

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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Burr

Date of Adoption 09-05-17

Index No: 257-17

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Cid	X			
Ald. Witt	X			
Ald. Kleiner	X			
Ald. Burr	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	9			

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 the new Erie Way Park and the new skatepark (which will be part of Erie Way Park), and Chapter 348 also needs to be amended to extend the chapter's protection to those parks and to establish rules for the use of the skatepark, and

Whereas, Chapter 398 (Skateboarding), also needs to be amended to allow skateboarding in the new skatepark but not in or on other public areas in the City.

Now, therefore, be it resolved and ordained by the Common Council of the City of Middletown that Chapter 348 (Parks and Recreation) and Chapter 398 (Skateboarding) of the Code of the City of Middletown are 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 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, Erie Way 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.

B. Authorized use of all City park property is by permit only, and such permit must be applied for at the Department of Recreation and Parks office (except as noted in Section 348-12 (A)) at least one week in advance of the desired date of usage. Permits will be issued only to persons 18 years of age or older. Notwithstanding the foregoing, use of the City's skatepark in the Erie Way Park for skateboarding and related activities is allowed without a permit but subject to the rules and regulations as described in Section 348-12 (C) below.

C. All users of the City's skatepark in the Erie Way Park must comply with the rules and regulations described in the appendix to this Chapter 348, as the same may be changed from time to time by the Recreation Commission of the City.

D. Unauthorized users, users of the City's skatepark who violate the rules and regulations as set forth in Section 348-12 (C) above, and/or users of other City parks who do not comply with general City park rules and regulations, must comply with requests by the Superintendent of Recreation or his or her authorized agent, or requests by any member of the City's Police Department, to cease use of and/or to comply with all rules and regulations and/or to vacate any and all City park property, including but not limited to all athletic fields, the City's skatepark and park pavilions.

E. Any person violating the provisions of this Section 348-12 shall be guilty of an offense, and any person guilty of such violation shall be liable to a fine which shall not exceed \$250.00, or to imprisonment not exceeding 15 days, or to both such fine and imprisonment.

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 (Q), 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:

...

Q. Erie Way Park (including the City's skatepark) (1-31 Union Street, shown on the Tax Map of the City of Middletown as Section 31, Block 12, Lot 12.122).

Section 3. Existing Section 348-15.1 (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 read, in its entirety, as follows:

Section 348-15.1. 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 (other than the skatepark contained in Erie Way Park) 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. The presence of any person, except on official government business, in the skatepark contained in Erie Way Park between the hours of sunset and 8:00 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); Wallace Park; and Erie Way Park (but not the City's skatepark).

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 add Subsection (A) (8) 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:

...

(8) Erie Way Park (including the City's skatepark) (1-31 Union Street, shown on the Tax Map of the City of Middletown as Section 31, Block 12, Lot 12.122).

Section 5. Section 398-1 (Prohibited Acts) of Chapter 398 (Skateboarding) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 398-1. Prohibited Acts.

No person shall ride or propel or operate any skateboard, as defined in Section 398-4, on any street, highway, sidewalk, public path or public parking lot within the City of Middletown

except for the skatepark contained in Erie Way Park (1-31 Union Street, shown on the Tax Map of the City of Middletown as Section 31, Block 12, Lot 12.122).

Section 6. Section 398-3 (Penalties for Offenses; Impoundment of Skateboard) of Chapter 398 (Skateboarding) of the Code of the City of Middletown is hereby amended to read, in its entirety, as follows:

Section 398-3. Penalties for Offenses; Impoundment of Skateboard

- A. A violation of this Chapter shall be punished by a fine not to exceed \$250.00 or by forfeiture of the skateboard or impoundment of the skateboard for a period not to exceed 30 days, or any combination thereof.
- B. The skateboard may be impounded until payment of any fine.

Section 7. This resolution and ordinance shall take effect immediately.

**WELCOME TO
CITY OF MIDDLETOWN
SKATE PARK**

PLEASE FOLLOW ALL RULES & REGULATIONS LISTED BELOW

SKATE PARK HOURS: 8:00 a.m. to Sunset

1. The City of Middletown and its agents are not responsible for any injuries. The Skate Park is UNSUPERVISED and a SKATE-AT-YOUR-OWN-RISK Facility. Know your ability and Skate Accordingly
2. ONLY Skateboards, In-Line Skates, Bikes (No Pegs) and Scooters ALLOWED. No Motorized Vehicles.
3. Protective Equipment (helmets, elbow pads, knee pads, etc.) is strongly recommended to be worn at all times. Use of this park may expose the user to serious injury.
4. No skating when surface is wet. Inspect skating surface before you begin and remove debris or objects that may prevent a safe ride. Report any facility damage immediately to the Middletown Recreation & Parks Department at 845-346-4180.
5. Park surfaces are NOT to be Altered or Waxed.
6. NO Food, Beverages, Gum or Smoking allowed in the Skate Park
7. No Pets allowed in Skate Park.
8. Abusive/Foul Language and Aggressive Behavior will NOT be Tolerated.
9. All children under age 10 MUST be accompanied by an adult.
10. Failure to adhere to Skate Park Rules & Regulations can result in loss of facility privileges and/or subject to prosecution in Middletown City Court for violating Skate Park Rules.