

TOWNSHIP OF DENNIS

**TOWNSHIP COMMITTEE
WORKSESSION AGENDA**

JULY 05, 2016

4:30 P.M. (prevailing time)

CALL TO ORDER:

Mayor's announcement: The notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in Resolution No. 2015-137 entitled the Annual Meeting Notice which was adopted by the Dennis Township Committee on December 15, 2015. A meeting notice has been published and posted in accordance with the act.

FLAG SALUTE:

ROLL CALL OF MEMBERS PRESENT:

___ Fry-DeRose, J.; ___ Tozer, D.; ___ Salimbene, L.; ___ O'Connor, B.; ___ Murphy, J;

SPECIAL PRESENTATIONS OR DISCUSSIONS:

None.

DEPARTMENTAL REPORTS AND PROJECT UPDATES:

Administration & Finance:

Discuss the status of the Employee Assistance Program.

Discuss the draft of the Ordinance amending Chapter 88 - Dogs.

Discuss the draft of the Ordinance amending Chapter 23 – False Alarms.

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Legal:

Discuss the draft of an Ordinance to establish a Chapter – Property, Abandoned and Nuisance.

Public Buildings & Grounds:

None.

Engineering:

Discuss the status of the Utility Application and Proposed Easement on Old Sea Isle Blvd.

Discuss the status of the bike path along Route 550.

Construction/Plan/Zone:

None.

RESOLUTIONS:

None.

ORDINANCES:

None.

MOTION TO ADJOURN THE MEETING:

TOWNSHIP OF DENNIS

COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY AND STATE
OF NEW JERSEY AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF
DENNIS ENTITLED "DOGS"

WHEREAS, the Township of Dennis is desirous in amending Chapter 88; and

WHEREAS, the Township of Dennis hereby amends Chapter 88 to read as follows:

SECTION 1.

ARTICLE II

SECTION 88-11. Definitions.

Definitions used throughout this Article II are as follows:

A. **BEDDING** - Material to provide a bed for a dog.

B. **CARETAKER** - Any person who takes care of the house or land of an owner who may be absent and is responsible for the keeping of a dog.

C. **DOG** - A domesticated carnivorous mammal that typically has a long snout, an acute sense of smell, and a barking, howling, or whining voice. It is widely kept as a pet or for work or field sports.

~~B-D.~~ **DOG OF LICENSING AGE** - Any dog which has attained the age of seven months.

~~C-E.~~ **DOGHOUSE** - A covered and protected domicile for a dog.

~~D-F.~~ **ENCLOSURE** - Any structure used to restrict a dog or dogs to a limited amount of space, such as a pen, run, cage or compartment.

G. **HANDLER** - Any person in immediate physical charge of a dog.

~~E-H.~~ **IMMEDIATE** - Shall mean that the pet solid waste is removed at once, without delay.

~~F-I.~~ **KENNEL** - Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

J. **OWNER** - When applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who has such dog in his keeping.

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G.K. PEN – An enclosure for a dog.

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L. PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

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M. PET – A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

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N. PET SOLID WASTE - Waste matter expelled from the bowels of the pet; excrement.

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H.O. PET SHOP - Any place of business that is not part of a kennel wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

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I. PEN – An enclosure for a dog.

P. POUND - An establishment for the confinement of dogs seized under the provisions of this article or otherwise.

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J. PROPER DISPOSAL - Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designated to convey domestic sewage for proper treatment and disposal.

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K.Q. SHELTER - Any establishment where dogs are received, housed and distributed without charge.

SECTION 88-12. Restraint of Dogs.

A. Owners, caretakers, guardians or handlers of dogs will exercise diligence and reasonable care to prevent said dogs from leaving their premises regardless of whether their premises is owned, leased or rented. Restraint exists when the dog is:

- (1) Enclosed and properly provided for pursuant to N.J.S.A. 4:22-17 within a house, building, properly maintained fence, pen or other enclosure.
- (2) Pens or other enclosures for each dog must be 4 feet in height and square footage as follows:

1 DOG.....	64 SQ. FT.
2 DOGS.....	90 SQ. FT.
3 DOGS.....	144 SQ. FT.
4 DOGS.....	196 SQ. FT.

OVER 4 DOGS.....An additional 24 SQ. FT. for each dog.

