

(L+R)

Tinti, Elisa

From: Shaut, Andrea
Sent: Tuesday, June 01, 2021 8:10 AM
To: Morell, Jeffrey
Cc: Tinti, Elisa; Scott-Childress, Reynolds
Subject: PILOT agreements
Attachments: Resolution of the City of Kingston - PILOT Agreements.docx

Dear Jeffrey,

With the recent public frustration and the lack of procedure surrounding PILOT agreements, Majority Leader Rennie Scott-Childress and I would like to propose a resolution to the Laws & Rules committee, which can hopefully be brought to the full council for consideration. It is our hope to take a pause in order to listen to other community leaders and establish a good system that will instill trust moving forward. Please see the attachment for the proposed resolution. If you have any questions, do not hesitate to reach out to either of us.

Elisa – can you please include this email, as well as the attachment, to my communication folder for assignment? Thank you.

Very Respectfully,

Andrea Shaut

Council President, City of Kingston

Resolution of the City of Kingston's Common Council Regarding Payment-In-Lieu-Of-Taxes (PILOT) Agreements

WHEREAS, the City of Kingston's Common Council recognizes the deep division within the community over recent PILOT agreements; and

WHEREAS, the City of Kingston's Common Council recognizes that PILOT agreements may help facilitate business and economic development, create jobs, provide affordable housing, and promote important public policies; and

WHEREAS, the City of Kingston's Common Council currently has no policy or procedure to help formulate decisions on granting specific PILOT agreements, or for the public to understand the process; and

WHEREAS, questions have risen in regards to the transparency of the IDA process; and

WHEREAS, the City of Kingston's Common Council understands the ripple effect the decisions have in regards to PILOT agreements have on impacted taxing jurisdictions, including the Kingston City School District as well as surrounding municipalities in Ulster County; and

WHEREAS, the City of Kingston's Common Council is determined to be good neighbors and partners, which means collaboration is essential;

THEREFORE BE IT RESOLVED, that the City of Kingston's Common Council will take a three-month pause on considering any new PILOT agreements considered by the IDA; and

BE IT FURTHER RESOLVED, that the City of Kingston's Common Council calls for a work group to be established that will include the Kingston City School Board, officials from Ulster County, local leaders from surrounding municipalities, and the City of Kingston's Assessor to create a unified policy for future PILOTs.

L+R

Tinti, Elisa

From: Noble, Julie
Sent: Wednesday, May 26, 2021 4:47 PM
To: Tinti, Elisa; Shaut, Andrea
Cc: Gartenstein, Arielle; Norman, Edward; Coon, Ryan
Subject: Communication re: Refrigerants
Attachments: Committee Report Refrigerant.pdf; Communication to Council Refrigerant Final.pdf; Freon resolution.docx; Freon presentation to CSKC.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Please find, attached, a communication to Council regarding the use of the term Freon in our City Code.

You will find:

- 1) Communication to Council
- 2) Committee Report
- 3) Draft Resolution
- 4) Refrigerants Presentation

Please let me know if there are any questions.

Thanks,
Julie

Julie L. Noble
City of Kingston
Environmental Education & Sustainability Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339

THE CITY OF KINGSTON COMMON COUNCIL

**LAWS & RULES
COMMITTEE REPORT**

DEPARTMENT: Office of Sustainability

DATE: May 25, 2021

Description: _____

Ordinance to amend the City Code and Fee schedule to change all instances of the brand name "Freon" to the substance name "refrigerant"

Signature: *Julie L Noble*

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:
Type I Action _____
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman		
Patrick O'Reilly Ward 7		
Rennie Scott-Childress, Ward 3		
Don Tallerman, Ward 5		
Rita Worthington, Ward 4		

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatsmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 26, 2021

Honorable Andrea Shaut
President/Alderman-at-large
Kingston Common Council
420 Broadway
Kingston, NY, 12401

Dear President Shaut,

On behalf of the Office of Sustainability, in collaboration with the Climate Smart Kingston Commission and with my role as Sustainability Coordinator, I would like to request placement on the agenda of the Laws and Rules Committee to discuss an ordinance amending the City Code and Fee Schedule to correct the language used to regulate refrigerants in the City of Kingston.

Refrigerants are referenced in the City Code in section 350-17 subsection B, and are described four times using the brand name "Freon", as opposed to the substance name "refrigerants". Additionally, in the fee schedule, the brand name Freon is mentioned four times under Public Works – White goods (Appliances), when in reference to all refrigerants.

On behalf of the Climate Smart Kingston Commission and the Office of Sustainability, I am putting forth an ordinance to amend the City Code and Fee Schedule to change all instances of the word "Freon" to "refrigerants", as a means to ensure all varieties of refrigerant are regulated, and not just those of the Freon brand.

Should you have any questions related to this request, please do not hesitate to contact myself or Environmental Specialist Arielle Gartenstein at 845-481-7334 / agartenstein@kingston-ny.gov.

Thank you for your consideration

Sincerely,

Julie L. Noble

Sustainability Coordinator

Chair, Climate Smart Kingston Commission

WHEREAS, “Freon” is a brand name, while “refrigerants” are the regulated substance.

