

**TOWNSHIP OF DENNIS  
DENNISVILLE, NJ  
DECEMBER 06, 2022**

**5:30 P.M. (PREVAILING TIME) TWP. COMMITTEE REGULAR MEETING**

The Mayor opened the meeting in compliance with the Open Public Meetings Act requirements.

The Mayor requested that the roll call and flag salute be carried over from the Work Session (VanArtsdalen, Germanio (via telephone), Turner and Matalucci present, Committeeman Cox was absent).

The Mayor asked if there were any questions, comments or concerns regarding the consent agenda.

Mayor Matalucci asked for a motion to table Resolution Nos. 2022-179 & 2022-180 and to add Resolution No. 2022-182 Authorizing an Executive Session for Collective Bargaining Agreements. Motion was made by Turner, seconded by VanArtsdalen, that Resolution Nos. 2022-179 & 2022-180 be tabled at this time for further review and that Resolution No. 2022-182 for an Executive Session be added regarding Contract Negotiations.

There being no further comments, the Mayor asked for a motion adopting the consent agenda, motion was made by Turner, seconded by VanArtsdalen, with 4 ayes and 1 absent (Cox), that the consent agenda be adopted.

The following minutes were approved as part of the Consent Agenda: 11/15/2022 Regular Meeting.

The following resolution numbers 2022-173 thru 2022-178 and 2022-181 & 2022-182 were a part of the Consent Agenda:

**RESOLUTION NO. 2022-173**

**RESOLUTION AUTHORIZING THE RENEWAL OF A MINING PERMIT FOR BLOCK 120,  
LOTS 63-67, 74, 75 & 79 – HANSON AGGREGATES BMC, INC.**

**WHEREAS**, pursuant to Chapter 95-7 of the Code of the Township of Dennis Mining Permits are renewed through application to the Consolidated Land Use Board; and

**WHEREAS**, Hanson Aggregates BMC, Inc. Block 120, Lots 63-67, 74, 75 & 79 has applied to the Consolidated Land Use Board for renewal; and

**WHEREAS**, the Consolidated Land Use Board has adopted Resolution No. 2022-11 which recommends that the Township Committee renew Hanson Aggregates BMC, Inc's Mining Permit with conditions.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby authorizes the renewal of the Mining Permit for Block 120, Lots 63-67, 74, 75 & 79 owned by Hanson Aggregates BMC, Inc. for a period of three (3) years (ending 12/31/2024) and subject to the conditions stated in the Consolidated Land Use Board Resolution No. 2022-11.

**ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk

**ATTEST** \_\_\_\_\_  
Zeth A. Matalucci, Mayor

**RESOLUTION NO. 2022-174**

**RESOLUTION AUTHORIZING A REFUND OF A  
TAX OVERPAYMENT – BLOCK 10, LOT 14**

**WHEREAS**, the Tax Collector has notified the Clerk of a tax overpayment on Block 10, Lot 14; and

**WHEREAS**, the overpayment was a result of the Mortgage Company and the property owner making duplicate payments; and

**WHEREAS**, the amount of the overpayment requested to be refunded for Block 10, Lot 14 is six hundred and sixty-three dollars and seventy-four cents (\$663.74).

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to refund the total amount of \$663.74 to: Mark Anthony, 187 Lehner Road, Woodbine, NJ 08270.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      Zeth A. Matalucci, Mayor

**RESOLUTION NO. 2022-175**

**RESOLUTION REQUESTING TRANSFER OF FUNDS**

**BE IT RESOLVED** by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to make the transfer(s) FROM and TO the APPROPRIATIONS for the year 2022 named herein.

**SEE ATTACHED SCHEDULE**

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk                      Zeth A. Matalucci, Mayor

**TRANSFER RESOLUTION ATTACHMENT 12/6/2022**

<u>Account Name</u>	<u>Account Number</u>	<u>To</u>	<u>From</u>
Financial Administration - S&W	2-01-20-130-011	4,000.00	
Township Administrator - S&W	2-01-20-101-012	3,000.00	
Planning & Zoning - O/E	2-01-21-185-036	1,500.00	
Health Benefit Waiver - O/E	2-01-23-222-092	2,350.00	
Employee Group Health - O/E	2-01-23-220-092		10,850.00
Buildings & Grounds - O/E	2-01-26-310-028	25,000.00	
Public Works - S&W	2-01-26-290-011		25,000.00
		\$ 35,850.00	\$ 35,850.00

**RESOLUTION NO. 2022-176**

**RESOLUTION PROVIDING FOR THE INSERTION OF A  
SPECIAL ITEM OF REVENUE IN THE 2022 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Dennis will receive additional funds in the amount of \$1,215.46 from the County of Cape May and wishes to amend its 2022 Budget to include this amount as a revenue.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that this governing body hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$1,215.46 which is now available as a revenue from:

Miscellaneous Revenues:

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Off-Set with

Appropriations:

Municipal Alliance Grant – Youth Leadership

**BE IT FURTHER RESOLVED**, that a like sum of \$1,215.46 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations Excluded from “Caps” - Public and Private Programs Off-Set by Revenues:  
Municipal Alliance Grant – Youth Leadership

**BE IT FURTHER RESOLVED**, that the Clerk is hereby authorized and directed to forward the necessary documentation to the Director of Local Government Services.

**ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk

**ATTEST** \_\_\_\_\_  
Zeth A. Matalucci, Mayor

**RESOLUTION NO. 2022-177**

**RESOLUTION URGING GOVERNOR MURPHY TO USE COVID RELIEF FUNDS TO  
OFFSET THE INCREASED PREMIUM COSTS OF THE NEW JERSEY STATE HEALTH  
BENEFITS PROGRAM**

**WHEREAS**, the New Jersey State Health Benefits Program (the “SHBP”), governed by N.J.S.A. 52:14-17,25 et seq., offers medical, prescription drug, and dental coverage to qualified state and participating local government public employees, retirees, and eligible dependents; and

**WHEREAS**, all SHBP plans are self-funded, with all benefits being paid directly from a SHBP fund supplied by the State, participating local employees, and member premiums; and

**WHEREAS**, in 2023, due to decisions by the New Jersey Division of Pensions and Benefits and the State Health Benefits Commission, the cost of the SHBP premiums will increase by 21.6% for active employees, 13% for early retirees, and 0.7% for Medicare retirees, which will result in a combined cost increase of 22.8%; and

**WHEREAS**, the current and retired employees of the Township of Dennis currently receive benefits thorough the SHBP; and

**WHEREAS**, the increased costs of the SHBP will result in significant additional cost to both the Township and its employees; and

**WHEREAS**, the additional cost of premiums for the SHBP will result in a significant increase in the property taxes for the residents of the Township of Dennis; and

**WHEREAS**, the Governor and the State of New Jersey have entered into an agreement with state employees to use New Jersey Covid relief funds to offset the increased premiums to limit the increase to 3% for state employees; and

**WHEREAS**, it would be fair and equitable for the State of New Jersey to use its Covid relief funds to provide the same or similar benefit to municipal employees that the State will be providing to state employees; and

**WHEREAS**, limiting the SHBP premium increase to 3% for participating municipal employees in the same manner as for state employees would contribute to the State’s goal to build a stronger and fairer economy for New Jersey that supports the middle class and lifts families and communities.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township of Dennis hereby urges the Governor and State of New Jersey to expend state Covid relief funds to offset the increased premiums of the SHBP for municipal employees in the same manner that the State has agreed to do for state employees in order to limit the premium increase to 3%.
3. The Municipal Clerk shall forward copies of the Resolution to the Governor, State Treasurer, District I Legislators, State Health Benefits Commission, New Jersey Division of Pensions and Benefits, Cape May County Commissioners, and neighboring municipalities.

**ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk

**ATTEST** \_\_\_\_\_  
Zeth A. Matalucci, Mayor

**RESOLUTION NO. 2022-178**

**RESOLUTION AUTHORIZING THE REFUND OF A  
TAX OVERPAYMENT – BLOCK 117, LOT 3.04**

**WHEREAS**, the Tax Collector’s Office has notified the Clerk of a tax overpayment on Block 117, Lot 3.04; and

**WHEREAS**, the overpayment was a result of the property owner being awarded a 100% Disabled Veteran Deduction; and

**WHEREAS**, the amount of the overpayment requested to be refunded for Block 117, Lot 3.04 is one thousand five hundred thirty-seven dollars and twenty-four cents (\$1,537.24).

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to refund the \$1,537.24 to the following:

Block 117, Lot 3.04  
Clayton S. & Nicole M. Mathews  
377 Kings Highway  
Cape May Court House, NJ 08210

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

Note: Let the record reflect that Resolution Nos. 2022-179 & 2022-180 were tabled.

**RESOLUTION NO. 2022-181**

**RESOLUTION AUTHORIZING THE ADMINISTRATOR TO  
CARRY 2022 VACATION DAYS INTO 2023 AND PERSONAL TIME BUYOUT, OF VARIOUS  
EMPLOYEES**

**WHEREAS**, the Township Committee has established a policy regarding vacation time to be carried into the upcoming calendar year; and

**WHEREAS**, for various reasons, certain employees have been unable to utilize their 2022 vacation allotment; and

**WHEREAS**, in accordance with the vacation policy, the individuals requesting to carry vacation days have made their requests in writing; and

**WHEREAS**, in accordance with the various Union Contracts, at the sole discretion of the Township Administrator and the availability of funds, unused personal days may be bought-out.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the vacation days of the employees who have submitted their completed vacation carry over form are hereby approved to be carried over into 2023 providing that such time is available to them and that the Administrator ascertain the possible buyout of personal time pursuant to the various Union Contracts.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

**RESOLUTION NO. 2022-182**

**RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN  
ACCORDANCE WITH THE PROVISIONS OF THE  
NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Dennis is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Dennis to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12 b and designated below:

Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, assembled in public session on December 06, 2022, that an Executive Session closed to the public shall be held on December 06, 2022 prior to the close of the above night's meeting in the Dennis Township Municipal Complex, 571 Petersburg Road, Dennisville, New Jersey, for the discussion of matters relating to the specific items designed above.

**BE IT FURTHER RESOLVED**, that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

**ATTEST** \_\_\_\_\_ **ATTEST** \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

The following ordinance numbers 2022-08 and 2022-09 were introduced for first reading as a part of the Consent Agenda:

**TOWNSHIP OF DENNIS**

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

**ORDINANCE NO. 2022-08**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY,  
STATE OF NEW JERSEY AMENDING CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF DENNIS,  
ENTITLED "FIRE PREVENTION"**

**WHEREAS**, the Township Committee of the Township of Dennis, have determined that certain amendments to Chapter 102 entitled "Fire Prevention" are necessary; and

**WHEREAS**, in all other respects Chapter 102 entitled "Fire Prevention" shall remain in full force and effect.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Dennis, in the County of Cape May and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**Chapter 102  
FIRE PREVENTION**

**[HISTORY: Adopted by the Township Committee of the Township of Dennis 7-24-1989 as Ord. No. 89-176. Amendments noted where applicable.]**

**§ 102-1. Local enforcement of state standards.**

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383, the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be enforced locally in the Township of Dennis.

