

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

THE FOLLOWING WAS PRESENTED

By Ald. Kleiner

Sec'd by Ald. Masi

Date of Adoption 11-05-18

Index No: 268-18

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	9			

Whereas, the Communications Committee of the Common Council of the City of Middletown has been exploring the possibility of creating a municipal identification card program for residents of the City of Middletown, and

Whereas, the Committee has recommended that the Common Council adopt a municipal identification card program for residents of the City of Middletown based on similar programs that have been adopted in other communities.

Now, therefore, be it resolved and ordained by the Common Council of the City of Middletown that there is to be added to the Code of the City of Middletown a new Chapter 325, entitled "City of Middletown Identification Card Program," to read in its entirety as follows:

CHAPTER 325 CITY OF MIDDLETOWN IDENTIFICATION CARD PROGRAM

Section 325-1 Purpose of this Chapter

The purpose of this Chapter 325 is to establish an identification card

program for residents of the City of Middletown. At the present time, there are certain services and venues (such as the City's dog park) that are open only to persons who can establish their Middletown residency. While the possession of a valid New York driver's license, for example, is one way to establish one's residency in the City, not all persons who are residents of the City may be able to obtain traditional forms of photographic identification cards such as a driver's license. The intent of the program and this Chapter, therefore, is to assist those who are residents of the City but who may not be able to obtain traditional forms of identification to obtain photographic identification through the City's identification card program. It also the intent of the program and this Chapter that the establishment of a City of Middletown identification card program will help foster community pride and economic activity by giving residents of the City a sense of unity through the identification card program and thus encourage residents to patronize local business establishments that may provide incentives to those who enroll in and use the City of Middletown identification card.

Section 325-2 Identification Card Program Established

A. The City of Middletown hereby establishes a City of Middletown Identification Card Program which shall be issued to individuals who can prove their identity and residency in accordance with the terms of this Chapter. The Office of the City Clerk (hereinafter referred to as the "City Clerk's Office") shall be designated as the department to administer the City of Middletown Identification Card Program.

B. The City Clerk's Office shall issue such policies and procedures necessary to effectuate the purposes of this Chapter, including, but not necessarily limited to, an application form and procedure. The City Clerk's Office shall also make the applications available online.

Section 325-3 Definitions.

"Resident" shall mean a person who can establish that he or she is a current resident of the City of Middletown.

"City of Middletown Municipal Identification ("CMID") Card" or "Middletown Identification Card" shall mean an identification card issued by the City of Middletown.

"City," unless otherwise identified, shall solely mean the City of Middletown.

Section 325-4 Issuance of City Identification Cards; Display; Term; Fee.

A. The City of Middletown Identification Card shall be available to any resident of the City of Middletown, provided that such resident is able to provide the requirements for establishing his or her identity and residency as set forth in this Chapter and of any applicable policies and procedures established by the City Clerk's Office.

B. The Middletown Identification Card will display, at a minimum, the card holder's photograph, name, date of birth, height, address, signature, issuance date, expiration date, and card number.

C. The identification card will be designed in a manner to deter fraud, which may include: bar codes, serial numbers, watermarks, the City seal, and/or other security measures to deter fraud.

D. The City of Middletown Identification card will be valid for four (4) years from the date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the City invalidates the City of Middletown Identification Card which should then be returned to the City for destruction.

E. The fee for the issuance of the City of Middletown Identification Card will be \$15.00 for adults and \$7.00 for children under the age of 18, veterans, the disabled and senior citizens (over age 62). The fees for renewal of the card shall be the same. The fee for any change of information shall be \$5.00. The City Clerk may waive such fees in his/her discretion based upon the information presented with any application.

Section 325-5 Proof of Residency and Identity.

A. In order to obtain a City of Middletown Identification Card, an applicant must establish his or her identity and residency within the City of Middletown. The City of Middletown Identification Card Program shall use the following point system to determine if applicants are able to prove identity and residency in the City of Middletown. 6 points of proof are required: 4 identification plus 2 residency points. All documents must be original or certified copies, and bear the required state and/or municipal seals.

Proof of Identity and/or Residency

4-Point Documents for *both* Identity and Residency

U.S. State Driver's License or Learner's Permit (photo ID required)

U.S. State Identification Card

Jury Summons or Court Order Issued by Federal, State or City Court (must reflect identity and address)

Proof of Identity

4-Point Documents.

