

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

THE FOLLOWING WAS PRESENTED

By Ald. Johnson  
 Sec'd by Ald. Green  
 Date of Adoption 06-04-19  
 Index No: 116-19

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Tobin	X			
Ald. Kleiner	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Burr				X
Ald. Green	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

Whereas, there have been numerous instances in the City in which a warrant of eviction has resulted in the placement of furniture, boxes, papers, litter, rubbish and garbage and other materials on streets, sidewalks and yards, and

Whereas, such placements often have unsightly, unhealthy and unsafe consequences, creating an adverse effect upon the immediate neighborhood and, in some instances, causing damage to sidewalks, and

Whereas, New York case law requires landlords during eviction proceedings to secure the property of tenants for a reasonable period of time, and

Whereas, the City should not be placed in the position of interfering with the tenants' ability to retrieve such property, and

Whereas, landlords have the ability to cause items and goods required to be held on behalf of tenants to be stored in secure facilities.

Now, therefore, be it Resolved and Ordained by the Common Council of the City of Middletown:

Section 1. Section 416-11(B) is hereby repealed and removed from the Code of the City of Middletown.

Section 2. There is to be added to the Code of the City of Middletown a new Chapter 248, entitled "Evictions" to read in its entirety as follows:

## **CHAPTER 248. EVICTIONS**

### **Section 248-1 Purpose of this Chapter.**

The purpose of this Chapter 248 is to prohibit the placement of materials in and upon streets, sidewalks and yards in connection with eviction proceedings.

### **Section 248-2 Definitions.**

“Garbage” is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

“Litter” is garbage, refuse and rubbish as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

“Person” is any person, firm, partnership, association, corporation, company or organization of any kind.

“Private premises” is any dwelling, house, building or other structure designed or used either wholly or in part for private residential, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

“Public place” is any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

“Refuse” is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, automobile parts and solid market and industrial wastes.

“Rubbish” is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, discarded household furniture, appliances or other items, and similar materials.

### **Section 248-3 Prohibited Acts.**

No person shall in connection with any eviction proceeding or warrant for eviction place any litter, garbage, rubbish, boxes, paper, furniture and household items, appliances or tools, personal belongings or other materials in or upon any public places or the exterior of any private premises in the City of Middletown.

**Section 248-4 Penalties for offenses.**

Any person who violates any provisions of this Chapter shall, upon conviction thereof, be subject to a fine of not less than \$250 nor more than \$1,000 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 3. This ordinance shall take effect immediately.