- (3) The pens or other enclosures shall include a soundly constructed, safely positioned and properly maintained doghouse.
- (4) Every doghouse shall contain bedding such as straw or other absorbent material in sufficient quality to provide adequate insulation for the dog(s) in the doghouse. Bedding shall be maintained in a dry condition and renewed or changed as necessary.
- B. Owners, caretakers, guardians or handlers of dogs will exercise diligence and reasonable care to keep dogs under restraint. In circumstances in which the dogs are not located on premises owned, leased or rented by the caretakers, guardians or handlers, dogs must be handled in a humane manner pursuant N.J.S.A. 4:22-17.
- C. Owners, caretakers, guardians or handlers of dogs may attempt to prevent said dogs from leaving the premises by installing an invisible fence. Owners, caretakers, guardians or handlers of dogs are responsible for the maintenance of the invisible fences and shall exercise diligence to keep the fence in proper working order.
- D. Kennels, pet shops, shelters and pounds shall comply with the provisions of applicable state statutes and administrative regulations.

SECTION 88-13. Chaining or Tethering of Dogs.

Dogs must be able to move freely when chained or tethered and should be confined for a period no greater than nine hours within a twenty-four-hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collars. Choke collars or prong type collars are not permitted. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

SECTION 88-14. Prohibited Activities and Treatment

- A. No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and water must be in an animal food consumption or water consumption type container, feeder or waterer.
- B. No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld. Any individual, currently licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine, who is acting within his or her scope of practice to deliver acceptable and medically sound veterinary care to an animal, shall be exempt from this section.
- C. In extreme weather below 32 degrees and above 95 degrees and in major storms where evacuation is recommended, all outdoor dogs and indoor/outdoor cats (with the exception of feral cats) must be brought indoors whether tethered or kenneled, unless the kennel is

heated or air conditioned according to safety code. Indoors will include any area of the residence which is temperature controlled and garage and basement unless heated in cold or air conditioned in heat will not be considered adequate.

ED. Any violations of Sections 88-3-2, 88-12, 88-13, 88-14 or 88-15 in addition to other methods of enforcement provided by law, may be enforced by the issuance of a Notice of Violation Citation issued by the New Jersey State Police, any Animal Control Officer or any other person who actually observes or witnesses a violation.

SECTION 88-15. Duties of citizens.

- A. Any operator of a motor vehicle who accidentally strikes a dog or cat shall stop and render such assistance to the dog or cat as may be possible, provided it could be accomplished safely and without danger to the motorist, pedestrians or other motorists.
- B. The operator of a motor vehicle involved in such an accident shall promptly report such injury or death to the appropriate law enforcement agency.

SECTION 88-16. Violations and penalties.

- A. Enforcement of all sections within Article II shall be commenced by the filing of a complaint with the Municipal Court of the Township of Dennis.
- B. Any person found guilty of violation of Section 88-3-2 shall be subject to a fine not to exceed the sum of two hundred (\$200) dollars for a first offense. For a second offense or subsequent offense a fine of not less than two hundred (\$200) dollars nor more than five hundred (\$500) dollars. An individual need not be charged as a subsequent offender in order to be fined as a subsequent offender.
- B. Any person found guilty of all other sections of this Article II by the Municipal Court of the Township of Dennis shall be subject to a fine not exceeding the sum of five hundred (\$500.00) or imprisonment not to exceed ninety (90) days or both, provided, however, that the Court shall waive or suspend any fines if the Court determines it is appropriate to do so. Furthermore, the Court may order restitution be paid to any person or entity that incurs expenses related to the investigation and prosecution of any offender of this Article II.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Dennis, County of Atlantic, State of New Jersey that Chapter 88 of the code of the Township of Dennis be and the same is hereby amended; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Lisa Salimbene, Committee Member

Donald Tozer, Committee Member

Julie Fry DeRose, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on . Publication will be held on and a Public Hearing will be held at a meeting of the said Township Committee to be held on at 4:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY
AMENDING CHAPTER 23 OF THE CODE OF THE TOWNSHIP OF DENNIS ENTITLED "FALSE ALARMS"**

WHEREAS, the Township of Dennis is desirous in amending Chapter 23; and

WHEREAS, the Township of Dennis hereby amends Chapter 23 to read as follows:

SECTION 1.

Section 23-1. False alarms prohibited.