U.S. or Foreign Passport

U.S. or Foreign Military ID card

U.S. or Foreign Birth Certificate

U.S. Permanent Resident (Green Card)

Consular ID with photograph

Visa or U.S. Work Permit (must be current)

National Identification card (must have photo, name, address, date of birth and expiration date)

Foreign Driver's License

A Photo Identification Card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country

3-Point Documents

U.S. Citizenship and Naturalization Certificate

U.S. Boaters License

Temporary Protected Status (TPS) card with photo

State Veterans ID with photo

U.S. Federal Government or Tribal-issued photo ID

2-Point Documents

NY Auto Registration (must be valid)

1-Point Documents.

ITIN card (must be accompanied by an ID with a photograph)

Written verification issued by a social services agency or homeless shelter

Social Security card

Electronic Benefit Transfer (EBT) card

High school or college diploma

Voter registration card

Unemployment Photo ID Card

Proof of Residency

2-Point Documents (all must be dated within the past year)

Utility bill with name and address
Notarized residential lease
Automobile insurance card
Local property tax statement
Federal or State income tax or refund statement
Mortgage payment receipt

1-Point Documents.

Proof of a minor enrolled in Middletown public or private school based upon a City address

Insurance bill other than automobile (dated within the past year)
Bank statement (dated within the past year)
Employment pay stub (dated within 60 days)

B. Unless otherwise indicated in Subsection A, above, the City Clerk's Office shall accept expired documents unless the date of expiration is more than five (5) years prior to the date of the subject application.

C. The City Clerk's Office is authorized to accept any other reasonable documentation and assign such documentation a single point. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction. Residency may be established, in the reasoned discretion of the City Clerk's Office, in the absence of a fixed address.

D. Contesting determination of City Clerk's Office. Any person aggrieved by any determination of the City Clerk's Office made pursuant to this Chapter may contest such determination by commencing an action as provided in Article 78 of the Civil Practice Law and Rules within 30 days of receipt of such determination.

Section 325-6 Confidentiality.

A. The records relating to the application and issuance of the City of Middletown Identification Cards shall be maintained in accordance with law.

B. The City of Middletown will make best efforts to protect the confidentiality of all Middletown Identification Card applicants to the maximum extent allowable by Federal and State law. The City of Middletown shall not disclose personal information obtained from an applicant for a City of Middletown Identification Card to any individual, public, or private entity, unless:

(1) So-Ordered by a court of competent jurisdiction whose decisions are binding upon the City of Middletown, or

(2) Authorized in writing by the individual to whom such information pertains, or when such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian, or

(3) Requested by a City of Middletown department for the limited purpose of administering the program or determining or facilitating the applicant's eligibility for additional benefits or services or care and provided that such disclosure is made in accordance with all applicable Federal and State privacy laws and regulations.

C. The City Clerk's Office will not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a Middletown Identification Card; nor will the Office retain any listing of such documents. Any documentation provided by the applicant during the application process will be immediately returned to the applicant after the Middletown Identification Card is printed. A statement will be included on the application form indicating that the City Clerk's Office has reviewed the applicable documentation submitted by the applicant, and such official in the City Clerk's Office will initial the application showing that the qualifying documentation has been submitted, but not retained, in connection with the application. The application itself shall not be retained by the Clerk's Office, but shall be returned to the applicant,

Section 325-7 Access to Services; Use of Card.

A. All City departments, agencies and offices, and all City employees, including law enforcement officers, will accept the City of Middletown Identification Card as proof of identity and residency and for access to City services and benefits, unless such acceptance is prohibited by or in conflict with State or Federal Law. The City of Middletown will take reasonable efforts to publicize the benefits associated with the City of Middletown Identification Cards.

B. The City of Middletown departments, agencies and offices will not require the possession of a City of Middletown Identification Card where identification is not required to obtain City services.

C. No City of Middletown departments, agencies or offices will discriminate against or draw any inference about any aspects or characteristics of an individual based upon the fact that the individual holds or presents a City of Middletown Identification Card issued under this chapter.

Section 325-8 Disclaimer.

The City of Middletown is providing the Middletown Identification Card for identification and access to services provided by the City of Middletown, its institutions and businesses. The City does not act as guarantor or warrantor either of the information provided by the applicant for the Middletown Identification Card or against any acts, criminal or otherwise, committed by the individual(s) while possessing or using the Middletown Identification Card. The City does not waive any of its protections afforded under Federal, State or local statutory law or under Federal or State case law by processing or issuing the Middletown Identification Card.

Section 325-9 Language Issues

The City Clerk's Office shall, consistent with all Federal, State and local laws, use reasonable efforts to provide language assistance to applicants for the Middletown Identification Card to facilitate access thereto. The City Clerk's Office shall use reasonable efforts to interpret foreign documents, but it is the ultimate responsibility of the applicant to provide translations for documents.

Section 325-10 Effective Date

This ordinance shall take effect on February 1, 2019.