

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

THE FOLLOWING WAS PRESENTED

By Ald. Sommers

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Sec'd by Ald. Johnson

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Date of Adoption: 08-19-14

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Index No: 238-14

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

Whereas, Section 466-10 of Chapter 466 (Water) of the Code of the City of Middletown prohibits any person from opening a fire hydrant or using the water from a fire hydrant without the permission of the Commissioner of Public Works, except in the case of fire, and

Whereas, Section 466-11 of such Chapter 466 provides that violators of Section 466-10 are subject to fines as determined by the Board of Estimate and Apportionment, and

Whereas, those who violate provisions of the Code of the City of Middletown are generally prosecuted by actions in the Middletown City Court, and the Common Council wants to change Section 466-11 to provide that violators of Section 466-10 also are subject to prosecution in Middletown City Court, and the Common Council also wants to change Section 466-12 to be consistent with the changes in Section 466-11.

Now, therefore, be it resolved and ordained by the Common Council of the City of Middletown that the existing Section 466-11 and Section 466-12 of Chapter 466 (Water) of the Code of the City of Middletown are hereby repealed and replaced in their entirety with the following:

Section 466-11 Penalties for offenses.

A violation of any provision of this Article I is an offense punishable, upon conviction, by a fine of not less than \$500.00 nor more than \$1,000.00, 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 466-12 Collection of fines and penalties.

All fines and penalties imposed under the provisions of this Chapter for violations of this Chapter and which remain unpaid for a period of 30 days after such fines and penalties have been imposed shall become a lien upon the real property where such violation occurs. In addition, any unpaid fine, penalty or water rent which remains unpaid after 30 days may be collected by an action commenced by the Corporation Counsel of the City of Middletown in the Middletown City Court or other court of competent jurisdiction.

Be it further resolved that this resolution and ordinance shall be effective immediately.