- A. It is hereby declared to be unlawful for any person or entity to place a call to or otherwise communicate with the ~~Middle Township Police Department~~ Dennis Township Emergency Dispatch or any duly constituted volunteer fire company or rescue squad situated within the confines of the Township of Dennis for purposes of eliciting a response from the State Police, fire company or rescue squad, as the case may be, in the absence of a bona fide police, fire and/or medical emergency. For purposes of this chapter, the term "response" shall be deemed to mean a personal appearance by a police officer, fire official or rescue squad official.
- B. It is hereby declared to be unlawful for any person or entity to utilize the 911 service for purposes of eliciting a response from the Police Department, Fire Department or rescue squad, as the case may be, in the absence of a bona fide police, fire, and/or medical emergency.

Section 23-2. Personal appearance of owner or caller required.

Any owner or occupant of real property situated within the confines of the Township of Dennis who shall maintain a burglar alarm system, dialer system or any other security system which causes a call to be placed to the ~~Middle Township Police Department~~ Dennis Township Emergency Dispatch, any volunteer fire company, or any rescue squad situate with the confines of the Township of Dennis or any person or entity who shall place a call to the ~~Middle Township Police Department~~ Dennis Township Emergency Dispatch, any volunteer fire company, or any rescue squad for purposes of eliciting a response as set forth in Section 23-1 above shall appear personally or shall cause his, her or its designated representative to appear personally at the site of said real property within thirty (30) minutes of the placing of any call seeking a response aforesaid and shall secure said premises upon arrival thereat.

Section 23-3. List of contact persons to be submitted.

Within thirty (30) days of final passage of this chapter, each person or entity utilizing a burglar alarm system, dialer system or any other security system which causes a call to be placed to the ~~Middle Township Police Department~~ Dennis Township Emergency Dispatch any volunteer fire company, or any rescue squad situate with the confines of the Township of Dennis shall file with the ~~Middle Township Police Department~~ Dennis Township Emergency Dispatch a prioritized list reflecting the names, addresses and telephone numbers of three (3) contact persons who may be called by the ~~Middle Township Police Department~~ Dennis Township Emergency Dispatch to secure any premises which has generated an alarm call to the aforementioned Police Department, volunteer fire company and/or rescue squad.

Section 24-4. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall be liable to one (1) or more of the following: a fine of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) or imprisonment for a term not to exceed ninety (90) days or a period of community service not to exceed ninety (90) days for every offense.
- B. Any person convicted of improperly utilizing the 911 services as set forth above shall be subject to a fine of up to two hundred dollars (\$200.) for the first offense and up to five hundred dollars (\$500.) for the first offense and up to five hundred dollars (\$500.) for each subsequent offense. If the violation of this chapter is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of this section.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Dennis, County of Atlantic, State of New Jersey that Chapter 23 of the Code of the Township of Dennis be and the same is hereby amended; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Lisa Salimbene, Committee Member

Donald Tozer, Committee Member

Julie Fry DeRose, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on . Publication will be held on and a Public Hearing will be held at a meeting of the said Township Committee to be held on at 4:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY,
INSERTING CHAPTER , OF THE CODE OF THE TOWNSHIP OF DENNIS ENTITLED, "PROPERTY,
ABANDONED AND NUISANCE"**

WHEREAS, recent events in the local and national housing market have led to a drastic rise in the number of foreclosed houses. In municipalities throughout the nation, homes are being left vacant as families are forced to move. These homes are frequently repossessed by banks, financial institutions, and large real estate conglomerates who have little or no connection with the municipality in which they own property; and

WHEREAS, many of these homes are frequently vacated prior to the conclusion of the foreclosure process. Homes sit empty for months or years at times, awaiting foreclosure sale; often creating a substantial public nuisance. In many cases, these homes are in violation of multiple aspects of state and local building, sanitary, and nuisance codes. The mortgagees are typically large financial institutions located out of state, making enforcement efforts very difficult; and

WHEREAS, these code violations include, among other violations, unoccupied buildings susceptible to vandalism and or open structures, rendering them unsafe and dangerous, yards full of litter and debris, unlocked houses, un-shoveled snow that renders sidewalks dangerous and impassable, overgrown grass and bushes and unsecured swimming pools that are not only a threat to children, but become breeding grounds for infectious insects, such as mosquitoes; and

