

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

THE FOLLOWING WAS PRESENTED

By Ald. Masi

---

Sec'd by Ald. Burr

---

Date of Adoption: 06-17-14

---

Index No: Local Law # 3 of 2014

---

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			

**A LOCAL LAW TO ENHANCE THE EXTERIOR QUALITY OF RESIDENTIAL  
STRUCTURES IN THE CITY OF MIDDLETOWN**

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN,  
NEW YORK, AS FOLLOWS:

Section 1. Title.

This Local Law shall be referred to as “A Local Law to enhance the exterior quality of residential buildings in the City of Middletown.”

Section 2. Purpose of this Enactment.

Chapter 359 of the Code of the City of Middletown, entitled Property Maintenance, was enacted to “assist in the continued revitalization of areas throughout the City of Middletown to attract new businesses, promote the public interest in continued development, ensure regular maintenance and improvements to present structures, safeguard against blight and preserve property values and community standards and establish minimum maintenance standards to safeguard life, limb, health, safety, property and the public welfare in the best interest of the residents of the City of Middletown.” Because of the struggles in the national and local economy over the past number of years, more residential dwellings are being vacated by their owners who cannot pay their mortgages. Although lenders commence and prosecute mortgage foreclosure actions, those actions can take several years to complete, and in the meantime those residential dwellings and buildings remain vacant and their condition starts to deteriorate. In addition, complaints have been received by members of the Common Council that owners may

not always replace broken windows in residential dwellings but sometimes cover those broken windows with plywood. The City currently requires property owners to cover broken windows and other access points to vacant buildings and other buildings with plywood, but over time the plywood covering itself (even if it is painted) becomes deteriorated and an eyesore for the neighborhood and community at large. Accordingly, the purpose of this Local Law is to enhance the effectiveness of Chapter 359 and its stated purposes by requiring owners of residential buildings to cover broken windows in those buildings with plywood for no more than thirty (30) days, and thereafter repair and replace the broken windows with window glass. This Local Law also provides that if the owners do not repair/replace the broken windows after thirty (30) days, the City can do so and add the charge to the property owner's City tax bill.

Section 3. Amendment of Chapter 359, Property Maintenance, of the Code of the City of Middletown.

Chapter 359 of the Code of the City of Middletown, entitled "Property Maintenance," as amended, is further amended by deleting the existing Section 359-5 (G) and replacing it in its entirety with the following:

#### Section 359-5 Exterior standards

G. All vacant buildings shall be continuously guarded or sealed and kept secure against unauthorized entry. Materials and methods with which such buildings are sealed must meet the approval of the Department of Public Works as to color, design and building material. Owners of such buildings shall take such steps and perform such acts as may be required to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public and that such property does not become infested with vermin or rodents.

Notwithstanding anything else contained in this Chapter, owners of all residential buildings that become vacant for whatever reason and remain vacant for at least thirty (30) days, and all owners of occupied residential buildings in which there are any windows that have been broken for at least thirty (30) days, must repair or replace the broken windows with glass or at least cover all broken windows in those buildings with plywood, painted with the same color as the exterior of the structure. If the building and/or dwelling remains vacant for at least sixty (60) days, and/or if the broken windows are not repaired and/or replaced within sixty (60) days, the owner must remove the plywood covering and repair or replace the broken windows with glass, to the satisfaction of the Department of Public Works. If the owner of the property does not comply with the requirements of this paragraph, the City, through its Department of Public Works, can perform such work after the sixty (60) day period, and the cost of such work can and will be added to the next City tax bill for the property.

#### Section 4. Severability of Provisions.

Should any section or provision of this Local Law be declared, ordered or adjudged null, void, voidable or invalid by a court of competent jurisdiction, such finding of invalidity shall not affect the validity of the remaining portions of this Local Law.

#### Section 5. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.