

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 10-2012**

**AMENDING CHAPTER 77 ENTITLED “FIRE LANES”**

WHEREAS, the Moorestown Police Department Traffic Safety Officer, in consultation with the Fire Officials from Fire District Nos. 1 and 2, has found Chapter 77 entitled “Fire Lanes” to be outdated and has recommended that same be updated; and

WHEREAS, Chapter 77 provides that “approval of the designation of such fire lanes by the Township Council may be by resolution.”

WHEREAS, upon adoption of an amended Ordinance, and thereafter, whenever necessary, the Fire Official(s) and/or Traffic Safety Officer shall submit to the Township Council a resolution and recommendation for the designation of fire lanes along with a map depicting said designation, in accordance with the provisions of Chapter 77.

NOW, THEREFORE, BE IT ORDAINED BY the Township Council of the Township of Moorestown, in the County of Burlington, State of New Jersey that:

Section 1: Chapter 77 shall be amended as follows:

77-1. Designation of fire lanes.

The Fire Official of each fire district in the Township of Moorestown may, with the approval of the chief executive officer **of the Board of Fire Commissioners** of that fire district, the Director of Police and the Township Council, designate fire lanes on private property to which the public is invited or which is devoted to public use, wherever the same shall be necessary or desirable, in order to provide safety for the public or to provide proper access for the Fire Department operations in that district in the event of an emergency. Approval of the designation of such fire lanes by the Township Council ~~may~~ **shall** be by resolution.

**The approving resolution and a map of each location identifying those areas designated as “fire lanes” shall be kept and maintained in the Office of the Township Clerk and shall be available for public inspection and examination by any person, during regular business days and hours. Said approving resolution and maps are hereby incorporated by reference as if fully set forth herein.**

77-2. Notification of areas designated as fire lanes.

Whenever a determination has been made that a fire lane should be designated pursuant to § 77-1 above, the Fire Official for the fire district which has made the determination shall notify the owner of the property, **or designated agent**, upon which the fire lane is to be designated by serving a notice thereof, in writing, upon him, her or it, by registered or certified mail or by hand-delivering such written notice personally to him, her or it. The notice shall specifically describe the area designated and the reason why the designation has been made.

**All language underlined shall be added.**

**All language with a ~~striketrough~~ shall be deleted.**

77-3. Marking of fire lanes, **installation of regulatory signage and maintenance**; responsibility.

The marking of fire lanes, **installation of regulatory signage and maintenance**, shall be the responsibility of and at the expense of the record property owner and shall be properly accomplished by him, her or it within 30 days of the receipt by him, her or it of the notice pursuant to § 77-2, above. For purposes of this chapter, receipt of said notice shall be deemed complete, in the case of registered or certified mail, upon the date that the green card or other receipt is signed by or on behalf of the record property owner, **or designated agent**, and, in the case of hand-delivery, upon the date of delivery of the notice at the home, office or business of the registered property owner, **or designated agent**, to an individual present thereat above the age of 14 years by a uniformed Fire Official or uniformed fire inspector of the fire district in which the property designated is located. ~~If the record property owner does not properly accomplish the marking of a designated fire lane within 30 days of receiving notice as provided for above, the Township of Moorestown, at its discretion, may proceed to have the designated fire zone marked at the expense of the record property owner, which expense will then become a municipal lien against the property, accruing interest from the date the markings have been completed at the then current recognizable rate of interest approved for judgments under the Rules of Court governing the courts of New Jersey.~~ **Within 5 days of completion of the improvements, the record property owner shall schedule an inspection with the Fire Official.**

**Marking of fire lanes and installation of regulatory signs shall be made and maintained as directed and approved by the Fire Official having authority over the fire lane(s) designated in its Fire District.**

77-4. Markings **and regulatory signage** to be uniform in design.

All markings, **and regulatory signage** shall be uniform in design, position and application and so far as possible be in conformity with the then current "Manual on Uniform Traffic Control Devices for Streets and Highways" and the then current regulations of the New Jersey Department of Transportation.

Fire lanes shall be appropriately posted with signs on which the words FIRE ~~ZONE~~ **LANE** NO STOPPING OR STANDING have been placed in red letters on a white background, with a red line bordering the perimeter of the sign, said sign to be 12 inches by 18 inches, ~~made of metal and rust resistant reflectorized coating, posted at the ends of each fire lane and, where appropriate, at one hundred foot intervals therein.~~

77-5. Parking in or obstruction of fire lanes unlawful.

It shall be a violation of this chapter for any person not authorized by law to stop or stand a vehicle in a fire lane, or otherwise obstruct an appropriately marked fire lane ~~with a motor vehicle~~, at any time.

77-6. Enforcement; violations and penalties.

A In order to enforce the provisions of § 77-5 above, the uniformed Fire Officials and uniformed fire inspectors of the respective township fire districts and all municipal police personnel are empowered to issue summonses to any offending party. All such

**All language underlined shall be added.**

**All language with a ~~strikethrough~~ shall be deleted.**

summonses will be on a form issued by the ~~Director of Police~~ Moorestown Municipal Court. All such summonses shall be cognizable before the Municipal Court of Moorestown, and any and all hearings to be held in connection with any summonses issued hereunder shall be held before said Municipal Court.

~~B. It shall be the right of any person receiving such a summons to plead guilty or not guilty to the charge of violating this chapter. Those persons pleading not guilty to the charge of violating this chapter shall be given the opportunity to present their defense before the Municipal Court.~~

~~€B. All persons pleading guilty to or convicted of violating this chapter~~ Section 77-5 shall be fined a ~~maximum of \$25~~ \$75 per violation, plus court costs. All fines and court costs shall be ~~payable~~ paid to the ~~Clerk of the Municipal Court~~. ~~All court costs and all fines assessed as a result of summonses issued by municipal police officers shall be paid thereafter to the Municipal Clerk by the Court Clerk. All fines assessed as a result of summonses issued by uniformed Fire Officials or uniformed fire inspectors of the respective fire districts will be paid thereafter by the Court Clerk to said respective fire districts.~~

C. Unless specifically set forth within any subsection of this chapter, penalties shall be in accordance with Chapter 66 of the Code of the Township of Moorestown.

~~D. All persons found not guilty of violating this chapter shall be assessed neither fines nor court costs.~~

Section 2: In all other respects, Chapter 77 shall remain in full force and effect.

Section 3: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4: Severability. In the event that any section paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, phrase, term, provision or part thereof directly involved in the controversy if such judgment shall be rendered.

Section 5: Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 6: Short Title. This Ordinance shall be known as Ordinance 10-2012.

#### CERTIFICATION

	<u>VOTE:</u>
JORDAN	YES
GALLO	YES
TESTA	YES
CHIACCHIO	YES
BUTTON	YES

I hereby certify that Ordinance No. 10-2012 was introduced and adopted on first reading by the Township Council at a meeting held on April 16, 2012. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on April 30, 2012.

\_\_\_\_\_  
Patricia L. Hunt, Township Clerk

All language underlined shall be added.

All language with a ~~strikethrough~~ shall be deleted.