WHEREAS, in addition to the dangerous conditions described in the aforementioned clauses, these violations, if left unabated tend to increase the negative economic and aesthetic impact on the Township. Specifically, these eyesores contribute to lowered neighborhood property values and detract from any and all beautification efforts. Overall, foreclosures and vacant dwellings severely and appreciably impact the quality of life and the health, safety and welfare of the residents of Township of Dennis; and

WHEREAS, foreclosures, and vacant homes and their impact on local residents' quality-of-life have become a nationwide epidemic. Banks and other financial institutions are refusing to maintain properties they now own and municipal inspectors have turned into investigators as they try to find out who the new owners are and how to contact them to correct code violations; and

WHEREAS, the Township Committee of Township of Dennis finds it necessary in order to protect the health and welfare of its citizens, to adopt legislation which will assist the efforts of our code enforcement officers in assuring properties are in compliance with the State and local laws and ordinances;

NOW, THEREFORE, BE IT ORDAINED by Township Committee of Township of Dennis that Chapter be inserted into the Code of Township of Dennis as follows:

The title of Chapter shall be entitled **“Property, Vacant, Abandoned and Nuisance”**

Section -1. Definitions

The following definitions shall be added within this chapter:

Days - Shall mean consecutive calendar days.

Foreclosing - Shall mean the process by which property, placed as security for a real estate or other loans, is prepared for sale to satisfy the debt if the borrower is in default under the terms of the loan.

Initiation of the Foreclosure Process.

Shall mean any of the following actions taken by a Lienholder or Mortgage Holder or Mortgagee.

- A) taking possession of the property.
- B) delivering a Creditor’s or mortgagee’s notice of intention to foreclose to the borrower.
- C) commencing a foreclosure action or filing a *lis pendens in the Superior Court of New Jersey*.

Lienholder or Mortgage Holder or Mortgagee - Shall mean the creditor, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee’s rights, interests or obligations under a mortgage agreement. Collectively herein referred to as “Creditor”

Owner- Shall mean every person, entity, service company, property manager or real estate agency, who, alone or severally with others:

- A) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise; or
- B) has care, charge or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity, including but not limited to agency, executor, executrix, administrator, administratrix, trustee or guardian, of the estate of the holder of legal title; or
- C) is a Mortgagee in possession of any such property;
- D) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or

E) is an officer or trustee of the Association of unit owners of the condominium. Each such person is bound to comply as if he were the owner or

F) every person who operates a rooming house; or

G), is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

Public Officer – Shall mean the Township Clerk or designee(s) of the Township of Dennis as designated by the Township Clerk.

Property- Shall mean any real estate, residential property, or portion thereof, located in the Township of Dennis , including buildings or structures situated on the property. For the purpose of this section only, Property does not include property owned or subject to the control of the Township or any of its governmental bodies or agencies.

Residential Property - Shall mean any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

Securing - Shall mean taking measures that assist in making the property inaccessible to unauthorized persons.

Vacant Property - Shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, should not be deemed vacant. Property determined to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19 – 78, et seq., shall also be deemed to be vacant property for the purpose of this Ordinance.

Section -2.

Registration of Vacant and/or Foreclosing Properties; Duty to Provide Written Notice of Vacant, Residential Property and/or Mortgage Foreclosure.

A) Effective **January 1, 2015**, the Owner of any Vacant Property as defined herein shall, within 60 days after the building becomes Vacant Property or within 30 days after assuming ownership of the Vacant Property, whichever is later, shall file a registration statement for each such Vacant Property with the Public Officer, on forms provided by the Township of Dennis for such purposes. The registration shall remain valid for one year from the date of registration. The Owner shall be required to renew the registration annually as long as the building remains Vacant Property and shall pay a registration or renewal fee in the amount prescribed herein for each Vacant Property registered.

B) Effective **January 1, 2015**, a Lien-holder Mortgage Holder or Mortgagee (collectively “Creditor”), serving a summons and complaint in an action to foreclose on a mortgage on residential property shall, within 10 days of serving the summons and complaint, notify

the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against this property. The notice shall contain the name and contact information for the representative of the Creditor, who is responsible for receiving complaints of property maintenance and code violations and shall be provided by mail, or electronic communication at the discretion of the municipal clerk. In the event that the property being foreclosed on is an affordable unit pursuant to the Fair Housing Act, then the Creditor shall identify that the property is subject to the Fair Housing Act. The notice shall also include the street address lot and block number of the property and the full name and contact information of an individual located within the State of New Jersey who is authorized to accept service on behalf of the Creditor. The notice shall be provided to the municipal clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

Any Creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Municipal Clerk, a listing of all residential properties in Dennis Township for which the Creditor has foreclosure action pending by street address and lot and block number.