**§ 102-2. Designation of local enforcing agency. [Amended 12-11-1989 by Ord. No. 89-184]**

The local enforcing agency shall be the Bureau of Fire Safety and Prevention, which is hereby created herein. The Bureau of Fire Safety and Prevention shall hereinafter be known as the local enforcing agency.

**§ 102-3. Duties of local enforcing agency.**

The local enforcing agency shall:

- A. Enforce the New Jersey Uniform Fire Code in all buildings, structures and premises within the established boundaries of the township, other than owner-occupied buildings used exclusively for dwelling purposes and containing fewer than three dwelling units, or buildings, structures and premises owned by the state, interstate agencies or the federal government.
- B. Faithfully comply with all the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

**§ 102-4. Organization of Bureau of Fire Safety and Prevention.**

The Bureau of Fire Safety and Prevention established by § 102-2 of this chapter shall:

- A. Be under the direct supervision and control of the Fire Official, who shall report to the Township Administrator.
- B. Have at least one paid inspector.
- C. Be known as the "Bureau of Fire Safety and Prevention of Dennis Township."

**§ 102-5. Appointment and qualifications of personnel; legal counsel; removal from office.**

- A. Appointment, qualifications and term of office of Fire Official. The Fire Official shall be certified by the state and shall be appointed by the governing body. The Fire Official shall serve for a term of four years. Any vacancy shall be filled for the unexpired term.
- B. Appointments and qualifications of inspectors and other employees. Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon the recommendation of the Township Administrator. All life-hazard use inspectors shall be certified by the state.
- C. Appointment of legal counsel. The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.
- D. Removal from office. The Fire Official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause in accordance with applicable civil service laws.

**§ 102-6. Inspection of life-hazard uses.**

The Bureau of Fire Safety and Prevention established by § 102-2 of this chapter shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the Department of Community Affairs.

**§ 102-7. Inspection of non-life-hazard uses; fees.**

- A. In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Safety and Prevention. These uses shall be inspected once per year and shall pay an annual registration fee as set forth below.

Use Group	Annual Registration Fee
Assembly	
DTA-01: Eating establishment under 50 (no alcohol)	\$25
DTA-02: Take-out food service (no seating)	\$25
Business/Professional	
DTB-01: Under 5,000 square feet	\$25
DTB-02: 5,000 to 9,999 square feet	\$50
DTB-03: 10,000 square feet and over	\$75
Factory	
DTF-01: Under 5,000 square feet	\$100
DTF-02: 5,000 to 11,999 square feet	\$200
Mercantile	
DTM-01: Under 5,000 square feet	\$25
DTM-02: 5,000 to 11,999 square feet	\$50
<i>*With exception of hardware stores of 3,000 or more sq. ft. which are life hazard uses</i>	
<i>**With exception of Mercantile of 12,000 or more sq. ft. which are life hazard uses</i>	
Storage	
DTS-01: Under 5,000 square feet	\$50
DTS-02: 5,000 to 11,999 square feet	\$100
Residential	
DTR-01: Non-owner occupied 1 to 2 units	\$25
DTR-02: 3 to 7 units	\$50
DTR-03: 8 to 13 units	\$75
DTR-04: Over 13 units	\$100
Utilities	
DTU-01: Under 5,000 square feet	\$50
DTU-02: 5,000 square feet and over	\$100

- B. One- and two-family residential structures or attached single family structures shall require inspection upon sale or change of occupancy for smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance as established by § 102-12.
- C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.

- D. Buildings required to be registered with the state as life-hazard uses shall not be required to register under this section.
- E. Pursuant to N.J.A.C. 5:70-2.7:
1. Unoccupied or vacant buildings or structures 2,500 square feet or more, but less than 12,000 square feet, in gross floor area are required to obtain a Type 1 Permit.
  2. Unoccupied or vacant buildings or structures 12,000 square feet or more, but less than 100,000 square feet, in gross floor area are required to obtain a Type 2 Permit.
  3. Unoccupied or vacant buildings or structures 100,000 square feet or more in gross floor area are required to obtain a Type 3, Permit.
- Unoccupied or vacant buildings or structures of less than 2,500 square feet in gross floor area are not required to obtain a vacant building Permit.*
- F. At the discretion of the Fire Official, vacant buildings which create a fire hazard shall be charged and inspected according to the previous use of the building.
- G. Multiple family dwellings having more than two dwelling units shall be inspected in the common areas only.
- H. Seasonal residential units shall be inspected once annually and use group shall be determined by total number of detached one- and two-family dwelling units under one ownership at a given location.
- I. Where more than one non-life hazard use exists under one ownership at a given location, the highest non-life hazard use shall be registered at full fee and subsequent non-life hazard uses at one-half the scheduled fee.
- J. All fees and penalties shall be collected as per N.J.S.A. 2A:58-1 et seq. [Added 12-11-1989 by Ord. No. 89-184]

**§ 102-8. Periodic inspections.**

All uses, as listed, shall be inspected for compliance with the provisions of this chapter periodically but not less than every 12 months.

