

**BOROUGH OF HILLSDALE  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 22-05  
(Introduction)**

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**AN ORDINANCE OF THE BOROUGH OF HILLSDALE AMENDING AND SUPPLEMENTING  
CHAPTER 310 "LAND USE" OF THE CODE TO PERMIT TEMPORARY POP-UP DRIVE-IN  
THEATERS AS A CONDITIONAL USE WITHIN THE R-1 RESIDENTIAL DISTRICT AND  
ESTABLISH CRITERIA APPLICABLE THERETO**

**WHEREAS**, the Borough Council of the Borough of Hillsdale desires to permit pop-up drive-in movie theaters as a conditional use 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.** Chapter 310 of the Code of the Borough of Hillsdale, Section 310-4, "Definitions." Shall be amended to insert the following text alphabetically:

**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.

**Section 2.** Chapter 310 of the Code of the Borough of Hillsdale, Section 310-53, "Schedule of uses and requirements.", Attachment 1 "Schedule of Uses and Requirements Borough of Hillsdale" shall be amended to add "Pop-up drive-in theater, see §310-67J" under the "R-1" column, in the "Conditional use, see §§ 310-66 and 310-67" row.

**Section 3.** Chapter 310 of the Code of the Borough of Hillsdale, Section 310-67, "Conditional uses." is hereby amended and supplemented by adding a new subsection J., as follows:

**J.** Pop-up drive-in theaters. Pop-up drive-in theaters may be permitted in the R-1 District, if all of the following conditions are met:

- (1) The use shall be located on a parcel containing a minimum of three acres.
- (2) The use shall be located on a parcel with frontage on two County Roads both located within the Borough of Hillsdale.
- (3) The seasonal, temporary use 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 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 its temporary nature, this use cannot be grandfathered, in the event of an ordinance change, this use shall be discontinued and not commenced the following year.


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 not affect the validity of this ordinance as a whole or any part thereof.

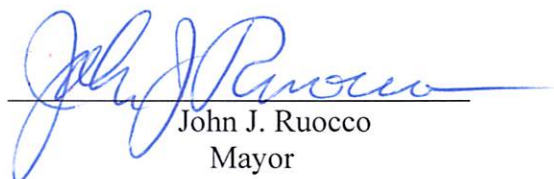
All ordinances or parts of ordinances of the Borough heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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      |         |        |
| Escobar, John       |        |        | X   |    |        |         |        |
| Horvath, Zoltan     |        |        |     | X  |        |         |        |
| Lundy, Abby         |        | X      | X   |    |        |         |        |
| Pizzella, Frank     |        |        | X   |    |        |         |        |
| Trochimiuk, Janetta | X      |        | X   |    |        |         |        |
| Ruocco, John        |        |        |     |    |        |         |        |

Introduction: March 8, 2022

Attest:   
 Denise Kohan  
 Municipal Clerk

  
 John J. Ruocco  
 Mayor