

ORDINANCE NO. 2024-3404

TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH

ORDINANCE AMENDING SECTIONS 254-9 AND 254-12 OF THE  
CODE OF THE TOWNSHIP OF MIDDLETOWN EXPANDING  
FIRE LANE AND ZONE ENFORCEMENT AUTHORITY TO THE  
POLICE

**WHEREAS**, the Code of the Township of Middletown (the “Township”) currently only allows for the Township’s Fire Official to enforce violations for vehicles parking, stopping or standing in fire lanes or zones; and

**WHEREAS**, N.J.S.A. 40A:14-53, N.J.S.A. 40:48-2.46, N.J.S.A. 52:27D-202, and a number of court decisions provide authority for municipalities to authorize enforcement of applicable fire codes for such violations by fire officials and police; and

**WHEREAS**, the Township believes that the only practical way to enforce violations for vehicles parking, stopping or standing in fire lanes or zones is to provide enforcement authority to the Township’s police.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that §§ 254-9 and 254-12 of the Code of the Township of Middletown be and is hereby amended and supplemented as follows:

**SECTION 1. Amending § 254-9 of the Township Code**

**§ 254-9. Fire zones and fire lanes; establishment; purpose.**

The NJUFC is supplemented by the following provisions:

- A. The Fire Official may establish fire zones or fire lanes on private property open to public access as may be determined appropriate to permit fire equipment and other emergency vehicles unobstructed access to the buildings, fire hydrants and standpipes thereon in case of fire or other emergency.
- B. It shall be unlawful to erect or maintain or cause to be erected or maintained any speed bump in any fire lane or fire zone or on any roadway, alley, driveway or entrance access immediately adjacent to any fire lane or fire zone.
- C. The parking, stopping and standing of motor vehicles in any fire zone or fire lane is prohibited. The Bureau, **and/or the Fire Official, or Police are** is empowered to further regulate and remove any motor vehicles in or near such fire zones and fire lanes as may be necessary to ensure that such zones and lanes are free from obstruction and accessible to emergency vehicles.
- D. Upon notification by the Bureau of the designation of a fire zone or fire lane on private property, the owner thereof shall within 30 days install signs or markings of an approved type in conformance with said designation.

**SECTION 2. Amending § 254-12 of the Township Code**

**§ 254-12. Enforcement; violations and penalties.**

- A. Except as otherwise specified by the NJUFC, licensed fire inspectors/fire officials **and police officers** are authorized to issue summons for violation of this article.
- B. Violations of the NJUFC will be subject to the penalties as specified in the NJUFC **or the Township Code**. In addition, the following penalties may be assessed for failure to comply with the provisions of this article:
- (1) Failure to obtain a local permit as required by § 254-4B:  
In the event that renewal is not made within 30 days following the first of each calendar year, the fee for permits provided in § 254-4B shall be tripled, with an additional fee being charged for each additional month of delay.
  - (2) For each violation of this article for which a penalty is not specified in the NJUFC or other code provisions, a penalty as provided in § 1-4.

**SECTION 3. Severability.**

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

**SECTION 4. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

**SECTION 5. Effective Date.**

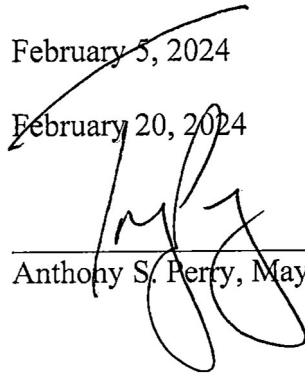
This ordinance shall take effect after final adoption and approval pursuant to law.

PASSED ON FIRST READING:

February 5, 2024

PASSED AND APPROVED:

February 20, 2024

  
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Anthony S. Perry, Mayor

ATTEST:

  
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Heidi R. Pieluc, Township Clerk