C) Any Owner, or Creditor of any building that meets the definition of Vacant Property prior to January 1, 2015, shall file a registration statement for that Property on or before January 31, 2015. The registration statement shall include the information required herein, as well as any additional information that the Public Officer may reasonably require.

D) The Owner or Creditor shall notify the Public Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purposes.

E) The registration statement shall be deemed prima facie proof of the statements therein contained, and any administrative enforcement proceeding or court proceeding instituted by the Township against the Owner or Creditor of the building.

Section -3. Registration Statement Requirements; Property Inspection.

After filing a registration statement or a renewal of a registration statement, the Owner or Creditor of any Vacant Property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

A) The registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the Owner or Creditor as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding on behalf of such parties in connection with the enforcement of any applicable code. The person must maintain an office in the State of New Jersey, or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property.

B) By designating an authorized agent under the provisions of this section, the Owner or Creditor consents to receive any and all notices of code violations concerning the registered Vacant Property, and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any Owner or Creditor who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the Public Officer is notified of a change of authorized agent. The designation of an authorized agent in no way releases any party from any requirements of this Ordinance.

Section -4 Fee Schedule

The initial registration fee for each building shall be \$500. The fee for the first renewal year shall be \$1500. The fee for the second renewal year shall be \$3,000. The fee for the 3rd and subsequent renewal year shall be \$5,000. Such fee shall be payable to the Township of Dennis and submitted to the Township Clerk.

Section -5 Requirements for Owners or Creditors of Vacant Property

1. The Owner or Creditor of any building that has become Vacant Property and any person maintaining, operating, or collecting rent for any such building that has become Vacant shall, within 30 days:

A) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of Dennis Township, or as set forth in rules and regulations adopted by the appropriate authority, including a Redevelopment Entity, to supplement this Code;

B) Post a sign affixed to the building indicating the name, address and telephone number of the Owner or Creditor, the authorized agent for the purposes of service of process and the person responsible for day-to-day supervision and management of the building. The sign shall be of a size and placed in a location so as to be legible from the nearest public street or sidewalk (i.e. public right of way), whichever is nearer but shall be no smaller than 18" x 24" and

C) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished, or until repair or rehabilitation of the building is complete.

2. In the event the Owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the Creditors filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any other 3rd party, and the property is found to be a Nuisance or in violation of any applicable State or local code, the Public Officer, municipal clerk or other authorized municipal official shall notify the Creditor, which shall have the responsibility to abate the nuisance or correct the violation in the

same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal code. The Public Officer or other authorized municipal official shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the Creditor's receipt of the notice for the Creditor to remedy the violation. If the Creditor fails to remedy the violation within that time, the municipality may impose penalties allowed for the violation of municipal ordinance pursuant to N.J.S.A. 40:49 – 5.

In the event the Township of Dennis expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the Creditor was given notice pursuant to the provisions of sub section 2 hereinabove, but failed to abate the nuisance or correct the violation as directed, the Township of Dennis shall have the same recourse against the Creditor as it would have against the title owner of the property, including but not limited to the recourse provided under N.J.S.A. 55:19 – 100.

Section -6 Violations and Penalties

A) Any Owner or Creditor who is not in full compliance with this Ordinance, or who otherwise violates any provision of this Ordinance shall be subject to a fine of not less than \$500 and not more than \$1000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Ordinance shall be recoverable from the Owner or Creditor, as the case may be, and shall be a lien on the Property.

B) For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of any portion of this Ordinance, shall be deemed to be violations of this Ordinance.

C) Nothing in this Ordinance is intended, nor shall be read to conflict or prevent Dennis Township from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in the applicable provisions of the Code of the Township of Dennis.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey that Chapter _____ be inserted into the code of the Township of Dennis; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Lisa Salimbene, Committee Member

Donald Tozer, Committee Member

Julie Fry DeRose, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on . Publication will be held on and a Public Hearing will be held at a meeting of the said Township Committee to be held on at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk