved by the Zoning Officer, 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. ~~within the Borough of Eatontown without first having obtained a permit from the Zoning Officer, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference today or dates. No permit shall authorize filming for more than three consecutive days in any one location, and in no event shall filming at one location within the Borough exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. This six-day limitation may be extended only if the filming requested constitutes a major motion picture or television series. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.~~

B. [No change].

C. [No change].

Section 252-3. ~~Criteria for~~ Issuance of permits.

A. No permit will be issued by the Zoning Officer unless applied for at least four or more business days ~~ten days~~ prior to the requested shooting date; provided, however, that the Zoning Officer may waive the four ~~ten~~ day period if, in the Zoning Officer's 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 shall provide the Borough with satisfactory proof of the following:

1. Certificate of insurance specifically naming the Borough of Eatontown as an additional insured,

(a) For bodily injury to any one person in the amount o \$500,000 and any occurrence in the aggregate amount of \$1,000,000.

(b) For property damage for each occurrence in the aggregate amount of \$300,000.

~~providing general liability, bodily injury, and property damage coverage with minimum limits of liability not less than \$1,000,000 combined single limit. Said certificate shall state that "the issuing company shall mail 30 days' written notice to the certificate holder named, certified mail return receipt."~~

2. An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Borough of Eatontown from any and all liability, expense, claim or damages resulting from the use of public lands.

~~3. The posting of a cash or surety bond of \$500 in favor of the Borough to ensure that the location utilized will be left after filming in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all ordinances, laws and regulations will be followed. Within seven days of the completion of the filming, the Borough will return the~~

bond if there has been no damage to public property or public expense caused by the filming.

3. The hiring of an off-duty Eatontown police officer, if required by the Chief of Police, according to the agreed upon public safety plan, for the times indicated on the permit.

C. The holder of the permit shall take all reasonable steps to minimize interference with the passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Eatontown Police Department with respect thereto.

~~D. 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. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activities 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 Zoning Officer, said objections to form a part of the 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 Zoning Officer within two days of the requested shooting date.~~

D. Filming shall be permitted between the hours of 7:00 a.m. and 9:00 p.m. (camera wrap) and crew wrap at 10:00 pm. Monday through Sunday. Exterior Filming in residential zones outside of the aforementioned hours shall be approved in the permit to granted in accordance with this Section. Night filming restrictions shall only apply to a Project with exterior filming, provided that all requests for night scenes shall be approved in the permit to be granted in accordance with the provisions of Subsection H hereinbelow. The setup, production and breakdown required for all filming shall be included in the hours as set forth herein.

Section 252-4 Interference with public activity; notice of filming.

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 Zoning Officer, 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 Zoning Officer within two days of the requested shooting date.

Section 252-5 Refusal to issue permit; employment of patrolmen and electrician.

A. The Zoning Officer may refuse to issue a permit whenever the Zoning Officer determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other Borough agencies involved with the proposed filming site, that filming at the

location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. B. Further, the ~~Borough~~ Chief of Police reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, and according to the agreed upon public safety plan. ~~and~~ The cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

Section 252-6 Appeals.

A. Any person aggrieved by a decision of the Zoning Officer denying or revoking a permit or a person requesting relief ~~pursuant to Subsection (F)~~ may appeal to the Mayor and Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk. An appeal from the decision of the Zoning Officer shall be filed within 10 days of the Zoning Officer's decision. The Mayor and 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 Mayor and Council shall be in the form of a resolution supporting, reversing, or modifying the decision of the Zoning Officer at the first regularly scheduled public meeting of the Mayor and 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 Zoning Officer shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

Section 252-7 Waiver of requirements of chapter by Business Administrator

~~H. The Zoning Officer~~ Business Administrator may authorize a waiver of the requirements, provisions, or restrictions of this chapter if the Business Administrator determines that a waiver thereof may be granted without endangering the public health safety, and welfare. ~~filming other than during the hours described herein. In determining whether to issue a waiver, the Business Administrator allow an extension of time under this subsection, the Zoning Officer~~ Business Administrator shall consider the following factors:

1. Potential ~~Traffic~~ congestion at the location ~~caused by vehicles parked on the public streets;~~
2. Applicant's ability to remove the applicant's ~~film-related~~ vehicles and equipment from off the public streets or other public property;
3. ~~When~~ The applicant is requesting restrictions on the use of public streets or public parking facilities during the course of the filming;
4. ~~The~~ Nature of the filming shoot itself, e.g., including whether filming will take place indoors, or outdoors, day or night and the proposed hours for filming; and
5. The extent to which the filming may affect adjoining and nearby property owners and occupants;
6. Prior experience of the film company/applicant with the Borough, if any.

Section 252-8 Copies of permit; inspections.

Copies of the approved permit shall be sent to the Police, Fire Departments and First Aid before filming takes place and to the New Jersey Motion Picture and Television Commission at njfilm@njeda.gov. Film Commission. The applicant shall permit members of the Police Department, Fire Department, Fire Prevention Bureau, Department of Public Works or other Borough officers or inspectors to access the site for such purposes as may be necessary or appropriate. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Borough inspectors.

Section 252-9 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 that the Borough was prevented from earning because of filming. ~~calculated by the appropriate Department Head and providing this information to the Zoning Officer.~~

Section 252-10 Fees

CATEGORY	FEE (not to exceed)
<u>Basic filming permit (one-time; with 4 or more days advance notice of the first day of filming)</u>	<u>\$100</u>
<u>Expedited basic filming permit (one-time; with 3 or less days advance notice of the first day of filming)</u>	<u>\$250</u>
<u>Basic filming permit for nonprofits, including student films (one-time; no daily rate required)</u>	<u>\$25</u>
<u>Daily filming on public property</u>	
<u>Film and television projects with a budget under \$20mm</u>	<u>\$150</u>
<u>Film and television projects with a budget over \$20mm</u>	<u>\$500</u>
<u>Daily filming on private property</u>	<u>NO FEE CHARGED BY BOROUGH</u>
<u>Public Safety</u>	
<u>Hiring of off-duty police and fire inspections, according to agreed upon public safety plan</u>	<u>The municipality's standard hourly rates for police and fire</u>
<u>Inconvenience fees</u>	
<u>Street closures - more than 10,000 residents</u>	<u>Up to \$5,000 per day</u>
<u>Properties in background - or used - in shot</u>	<u>Fee is negotiated between a production company and a private business or residence</u>

<u>Daily prep of business that is being “dressed”</u>	<u>Fee is negotiated between a production company and a private business</u>
<u>Daily filming of business that is “dressed”</u>	<u>Fee is negotiated between a production company and a private business</u>
<u>Parking fees</u>	<u>Same rates that are charged to the public</u>
Fire Prevention	
Firefighter standby	\$35 per hour, per firefighter
Fire truck (standby)	\$250 per day
Minimum staffing requirement	Minimum of four (4) firefighters
Additional staffing	Such greater number of firefighters as deemed necessary by the Fire Official

J. ~~Special regulations for major motion pictures and television series.~~

- ~~1. When filming is requested with respect to a major motion picture or television series, the duration of such filming shall not exceed six consecutive days in duration.~~
- ~~2. Any days necessary to be used for setup and preparation for a major motion picture or television series filming may, in the discretion of the Borough Zoning Officer, be counted as a filming day where setup is anticipated to involve one or more of the factors set forth in Subsection H hereinabove.~~

~~L. An applicant requesting permission to film on Borough property or in a Borough building shall, in addition to a filming permit application, file a facilities use permit application . Except as provided hereinbelow, such an application shall require approval of the Mayor and Council. The Mayor and Council shall have sole discretion to grant or deny the application and shall have the authority to impose such terms and conditions as the Mayor and Council deem appropriate. Notwithstanding the foregoing, if there is no Mayor and Council meeting between the time the application if filed and the anticipated filming date(s), the Borough Administrator may grant an application for a one day filming event provided it is approved by the Zoning Officer, the Police Chief and the Superintendent of Public Works, or their respective designees, and the Director of Recreation.~~

~~Section 250-4. Fees.~~

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

~~A. Filming permit application fee: \$200. Where an applicant requests a waiver of the provision of Subsection A of § 250-3 requiring expedited processing of the permit application, the application fee shall be \$400. The application fee for nonprofit applicants filming for educational purposes shall be \$25.~~

~~B. In addition to the filming permit application fee, a daily filming fee as follows:~~

1. ~~For motion picture, television series or commercial: \$3,000 per day;~~
2. ~~For all other filming, except as provided in Subsection B(3) below: \$500 per day;~~
3. ~~For nonprofit applicants filming for educational purposes: no fee.~~

~~C. Fire Prevention Fees: \$250.00 per day for Fire Truck and \$35 per hour for each firefighter with a minimum of 4 firefighters, if required, at the discretion of the Fire Official.~~

Section. 252-5 11 Violations and penalties.

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof. Any persons 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, or both, as determined by the Municipal Court 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 Court Judge may determine. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective;

IT IS FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict;

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.