**§ 102-9. Permit fees.**

- A. The application fees for permits shall be as provided by State regulation N.J.A.C. 5:70-2.9(c).
- B. Food Trucks shall pay Type 1 permit fees as set forth in State regulation N.J.A.C. 5:70-2.9(c) once per year. All fees associated with subsequent inspections in that same calendar year shall be waived.

**§ 102-10. Technical amendments.**

(Reserved)

**§ 102-11. Appeals.**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Local Construction Board of Appeals. If no such body exists, appeals shall be made to the County Board of Appeals.

**§ 102-12. Certificate of Smoke Alarm, Carbon Monoxide Alarm and Portable Fire Extinguisher Compliance (CSACMAPFEC).**

- A. Requirement for certification for residential properties upon sale or change of occupancy.

One and two family or attached single family structures shall be required to comply with the provisions of N.J.A.C. 5:70-2.3 and N.J.A.C. 5:70-4.19, setting forth State requirements as to number and placement of smoke alarms, carbon monoxide alarms and an ABC fire extinguisher not to exceed 10 pounds, upon the sale, lease, transfer or change of occupancy of said premises. It shall be the responsibility of the owner or seller of the premises, or his or her agents, to obtain a certificate of smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance (CSACMAPFEC) from the Bureau of Fire Safety and Prevention prior to the sale or change of occupancy of the premises.

- B. CSACMAPFEC Fees.

1. Request for CSACMAPFEC received more than 10 business days prior to the change of occupant: \$25 for initial inspection plus one reinspection if needed.



2. Request for CSACMAPFEC received four to 10 business days prior to the change of occupant: \$50 for initial inspection plus one reinspection if needed.
3. Request for CSACMAPFEC received fewer than four business days prior to the change of occupant: \$100 for initial inspection plus one reinspection if needed.
4. For each additional reinspection: \$50.

C. "No Show" shall be held to mean:

1. Owner/agents who fail to meet an inspector within 15 minutes of the appointment time.
2. Owners/agents who do not have a key to enter the premises for scheduled inspection or reinspection.
3. Electrical power to a premises is disconnected and smoke alarms to be tested are powered by electrical current from the structural wiring system.
4. To reschedule no-show inspection or reinspection: \$50.

D. Penalty.

The penalty for failure to obtain a CSACMAPFEC prior to the sale or change in occupancy shall be \$100.

### **§ 102-13. Waiver**

The following users shall be exempt from the local permit and registration fees; however, they shall be required to properly apply for such permits and registrations and comply with all other code requirements.

- A. Township of Dennis
- B. Dennis Township Fire Districts
- C. Dennis Township Public Schools
- D. Churches and other recognized religious organizations. This shall apply to uses where the actual religious service takes place, uses for religious education purposes or uses of an occasional nature.

### **§ 102-14. Enforcement; violations and penalties.**

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Frank L. Germanio, Jr., Committee Member

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Matthew Cox, Committee Member

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Thomas Van Artsdalen, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on December 06, 2022. Publication will be held on December 06, 2022 and a Public Hearing will be held at a meeting of the said Township Committee to be held on December 13, 2022 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST  

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**Jacqueline B. Justice, RMC/Clerk**

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

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING CHAPTER 146 OF THE DENNIS TOWNSHIP CODE, ENTITLED “PROPERTY, VACANT, ABANDONED AND NUISANCE”**

**WHEREAS**, Chapter 146 of the Township of Dennis Code governs the terms and conditions associated with registering vacant and abandoned properties within the Township confines so as to prevent blight and the associated negative impacts that surround them; and

**WHEREAS**, the State of New Jersey recently repealed N.J.S.A. 40:48-2.12(s) with the enactment of P.L. 2021, C.444, which explicitly authorizes municipalities to adopt ordinances to address blight through registration of vacant and abandoned properties; and

**WHEREAS**, P.L. 2021, c.444 allows municipalities, by ordinance, to require commercial lenders foreclosing on properties to register with the municipality and provide notice of pending foreclosures to the municipality; and

**WHEREAS**, P.L. 2021, c.444 created an entirely new legislative scheme for the local regulation of vacant properties and all municipalities with existing vacant property registration ordinances are required to amend the same to comply with the new law; and

**WHEREAS**, the Township Committee of the Township of Dennis has determined it is in the Township of Dennis’ best interest to amend, repeal, and replace certain sections of Chapter 146 to conform to P.L. 2021, c. 444;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey, that the following Ordinance is hereby adopted so as to amend, repeal, and replace certain sections of Chapter 146 of the Code of the Township of Dennis to read as follows (additions are underlined; deletions are ~~strike through~~)

**Chapter 146**

**PROPERTY, VACANT, ABANDONED AND NUISANCE  
PROPERTIES**

**[HISTORY: Adopted by the Township Committee of the Township of Dennis 10-24-2016 by Ord. No. 2016-06. Amendments noted where applicable.]**

**§ 146-1. Definitions. [Added 10-4-2016 by Ord. No. 2016-06]**

**The following definitions shall be added within this chapter:**

**“As used in this chapter, the following terms shall have the meanings indicated:**

ABANDONED PROPERTY — Any property that is determined to be abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), as follows:

- A. Property must not have been legally occupied for six months and must meet any one of the following criteria:
- (1) Property is in need of rehabilitation, in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period.
  - (2) Construction was initiated and discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of determination that the building is abandoned.

