

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**WHEREAS**, the State of New Jersey recently repealed N.J.S.A. 40:48-2.12(s) with the enactment of P.L. 2021, C.444, which explicitly authorizes municipalities to adopt ordinances to address blight through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

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