

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Burr

Sec'd by Ald. Jean-Francois

Date of Adoption 08-16-2016

Index No: 251-16

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon				X
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Sommers				X
Ald. Witt	X			
Ald. Kleiner	X			
Ald. Burr	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	7			2

Whereas, Chapter 348 (Parks and Recreation) of the Code of the City of Middletown generally sets forth rules and regulations for the use of park facilities owned, operated, managed and controlled by the City of Middletown, and

Whereas, the list of parks contained in Chapter 348 needs to be revised to include certain parks that have not yet been listed, and Chapter 348 also needs to be amended to extend the chapter's protection to those parks.

Now, therefore, be it resolved and ordained by the Common Council of the City of Middletown that Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended as set forth below:

Section 1. Section 348-12 of Article III (Recreation) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to change Subsection A to read, in its entirety, as follows:

Section 348-12. Use of all City park property.

A. Use of all City park property, including but not limited to athletic fields and park pavilions, is subject to authorization by the Middletown Recreation Commission, as conveyed through permit approval by the Superintendent of Recreation. Notwithstanding the foregoing or anything else contained in this Section 348-12 or this Chapter, use of the City parks known as the Run For Downtown Park (R4DT Park), Festival Square, Jerry's Park, Wallace Park and 116 North Street Park is subject to authorization and approval by the City of Middletown Office of

Economic and Community Development, in cooperation with the City of Middletown Business Improvement District.

Section 2. Article IV (Park Hours) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to add a new Section 348-15, to read, in its entirety, as follows:

Section 348-15. List and Location of City Parks.

Whenever this Article, and/or this Chapter, refer to or use the terms “City park property” and/or “public park or playground under the control of the City of Middletown” and/or City parks,” the same shall be deemed to include the following:

A. Academy Avenue Park (46-58 Academy Avenue, shown on the Tax Map of the City of Middletown as Section 40, Block 3, Lot 1).

B. Beattie Hill Park, 100-102 Prospect Avenue, shown on the Tax Map of the City of Middletown as Section 36, Block 5, Lot 28).

C. Ben & Paula Amchir Park (2-12 Birch Drive, shown on the Tax Map of the City of Middletown as Section 53, Block 5, Lot 1).

D. Bennett Hill Park (105-117 East Avenue, shown on the Tax Map of the City of Middletown as Section 40, Block 8, Lot 1).

E. Fancher-Davidge Park (158-170 Lake Avenue, shown on the Tax Map of the City of Middletown as Section 14, Block 1, Lot 1).

F. Festival Square (29-37 West Main Street, shown on the Tax Map of the City of Middletown as Section 31, Block 10, Lot 17.2).

G. Jerome W. Neil Park (118-120 Linden Avenue and 282-290 North Street, shown on the Tax Map of the City of Middletown as Section 16, Block 7, Lot 12.1).

H. Jerry’s Park (44-46 North Street, shown on the Tax Map of the City of Middletown as Section 31, Block 8, Lot 7).

I. Katherine Chappell Memorial Park (57-63 Beacon Street, shown on the Tax Map of the City of Middletown as Section 11, Block 6, Lot 77).

J. Maple Hill Park (California Avenue, West Main Street and Maple Avenue, shown on the Tax Map of the City of Middletown as Section 28, Block 14, Lot 1).

K. 116 North Street Park (116 North Street, shown on the Tax Map of the City of Middletown as Section 25, Block 9, Lot 11).

L. Run For Downtown Park (R4DT Park) (9-15 North Street, shown on the Tax Map of the City of Middletown as Section 31, Block 7, Lot 19.2).

M. Sproat Street Park (28-36 Sproat Street, shown on the Tax Map of the City of Middletown as Section 17, Block 5, Lot 1).

M. Thrall Park (21-41 Grove Street, shown on the Tax Map of the City of Middletown as Section 26, Block 4, Lot 1).

N. Wallace Park (76-82 North Street, shown on the Tax Map of the City of Middletown as Section 31, Block 8, Lot 2).

O. Watts Memorial Park (5-15 Wisner Avenue and 100-142 Watkins Avenue, shown on the Tax Map of the City of Middletown as Section 4, Block 3, Lot 10).

Section 3. Existing Section 348-15 (Presence prohibited during certain hours) of Article IV (Park Hours) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to change the number of such section to Section 348-15A, and such section is further amended to read, in its entirety, as follows:

Section 348-15A. Presence prohibited during certain hours.

A. The presence of any person, except on official government business, in any public park or playground under the control of the City of Middletown, between the hours of sunset and 6:00 a.m., is prohibited, except for activities and events scheduled by the Superintendent of Recreation or the City of Middletown Office of Economic and Community Development, in cooperation with the City of Middletown Business Improvement District, as may be described elsewhere in this Chapter.

B. Notwithstanding the foregoing subsection (A), any person is allowed to use the following parks between the hours of sunset and 6:00 a.m. as a walking path to proceed immediately to another destination such as a car, office, business or residence: Festival Square; 116 North Street Park; Jerry's Park; Run For Downtown Park (R4DT Park); and Wallace Park.

Section 4. Section 348-17 (A) of Article V (No Smoking in City Parks, playgrounds and facilities) of Chapter 348 (Parks and Recreation) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 348-17. No Smoking in City Parks, playgrounds and facilities.

A. Smoking shall be prohibited in the following City parks:

(1) Festival Square (29-37 West Main Street, shown on the Tax Map of the City of Middletown as Section 31, Block 10, Lot 17.2).

(2) Jerry's Park (44-46 North Street, shown on the Tax Map of the City of Middletown as Section 31, Block 8, Lot 7).

(3) 116 North Street Park (116 North Street, shown on the Tax Map of the City of Middletown as Section 25, Block 9, Lot 11).

(4) Run For Downtown Park (R4DT Park) (9-15 North Street, shown on the Tax Map of the City of Middletown as Section 31, Block 7, Lot 19.2).

(5) Sproat Street Park (28-36 Sproat Street, shown on the Tax Map of the City of Middletown as Section 17, Block 5, Lot 1).

(6) Wallace Park (76-82 North Street, shown on the Tax Map of the City of Middletown as Section 31, Block 8, Lot 2).

(7) Watts Memorial Park (5-15 Wisner Avenue and 100-142 Watkins Avenue, shown on the Tax Map of the City of Middletown as Section 4, Block 3, Lot 10).

Section 5. This resolution and ordinance shall take effect immediately.