

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

*1888 --- 2013*

*125<sup>th</sup> City of Middletown Celebration*

THE FOLLOWING WAS PRESENTED

By Ald. Sommers

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Sec'd by Ald. Ramkissoon

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Date of Adoption 07-16-13

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Index No: 205-13

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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Amodio	X			
Ald. Burr	X			
Ald. Ramkissoon	X			
Ald. Lucchetti				X
Ald. Sommers	X			
Ald. Masi	X			
Ald. Sabnis	X			
Ald. Sierra				X
Pres. Rodrigues				X
TOTAL	6			3

WHEREAS, the Common Council wishes to expedite the process of removal of graffiti pursuant Chapter 288 of the Code of the City of Middletown, Graffiti.

NOW THEREFORE, be it Resolved and Ordained, by the Common Council of the City of Middletown:

Section 1. The Code of the City of Middletown, N.Y., Chapter 288, Graffiti, be and is hereby further amended by replacing Subsection C of Section 288-4, Prohibited acts, as follows:

C.

(1) Failure of a property owner to remove graffiti within seven (7) days of the date of a notice of a first violation to remove graffiti mailed to the property owner by regular mail by the Department of Public Works and posted on the subject property on the date of the notice shall subject the violator, upon conviction of such offense, to a fine of not less than \$250 nor more than \$750, or by imprisonment for a period not exceeding fifteen (15)

days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The Commissioner of Public Works, in his or her absolute discretion, may grant an extension of the above seven-day period for good cause shown. In addition, the Commissioner of Public Works may direct City employees to remove graffiti upon expiration of the above seven-day period, and cause a report of the cost of labor and materials to be submitted to the City Treasurer who shall be authorized to place a lien for said cost against the property where such work was performed.

(2) Failure of a property owner to remove graffiti within three (3) days of the date of a notice of a second violation to remove graffiti mailed to the property owner by regular mail by the Department of Public Works and posted on the subject property on the date of the notice shall subject the violator, upon conviction of such offense, to a fine of not less than \$250 nor more than \$750, or by imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The Commissioner of Public Works, in his or her absolute discretion, may grant an extension of the above three-day period for good cause shown. In addition, the Commissioner of Public Works may direct City employees to remove graffiti upon expiration of the above three-day period, and cause a report of the cost of labor and materials to be submitted to the City Treasurer who shall be authorized to place a lien for said cost against the property where such work was performed.

(3) The City shall not be required to provide a property owner with notice of a third or subsequent violation. Upon the failure of a property owner to remove graffiti within forty-eight (48) hours of the time of emplacement of such graffiti shall subject the violator, upon conviction of such offense, to a fine of not less than \$250 nor more than \$750, or by imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The Commissioner of Public Works, in his or her absolute discretion, may grant an extension of the above forty-eight-hour period for good cause shown. In addition, the Commissioner of Public Works may direct City employees to remove graffiti upon expiration of the above forty-eight-hour period, and cause a report of the cost of labor and

materials to be submitted to the City Treasurer who shall be authorized to place a lien for said cost against the property where such work was performed.

Section 2. The Code of the City of Middletown, N.Y., Chapter 288, Graffiti, be and is hereby further amended by adding Subsection D to Section 288-4, Prohibited acts, to read as follows:

D. Failure of a property owner to cover graffiti within three (3) days of the date of a notice of violation to cover graffiti mailed to the property owner by regular mail by the Department of Public Works and posted on the subject property on the date of the notice shall subject the violator, upon conviction of such offense, to a fine of not less than \$250 nor more than \$750, or by imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The Commissioner of Public Works, in his or her absolute discretion, may grant an extension of the above three-day period for good cause shown.

Section 3. This Ordinance shall take effect immediately.