

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

**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS ESTABLISHING ARTICLE  
II, CHAPTER 144 OF THE DENNIS TOWNSHIP CODE, TEMPORARY  
STRUCTURES**

**WHEREAS**, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

**WHEREAS**, Article II of the Revised General Ordinances of the Township of Dennis is silent as to the parameters of temporary structures erected on commercial or residential properties;

**WHEREAS**, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to establish a new Chapter within Article II to ensure the health and safety and reasonable enjoyment of one's property for all residents of Dennis Township by providing requirements and time limits for temporary structures;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

**Section 1.** Article II, Chapter 144 of the Township of Dennis Municipal Code is hereby established and shall read as follows:

**Chapter 144. TEMPORARY STRUCTURES**

§144-1. Purpose.

The purpose of this chapter is to ensure the health and safety and reasonable enjoyment of one's property for all residents of the Township of Dennis by providing requirements and time limits on temporary structures erected on commercial or residential property located within the confines of the Township.

This Chapter is not intended to regulate licensed campgrounds pursuant to Chapter 75 of the Township of Dennis Municipal Code.

§144-2. Definitions.

ATTRACTIVE NUISANCE

A public or private condition that would constitute a nuisance according to the laws of the state and/or Township ordinance, and specifically including, but not limited to, the following:

1. Any open, unsecured, or unsupervised temporary structure found to be an attraction to trespassers shall be deemed to be an attractive nuisance.
2. Any temporary structure that has defective or unsanitary plumbing facilities or defective electrical equipment.
3. Any temporary structure considered to be a fire hazard or is otherwise unsafe or unsecured so as to endanger life, limb or property.
4. Any temporary structure that is in need of repair or is in a state of dilapidation, decay, faulty construction, vacant or abandoned, damaged by fire, in danger of collapse or failure, or otherwise dangerous to anyone on or near the premises.

#### TEMPORARY STRUCTURE

Structures utilized on a short-term, seasonal or intermittent basis, such as tents, canopies, membrane structures or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code. Children's play tents and equipment or other leisure seasonal canopies not used for storage or habitation are excluded from the requirements of this chapter.

#### TENT

A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, with sidewalls or drops on more than twenty-five (25) percent of the perimeter.

#### CANOPY

A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

#### MEMBRANE STRUCTURE.

An air-inflated, air-supported, cable or frame-covered structure not otherwise defined as a tent or canopy.

§144-3. Setbacks; structural requirements.

All temporary structures including but not limited to tents, canopies, and membrane structures erected or located in any zone adjacent to or on any commercial or residential properties shall be subject to the following requirements:

A. Setbacks and general requirements.

1. No temporary structure shall be erected on any property, in any zone, where there is not already an existing principal structure for which a certificate of occupancy has been issued.
2. Temporary structure(s) in any zone shall be not permitted within a front yard and only within a side yard or rear yard that does not abut a public right-of-way with the exception of an alley.
3. Temporary structures in any zone may not be sited within six (6) feet of any side or rear property line except on waterfront lots where they may be sited up to the bay front, lagoon front, or ocean scarp line. All measurements shall be taken from the furthest projection or overhang.
4. Temporary structures in the rear yard which abut an alley and are used as a garage with its access from the roadway shall be set back fifteen (15) feet from the rear or side property line which abuts the roadway. All measurements shall be taken from the furthest projection or overhang.

B. Additional structural requirements and dimensions.

1. All temporary structures including but not limited to tents, tension membrane and formed or rolled extruded aluminum or steel structures shall be adequately anchored to the ground in accordance with the New Jersey Uniform Construction Code where applicable. Temporary structures shall not exceed fifteen (15) feet in height if detached from the main structure.
2. Temporary structures including but not limited to tents, canopies, and membrane structures may be erected for use only as a temporary building. They may not be utilized for habitation.
3. All tents, canopies, and temporary structures generally must be constructed of approved fire-retardant fabric or material and so marked.
4. Gasoline, gas, charcoal or other cooking devices or any other unapproved open flame shall not be permitted inside or located within twenty (20) feet of any temporary structure.
5. Any temporary structure in excess of nine hundred (900) square feet or with a side dimension greater than thirty (30) lineal feet shall not be permitted.
6. Temporary structures will not be permitted if the structure(s) create an attractive nuisance or pose any other threat to the health, safety and/or well-being of the community.

§144-4. Time Limitations and Removal.

No temporary structure shall remain for longer than seven (7) days in a one-hundred-eighty (180) day period before being removed. All such temporary structures shall be removed from the property no later than the expiration of the seven (7)-day time period.

§144-5. Violations and Penalties.

Violations of this chapter shall be punished by a fine not exceeding \$2,000.00 or by imprisonment in the county jail not exceeding ninety (90) days or by ninety (90) days of community service, or any combination thereof. Each day that any violation shall continue shall constitute a separate offense. Whenever any such fine shall be imposed upon any corporation, such fine and costs and charges incident thereto may be collected by an action of debt or in such other manner as may be provided by law.

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

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

**Section 4.** This Ordinance shall take effect in the time and manner prescribed by law.

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Zeth A. Matalucci, Mayor

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Scott J. Turner, Deputy Mayor

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Thomas VanArtsdalen, III, Committee Member

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Matthew Cox, Committee Member

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Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 26, 2023. Publication will be held on October 03, 2023 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 24, 2023 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**