



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

THE FOLLOWING WAS PRESENTED

By: Alderman Johnson  
 Seconded by: Alderman Masi  
 Date of Adoption: February 6, 2024  
 Index No: 30-24

**I hereby certify that the attached is a true copy of a Resolution and/or Local Law adopted by the City of Middletown Common Council.**

Richard P. McCormack  
 Clerk to the Common Council

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	9			1

**I hereby approve the attached Resolution/Local Law.**

\_\_\_\_\_  
 Joseph M. DeStefano, Mayor

\_\_\_\_\_  
 Date

**Authorization to Amend Recently Enacted Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses of the City Code**

WHEREAS, the Mayor, Police Chief, Commissioner of Public Works, and Corporation Counsel have recommended the amendment of the recently enacted Chapter 438, Tobacco/Hookah/Vaping Establishment Licenses.

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

Section 1 - The Code of the City of Middletown, N.Y., Section 438-1, Tobacco/Hookah/Vaping Establishment License Required, is hereby amended by adding a second Sentence to Paragraph A thereof, to read as follows:

Section 438-1. Tobacco/Hookah/Vaping Establishment License Required.

A. Effective immediately, no person shall own or operate a Tobacco/Hookah/Vaping establishment, unless a license is first obtained from the City of Middletown Commissioner of Public Works (“Commissioner”). A Tobacco/Hookah/Vaping Establishment is defined as any commercial premises or usage which sells any tobacco, hookah or vaping products.

Section 2 - The Code of the City of Middletown, N.Y., Section 438-5, Conditions for Operation, is hereby amending by replacing Paragraph A thereof, to read as follows:

Section 438-5. Conditions For Operation.

A. Hours of operation. The hours of operation for each establishment shall be set either by the City of Middletown or by the Middletown Planning Board, and must further comply with all relevant New York State statutes and regulations.

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. This Ordinance shall take effect immediately.

Prepared by:  
Rick McCormack, City Clerk

**Attachments:**

None