- (3) At least one installment of property tax remains unpaid and delinquent as of the date of determination.
- (4) The property has been determined to be a nuisance by the public officer as defined in this section.

B. Exceptions to abandoned property.

- (1) A property on which an entity other than the Township holds a tax sale certificate is not deemed to be abandoned if the owner of the certificate: (a) Continues to pay all municipal taxes and liens when due; and (b) Initiates foreclosure proceedings within six months after the property is eligible for foreclosure.
- (2) A property used on a seasonal basis is deemed to be abandoned only if it meets any two of the criteria set forth in N.J.S.A. 55:19-81.

C. A property which contains both residential and nonresidential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as 2/3 or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer.

ABANDONED PROPERTY LIST — The list of abandoned properties established and maintained by the Township's public officer pursuant to the Abandon Property section of this this Chapter, which shall only include properties that fit the criteria for "abandoned property" as defined in this Article.

CREDITOR – means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. A creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

ACCESSIBLE PROPERTY/STRUCTURE – means a property that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

DAYS — Consecutive calendar days.

FORECLOSING — 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 — 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** — **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** — **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.

LOCAL UNIT – means a municipality, a county, or a county improvement authority or other subdivision of a municipality or county.

**PUBLIC OFFICER — The Township Clerk or designee(s) of the Township of Dennis as designated by the Township Clerk.**

**PROPERTY — 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 — Any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.**

**RESPONSIBLE PARTY - means any title holder of a vacant and abandoned property or a creditor responsible for the maintenance of property pursuant to section 17 of P.L. 2008, c.127 (c.46:10B-51).**

**SECURING — Taking measures that assist in making the property inaccessible to unauthorized persons.**

**STREET ADDRESS – means an address at which a natural person who is the responsible party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.**

**VACANT PROPERTY — 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 reoccupied 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 chapter. Second homes, which are occasionally vacant but are periodically occupied by the owner, shall be excluded from this definition; however, nothing herein shall exclude such properties from mandatory compliance with all applicable property maintenance codes. [Amended 8-22-17 by Ord. No. 2017-06]**

**VACANT OR ABANDONED PROPERTY – means:**

1. Any residential or commercial property building which is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, and at least two of the following conditions exists:
  - A. Overgrown or neglected vegetation;
  - B. The accumulation of newspapers, circulars, flyers or mail on the property
  - C. Disconnected gas, or electric utility services to the property;
  - D. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
  - E. The accumulation of junk, litter, trash, or

- debris on the property;
  - F. The absence of window treatments such as blinds, curtains or shutters;
  - G. The absence of furnishings and personal items;
  - H. Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
  - I. Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
  - J. Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
  - K. A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
  - L. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by the municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
  - M. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
  - N. A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
  - O. Any other reasonable indicia of abandonment.
2. For purposes of this section, a residential property shall not be considered vacant and abandoned if, on the property;
- A. There is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations and statutes;
  - B. There is a building occupied on a seasonal basis, but otherwise secure; or
  - C. There is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

§ 146-2. Registration of Vacant ~~and/or Foreclosing Properties~~; Duty to Provide Written Notice of Vacant, Residential Property ~~and/or Mortgage Foreclosure~~. [Added 10-4-2016 by Ord. No. 2016-06; amended 8-22-17 by Ord. No. 2017-06]

- A. Effective January 1, 2015, the Owner of any vacant property as defined herein shall, within 120 days after the building becomes vacant property or within 60 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, 2017, shall file a registration statement for that property on or before January 31, 2017. 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 90 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.

### **§146-3. Registration of Vacant and Abandoned Property (Foreclosure Properties)**

§146-3.1 Municipal Ordinance, authority; foreclosed, abandoned properties; filing summonses, complaints.

#### **A. Registration Program**

- a) Pursuant to 40:48-2.12s3 the Township of Dennis will establish a property registration program for the purposes of identifying and monitoring residential and commercial properties within the municipal for which a summons and complaint in an action to foreclose on a mortgage has been filed.
- b) The Code Enforcement Officer or designee for the Township of Dennis shall create and oversee a registration program cataloging each vacant and abandoned property within the municipality.
- c) Any mortgagee who holds a mortgage on real property located within the Township of Dennis shall perform an inspection of the property to determine vacancy or occupancy, upon a filing of a summons and complaint. The mortgagee shall, within 10 days of the inspection, register the property with the Code Enforcement Officer, or designee using forms established by that department and indicate whether the property is vacant or occupied. A separate registration will be required for each property, whether it is found to be vacant or occupied.
  - 1.) If the property is occupied, the mortgagee shall inspect the property monthly until:
    - a.) The mortgagor or other party remedies the default; or
    - b.) It is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within 10 days of that inspection, update the property registration.
- d) A registration shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, a facsimile number and email address for both parties, the property tax block and lot and a twenty-four (24) hour contact telephone number of the property management company responsible for security and maintenance of the property.
- e) A nonrefundable annual registration fee of \$500 shall be collected per property and shall accompany the registration form. An additional \$2,000 per property annually if the property is vacant or abandoned, as defined herein, when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- f) All registration fees must be paid directly by the mortgagee, servicer, trustee or owner. No third-party registration fees will be accepted without the prior consent of the Township of Dennis.

- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred un a deed in lieu of foreclosure/sale.
- h) Properties under this section shall remain under the annual registration requirement and the inspection, security and maintenance standards of this section as long as they remain vacant and the complaint of foreclosure filed.
- i) Any change to information pertaining to a vacant/abandoned property registration must be reported within 10 days of the change.
- j) Failure by a mortgagee and/or owner to properly register or to modify a registration form from time to time to reflect a change will be in violation of this section an shall be subject to enforcement.
- k) The Township of Dennis may take the necessary action to ensure compliance with this section and place a lien on the property for the cost of work performed to benefit the property and bring it into compliance.
- l) A creditor located out-of-state shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

**§146-3.2 Notice of Summons, Complaint to Municipal Clerk, Mayor, Other Municipal Chief Executive Officer; Requirements and Duties.**

Section 1:

- a) A creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property in the State shall, within 10 days of serving the summons and complaint, notify the municipal clerk and the mayor or other chief executive officer of the municipality in which the property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the full name, address, and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property. The notice may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. In the event the creditor that has served a summons and complaint in an action to foreclose on a commercial property that is located out-of-State, the notice shall also contain the full name, address, and telephone number of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. If the municipality has designated or appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code. The notice shall also include the street address, lot, and block number of the property.
- b) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the creditor shall provide a notice to the applicable municipal clerk containing the updated name, address, or telephone number within 10 days of the change in that information.

Section 2:

- a) Within 30 days following the effective date of P.L.2021, c.444 (C.40:48-2.12s1 et al.), any creditor that has initiated a foreclosure proceeding on any commercial property that is pending in Superior Court shall provide to the municipal clerk of the municipality in which the property is located, a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number. If the municipality has

designated or appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer, or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

- b) If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the creditor's 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 third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, municipal clerk, or other authorized municipal official shall notify the creditor or the representative or agent of an out-of-State creditor, as applicable, 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 ordinance. The municipality 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 period, the municipality may impose penalties allowed for the violation of municipal ordinances.
- c) If the municipality expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to the provisions of subsection b. of this section but failed to abate the nuisance or correct the violation as directed, the municipality 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 section 23 of P.L.2003, c.210 (C.55:19-100).

§ 146-3 4. Registration Statement Requirements; Property Inspection. [Added 10-4-2016 by Ord. No. 2016-06]

**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 chapter.

#### **§146-5. Maintenance Requirements**

- a) A property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied as defined above ("Definitions") and by N.J.S.A. 40:48-2.12(s)3.
- b) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a summons where the fine shall not exceed \$1,000 in accordance with the code of the Township of Dennis. Pursuant to a finding and determination by



the Code Enforcement Officer of Dennis Township or a court of competent jurisdiction, the Township of Dennis may take the necessary action to ensure compliance with this section.

- c) In addition to the above, the property is required to be maintained in accordance with applicable codes.

§ 146-5 ~~6~~. Requirements for Owners or Creditors of Vacant Property. [Added 10-4-2016 by Ord. No. 2016-06; amended 8-22-17 by Ord. No. 2017-06]

- A. 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 90 days:
- (1) 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;
  - (2) 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
  - (3) 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.
  - (4) A property shall be exempted from this Section 146-5 if the owner demonstrates that said property is actively listed for rental with a Licensed New Jersey Real Estate Broker and the property is fully code compliant.
- B. 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 third 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 Subsection B 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.

#### **§146-7. Enforcement; Lien and Penalties**

- a) Enforcement. The provisions of this section shall be enforced by the Code Enforcement Officer or other designated party. The Code Enforcement Officer or other designated party is hereby authorized to conduct all inspections as may be necessary to ensure compliance. Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code which may apply to the registered property.
- b) Abatement Notice. Where any enforcement officer or other designated party fully designated shall have determined that any registered property is in violation of this section, the Code Enforcement Officer shall issue a notice to abate directing the registrant to correct the violation

and abate nuisance within the time set forth in the notice to abate. The time for abatement shall not be less than 30 days from the registrant's receipt of the notice to abate, except that if the violation presents an imminent threat to public health and safety, the time for abatement shall be within 10 days of the registrant's receipt of notice to abate.

- c) Service of Notice. Service of notice to abate shall be made by regular mail and certified return receipt mail, to the address set forth in the registration for receipt of complains of property maintenance and code violations.
- d) Failure to Comply. If the registrant fails to comply with the notice to abate within the time set forth in the notice to abate for compliance, the Code Enforcement Officer shall be permitted to enter upon said lands for the purposes of correcting the violation and abating the nuisance, take the necessary action to ensure compliance with the notice to abate and place a lien on the registered property for the cost of the work performed to benefit the registered property and bring it into compliance.
- e) Additional Rights. The Code Enforcement Officer shall be entitled to take any other action authorized by law to obtain compliance with this article. Nothing in this article shall limit the rights of the Code Enforcement Officer to pursue any other action permitted in the Township Code or any other law against the registrant for failing to comply with any provision(s) of this article.
- f) Failure to Register. Failure to any creditor, person, owner or legal entity to properly register or modify a registration form to reflect changes of circumstance is a violation of the article and shall be subject to enforcement.

#### **§146-6 8. Violations and Penalties**

- a) Failure to Register. Any person or legal entity who fails to register a vacant or abandoned property pursuant to this article or who fails to modify a registration to reflect changes due to circumstances, upon conviction in the Municipal Court of Dennis or such other court having jurisdiction shall be subject to a civil penalty in an amount of \$500, plus the costs of registration, for each unregistered property.
- b) Failure to Appoint an In-State Agent. Any out-of-state creditor who fails to appoint an in-state representative/agent as required by section "Registration Program" item "L.", upon conviction in the Municipal Court of Dennis Township or such other court having jurisdiction shall be subject to a civil penalty in an amount of \$2,500 per day of the violation, provided no such penalty shall commence until the day after the 30-day period provided for initial registration.
- c) Any person, firm or corporation which shall violate any provision of this article shall, upon conviction thereof, shall be subject to a fine of \$2,500 for each day of the violation pursuant to N.J.S.A. 40:48-2.12(s)3 as determined by the court. Each day that a violation continues shall be deemed a separate offense.
- d) Nothing in this chapter 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.

#### **§146-9. Sale or Transfer of Property**

Upon sale or transfer of title to a property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Code Enforcement Office of the Township of Dennis within 45 days for a final courtesy inspection report. Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Township of Dennis code(s) which may apply to the property.

#### **§146-10. Additional Authority**

- a) If the Code Enforcement Officer determines that a property subject to the provisions of this article is posing a serious threat to the public health, safety and/or welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgage and/or owner and may bring assess violations as soon as possible to address the conditions of the property.

- b) The Code Enforcement Officer shall the authority to require the mortgagee and/or owner of record of any property affected by this article to implement additional maintenance and/or security measures, including but not limited to securing any and all doors, windows or other openings or other measures as may be reasonable to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Office may direct the Township to abate the violations and charge the mortgagee with the cost of the abatement.
- d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property or of any abatement directed by the Code Enforcement Office within 30 days of the Township sending the invoice, then such amount, together with an administrative fee of \$500 to address the Township's administrative expenses, shall be a lien against the property and recorded and collected as provided by the statutes of the State of New Jersey.

§ 146-11. Fee Schedule. [Added 10-4-2016 by Ord. No. 2016-06]

**~~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.~~**

A. All fees, penalties, and/or fines established within this Article and assessable pursuant to the Township's authority outlined within P.L. 2021, c.444 shall be deemed a municipal charge in accordance with N.J.S.A. 54:5-1, et seq. All fees will be processed through the Municipal Clerk's Office.

B. Creditors required to notify the Township and register a property as one in foreclosure shall be required to pay the following annual registration fee, per property, due at the time of registration: \$500.00.

C. If a property registered with the Township's registration program as a property in foreclosure is vacant and abandoned at the time of registration, or becomes vacant and abandoned at any time during the pendency of the foreclosure proceeding, the Creditor shall pay an additional annual registration fee, per property, due at the time the determination that the property is vacant and abandoned is made, of: \$2,000.00.

§ 146-7 12. Appeal to Governing Body. [Added 8-22-17 by Ord. No. 2017-06]

**Any Owner or Creditor may, within 30 days of the issuance of a notice of violation under this chapter, appeal by letter to the Governing Body, with a request to be heard, in order to request relief from the provisions of this chapter due to compelling circumstances. Said letter shall outline the unique circumstances for the relief sought. The Governing Body may elect to grant the appellant an opportunity to be heard at a regular meeting of the Governing Body and, subsequently decide to grant the relief requested, or may reasonably deny either or both in its discretion.**

§ 146-8 13. Valid Building Permit Exemption. [Added 8-22-17 by Ord. No. 2017-06]

**Properties which have a valid building permit and are actively performing work in compliance with same shall be exempt from the provisions of this chapter.**

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Frank L. Germanio, Jr., Committee Member

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Matthew Cox, Committee Member

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Thomas Van Artsdalen, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on December 06, 2022. Publication will be held on December 06, 2022 and a Public Hearing will be held at a meeting of the said Township Committee to be held on December 13, 2022 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST  

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**Jacqueline B. Justice, RMC/Clerk**

The Mayor indicated that we would be moving on to the regular items on the agenda.

The Mayor asked for a motion authorizing the payment of the bills, providing that proper vouchers have been filed and that funds are available.

Motion was made by VanArtsdalen, seconded by Turner, with 4 ayes, 1 absent (Cox), that the payment of the following bills was approved:

**GENERAL ACCOUNT:**

047287-APM Cleaning Services, LLC	\$	3,970.00
047288-Atlantic City Electric		2,749.70
047289-AT&T Mobility		9.43
047290-Amazon.com Services, Inc.		46.43
047291-Animal Control of South Jersey		600.00
047292-Cape Assist		130.00
047293-Cape May County M.U.A.		20,170.83
047294-Cape May County P.W.A.		2,988.05
047295-Capri Construction Co., Inc.		58,996.00
047296-Capriani Portable Toilets, Inc.		160.00
047297-John L. Collins		537.66
047298-Comcast		687.78
047299-Nelson B. Creamer		170.10
047300-Dennis Twp. Fire District #1		109,500.00
047301-Dennis Twp. Fire District #2		87,418.00
047302-Dennis Twp. Fire District #3		47,601.63
047303-Dennis Twp. Board of Education		907,109.59
047304-Delta Dental of NJ		2,351.84
047305-Sheree Dever		510.30
047306-Larry C. Dixon		196.23
047307-Door Jockey, Inc.		8,324.40
047308-Dovetail Presentations		575.00
047309-Electro Mech Scoreboard Co.		94.00
047310-FP Mailing Solutions		4,627.84
047311-Fralinger Engineering, PA		34,537.50
047312-Georgia Golf Construction, Inc.		2,400.00

