

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 22-07
(Adoption)**

**AN ORDINANCE OF THE BOROUGH OF HILLSDALE TO PERMIT TEMPORARY POP-UP
DRIVE-IN THEATERS BY LICENSE**

WHEREAS, the Borough Council of the Borough of Hillsdale desires to issue a license to permit temporary pop-up drive-in movie theaters within the R-1 Residential District; and

WHEREAS, the Borough Council believes this is a family-oriented use that complements the character and scale of the Borough; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hillsdale in the County of Bergen and the State of New Jersey as follows:

Section 1. Purpose.

The purpose of this chapter is to establish a procedure and authorize rules and regulations thereunder for the licensing of outdoor cafes in the Commercial Zone of the Borough of Hillsdale.

Section 2. "Definitions."

For the purpose of this chapter, the following words shall have the meanings respectively ascribed in this section.

POP-UP DRIVE-IN THEATER

A seasonal, temporary outdoor venue consisting of a non-permanent outdoor movie screen, projection or broadcasting booth, and large automobile parking area. The use may include a concession stand and may also be referred to simply as a "Drive-In".

Section 3. License required.

It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to as "person") to create, establish, operate, maintain or otherwise operate a Drive-In upon their property or any property in the Borough of Hillsdale without a Hillsdale Borough license.

Section 4. License requirements.

No license shall be issued hereunder unless the licensee can demonstrate compliance with all of the following:

- (1) The Drive-In shall be located on a parcel containing a minimum of three acres.
- (2) The Drive-In shall be located on a parcel with frontage on two County Roads both located within the Borough of Hillsdale.
- (3) The seasonal, temporary Drive-In may only operate between April 15 and October 31.
- (4) Gates shall open no earlier than 7:30pm and movies shall start no later than 8:30pm. Movies shall end by 10:30pm and all vehicles shall leave the parking lot by 11:00pm.
- (5) A maximum of 100 cars may be permitted within the parking area.
- (6) All ticket sales shall occur prior to an event. No on-site purchasing of tickets shall be permitted to avoid vehicles queuing on public roads.
- (7) There shall be no loudspeaker audio system permitted to be used in connection with the use. All audio that is utilized shall be by radio transmission to the car radios of the vehicles utilizing the

facility.

- (8) Sufficient restroom facilities shall be provided, which shall be subject to the review and approval of the Hillsdale Board of Health.
- (9) Vehicles shall not be permitted to idle during the event.
- (10) The Hillsdale Police Department shall be consulted regarding the location of the movie screen, vehicle parking, and traffic flow and routing. No license application for a pop-up drive-in theater shall be approved without the input of the Hillsdale Police Department.
- (11) In the event that the Chief of Police or his designee deems it desirable and in the interest of public safety, a pop-up drive-in theater owner/operator shall pay for any necessary police officers to assure traffic ingress and egress is safe.
- (12) The outdoor movie screen shall be dismantled and removed during non-operating months.
- (13) Due to the temporary nature of the license, the license cannot be grandfathered, and the license may be denied or revoked at any time.

Section 5. License application.

Application for the license required hereunder shall be made to the Construction Code Official and shall be signed by the applicant. The application shall contain the following information:

- A. The name, residence address and telephone number of each individual, owner, partner or, if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a 10% or greater interest in the corporation and chief operating executive of the corporation and, if a nondomestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey and a copy of the qualification of said nondomestic corporation to conduct business in the State of New Jersey.
- B. A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this chapter.
- C. The address and description of each place where the occupant intends to establish a Drive-In.
- D. The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.
- E. Three sets of a proposed layout plan demonstrating the activities to be satisfactory to the Construction Code Official as well as the Police Chief or his designee.

Section 6. Review of application.

The Construction Code Official will review the application for completeness and compliance with the terms of this chapter. If the application is complete, the Construction Code Official will act upon the same within 10 business days of the submittal of the application or within 10 business days after the application becomes complete. If the application is not complete, the Construction Code Official will so notify the applicant within the 10 business days of the submissions and specifically detail the areas in which the application lacks compliance with the requirements of this chapter.

Section 7. License issuance.

If the application complies with this chapter, the Construction Code Official shall issue a license strictly subject to the terms and conditions of this chapter for a single season as set forth in Section 4(3) and Section 12, unless earlier revoked.

Section 8. License non-transferrable.

The license is personal to the applicant, and any change or transfer of ownership of the property shall terminate the license and shall require new application and a new license in conformance with all of the requirements of this chapter.

Section 9. Consent to inspections.

Acceptance to the license by the applicant shall operate as a consent to the health, fire, police and building officials of the Borough to inspect the Drive-In for continued compliance with the terms and conditions of this chapter and any federal, state, county or local law, ordinance or regulation affecting the same.

Section 10. Revocation or suspension of license.

Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Borough for failure of any licensees to comply with this chapter or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any license issued hereunder is issued upon the express understanding that the licensees obtain no property right thereunder, nor any interest in the continuation of said license. Upon the first violation, the eating establishment shall receive a written warning. Upon the second violation, the license shall be revoked for the remainder of the license year.

Section 11. Suspension or termination of license.

It shall be unlawful for any person to operate a Drive-In after the suspension or termination of the applicable license.

Section 12. Days of operation.

Drive-Ins shall be permitted to operate from April 15 or October 31 in the year specified on the license. The license, when issued, shall be valid for one (1) season.

Section 13. Hours of operation.

Gates shall open no earlier than 7:30pm and movies shall start no later than 8:30pm. Movies shall end by 10:30pm and all vehicles shall leave the parking lot by 11:00pm.

Section 14. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall be punishable as provided in Chapter 226, Penalties.

If any section, paragraph, sub-section, clause or provision of the ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall render the entire ordinance invalid.

All ordinances or parts of ordinances of the Borough heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall take effect upon passage and publication as provided by Law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony		X	X				
Escobar, John			X				
Horvath, Zoltan			X				
Lundy, Abby	X		X				
Pizzella, Frank			X				
Trochimiuk, Janetta			X				
Ruocco, John							

Adoption: May 10, 2022

Attest: Denise Kohan
Denise Kohan
Municipal Clerk

John J. Ruocco
John J. Ruocco
Mayor