



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

THE FOLLOWING WAS PRESENTED

By Ald. Witt

Sec'd by Ald. Johnson

Date of Adoption: November 21, 2023

Index No: 231-23

Names	Ayes	Noes	Abstain	Absent
Ald. Tobin	X			
Ald Jean-Francois				X
Ald. Johnson	X			
Ald. Wray	X			
Ald. Kleiner	X			
Ald. Green				X
Ald. Witt	X			
Ald. Masi	X			
Pres. Rodrigues	X			
Total	7			2

Resolution Amending City Code to Prohibit Harboring Various Farm Animals on Properties in the City

WHEREAS, there have been complaints regarding the harboring of various farm animals on properties in the City of Middletown.

NOW THEREFORE BE IT Resolved, and be it Ordained, by the Common Council of the City of Middletown, New York, as follows:

Section 1. Article III, Farm Animals, of Chapter 161, Animals, of the Code of the City of Middletown, is hereby amended by modifying Section 161-13, Prohibited animals, to read in its entirety as follows:

It shall be unlawful to permit any of the following farm animals to be harbored or allowed to remain in any dwelling or lot in the City of Middletown: cattle, chicken, donkey, duck, goat, goose, guineafowl, horse, pheasant, pig, quail, rooster, sheep, or turkey.

Section 2. Article III, Farm Animals, of Chapter 161, Animals, of the Code of the City of Middletown, is hereby amended by modifying Section 161-14, Penalties for offenses, to read in its entirety as follows:

Any person who violates any of the provisions of this article shall be guilty of an offense within the meaning of the Penal Law of the State of New York and, upon conviction thereof, shall be subject to a fine of not less than \$50 nor more than \$250 for each violation, or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, and in addition may be required by the court, in its discretion, to pay restitution to the City of Middletown for any expenses associated with the seizure, impoundment, shelter, care or destruction of the violator's animals. Each day that a violation is permitted to exist shall constitute a separate offense. The term "person," as used in this Article, shall include the owner, property manager as defined in Chapter 296 of the City Code, occupant, mortgagee, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a premises or part thereof.



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

Section 3. Severability.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 4. Effective Date.

This Resolution and Ordinance shall take effect immediately.