047313-Gracetown Lumber Co.	134.12
047314-Randy A. Grant, Sr.	170.10
047315-Scheule Planning Solutions, LLC	906.25
047316-Green Technology Services	3,115.15
047317-Michele T. Heim	340.20
047318-Roy J. Hope	340.20
047319-Inspira Medical Centers, Inc.	6,250.00
047320-NAPA Auto Parts	2,295.06
047321-JP Monzo Municipal Consulting	50.00
047322-Keen Compressed Gas Co., Inc.	136.59
047323-Edward F. Leith, Jr.	316.11
047324-Garrett & Batastini PA	500.00
047325-Mark Grant	340.20
047326-Mark Anthony	663.74
047327-Eileen M. McFillin	340.20
047328-Monica Heim	20.00
047329-Mariann Murphy	306.21
047330-Pineland Construction, LLC	39,805.56
047331-Principal Life Insurance Co.	49.02
047332-Sharon Schellinger	170.10
047333-Seashore Asphalt Corp.	196.35
047334-Seeburg Electric	3,025.00
047335-Service Tire Truck Centers	95.38
047336-South Jersey Gas	376.93
047337-Star Hollow IEA Team	1,000.00
047338-Staples Advantage	336.81
047339-Suburban Propane – 2115	2,367.05
047340-Carolyn P. Swagler	170.10
047341-Thrive Ministries, Inc.	1,500.00
047342-Upper Township	1,159.53
047343-Vision Service Plan	760.72
047344-Xerox Corporation	179.79
047345-Clayton & Nicole Mathews	1,537.24

**CONSTRUCTION CODE:**

1069-Builder's Book, Inc.	142.40
1070-FP Mailing Solutions	372.16
1071-Lake and Shore Campground	75.00

**GENERAL CHECKING WIRES:**

51-NJSHBP	39,533.41
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**DOG TRUST:**

167-MGL Printing Solutions	304.00
168-NJ Dept. Health/Senior Services	1.20

**ESCROW JOHN C. GIBSON:**

98-Fralinger Engineering, PA	110.00
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**ESCROW ZEMAC CM LLC:**

4-Fralinger Engineering, PA	568.75
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**ESCROW RIVERVIEW PLUMBING HEATING & COOLING:**

7-Riverview Plumbing Heating & Cooling	3,000.00
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**ESCROW DRIFTWOOD RV CENTER:**

None.

**ESCROW TWO BREWS LLC:**

1005-Fralinger Engineering, PA 1,760.00

**ESCROW HRD HOLDINGS:**

None.

**ESCROW SITE WORK CONTRACTING, LLC:**

None.

**PLANNING ESCROW:**

1089-Fralinger Engineering, PA 952.50  
1090-GNL, LLC 1,163.75

**RECREATION TRUST:**

1453-Acme (Supervalu) 17.97  
1454-Dennis Twp. Hockey Association 3,000.00  
1455-Dennis Twp. Board of Education 3,792.35  
1456-Epic Sports 210.63  
1457-The Gem Grocery & Gas 54.00

The Mayor asked if the Engineer had anything to report. Mike Fralinger, Municipal Engineer, reported on: the NJDOT Grant Award of \$175,000.00 for improvements to Sunny & Shady Lanes and the proposed County Paving Program as it relates to the Township’s concerns regarding various drainage issues.

The Mayor asked for a motion to approve the Administrative Reports. Motion was made by VanArtsdalen, seconded by Turner, with 4 ayes and 1 absent (Cox), that the following Administrative Reports were approved:

Municipal Clerk’s Report November, 2022  
Registrar’s Report November, 2022  
Tax Collector’s Report November, 2022  
Construction Official’s Report November, 2022  
Chief Finance Officer’s Report November, 2022  
Engineer’s Report verbal - 12/06/2022

The Mayor asked if there were any comments from the public this evening.

Let the record reflect that there were none.

The Mayor indicated that we would be moving on to the Committee comments.

Committeeman VanArtsdalen commented on the Rec-efeller event on 12/16/2022. Township Administrator, Jessica Bishop, shared details regarding the Rec-efeller Event such as, skating, Santa, fire pits for smores, vendors and she indicated that the Santa Mailbox would be there so kids could mail their letters to Santa.

Committeeman Germanio indicated that he had no comments at this time.

Deputy Mayor Turner indicated that he had no comments at this time.

Mayor Matalucci thanked South State, the County's contractor for the Petersburg Road Project, for working with the Fire Company to keep their access unimpeded so that the construction does not affect their response times.

The Mayor announced that the Township Committee needed to go into an Executive Session for Matters Relating to Collective Bargaining Agreements and that no formal action was anticipated.

Motion was made by Turner, seconded by VanArtsdalen, that the regular meeting be recessed for the Township Committee to go into Executive Session pursuant to Resolution No. 2022-182. All were in favor and the motion carried.

Motion was made by VanArtsdalen, seconded by Turner, that the regular meeting be reconvened at this time.

Motion was made by Turner, seconded by VanArtsdalen, that the meeting be adjourned. All in favor and the motion carried.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor

Motion was made by Germanio, seconded by Turner, that the meeting be adjourned. All in favor and the motion carried.

ATTEST \_\_\_\_\_ ATTEST \_\_\_\_\_  
Jacqueline B. Justice, RMC/Clerk Zeth A. Matalucci, Mayor