WHEREAS, it is in the best interest of the City to change all instances of the word “Freon” in the City Code and Fee Schedule to “refrigerants”.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. That the Common Council of the City of Kingston authorizes amendment of the City Code and Fee Schedule to change all instances of “Freon” to “refrigerants”

A. Applicability: These changes shall be applicable, but not limited to the following sections:

1. City of Kingston Code, Article II § 350-17 (B)
2. City of Kingston Fee Schedule pages 9-10, Public Works, White goods (Appliances)

SECTION 2. This ordinance shall take effect immediately after passage, approval, and publication as provided by law.

L+R

Tinti, Elisa

From: Noble, Julie
Sent: Wednesday, May 26, 2021 4:31 PM
To: Tinti, Elisa; Shaut, Andrea
Cc: Gartenstein, Arielle
Subject: Communication re: Anti-Idling
Attachments: letter from the CAC.DOCX; Compilation of State, County, and Local Anti-Idling Regulations in NYS.PDF; Anti-idling support from Climate Smart Kingston.docx; Anti-Idling Resolution.docx; Communication to Council Anti-Idling Final.pdf; Committee Report Anti Idling.pdf

Good afternoon,

Please find, attached, a communication and supporting documentation regarding a request to adopt an Anti-Idling Policy.

You will find:

- 1) Communication to Council
- 2) Committee Report
- 3) Draft Resolution
- 4) Climate Smart Kingston minutes reflecting support
- 5) CAC letter of support
- 6) Relevant Anti-Idling Regulations from across the state

Please let me know if there are any questions.

Thanks,
Julie

Julie L. Noble
City of Kingston
Environmental Education & Sustainability Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339



Kingston Conservation Advisory Council
420 Broadway
Kingston, NY 12401
(845) 481-7339

May 12, 2021

City of Kingston Common Council
420 Broadway
Kingston, NY 12401

To the City of Kingston Common Council:

The Conservation Advisory Council of the City of Kingston would like to express its support of the resolution amending Chapter 390, article VI to include Local Ordinance (TBD#) of 2021, which establishes an anti-idling policy.

The CAC has an Air Quality subcommittee that has been working to protect and enhance clean air in order to provide equitable access to clean air for all residents of Kingston.

The CAC has an informational website that provides information describing and encouraging anti-idling behaviors and policies: www.kingston-ny.gov/airquality.

This resolution will work toward these goals and recommendations.

We thank you for your consideration of this resolution, and urge you to approve it.

Respectfully,
Members of the City of Kingston Conservation Advisory Council



420 Broadway
Kingston, NY 12401
(845) 481-7339

Minutes to the Climate Smart Kingston Commission Meeting, April 28, 2021
City Hall, Kingston NY 5:00-6:30 PM

Virtual Meeting: Zoom:

<https://us02web.zoom.us/j/87941543715?pwd=T0kzbnhTZ2xkcZJPak5DWEhzK0t6dz09>

Commission Members (Voting): Elizabeth Broad, Melissa Iachetta, Kevin McEvoy (Secretary), Sarina Pepper (excused), Dan Smith, Karen Sullivan, Maija Niemisto, Cal Trumann, Jessica Kuonen (excused), Roberto Rivera

Commission Members (Non-Voting): Amanda LaValle (Ulster County Dept of the Environment; not present) Kingston Office of Economic Development representative-not present, Julie Noble (Commission Chairperson-present), Common Council Member Rennie Scott-Childress (City of Kingston Common Council- (not-present), NYS Assembly Member Kevin Cahill by Michael D'Arcy (not present), John Schultheis or designee Kingston City Engineering Office by Arielle (Ellie) Gartenstein Edward Norman or Designee Kingston Dept of Public Works (not present);

Guests: Joey-Lynn, Daniel Quesnell (City of Kingston Parking Supervisor)

- I. **Welcome Guests and Public Comment:** The Chairperson called the meeting to order at 5:04pm. No public comment at this time.
- II. **Review and Approval March 2021 Meeting Minutes:** Upon motion duly made by Commissioner Cal Trumann and seconded by Commissioner Karen Sullivan, the commissioners present approved the minutes to the March meeting as amended.
- III. **Modifications to the Agenda:** None
- IV. **Old Business:**
 1. **Green Fleet Policy:** Ellie Gartenstein reviewed the Green Fleet Policy in the context of the present and soon to be updated Climate Action Plan. Heavy duty vehicles are exempt presently due to technology issues. The fleet is intended to be operated as efficiently as possible. Hybrid or electric battery vehicles are to be used whenever possible. Fuel inventory is to be kept for each department and user. Fuel usage can then be reported annually. Carbon dioxide emissions data are also to be kept. Commissioner dan Smith asked about metrics for other greenhouse gases to which Ellie clarified that the emphasis is on air quality. The vehicle request form was also reviewed. The Mayor will make all final decisions on vehicle requests. Ellie also discussed the proposed city-wide Anti-Idling Resolution to be submitted to the Common Council which indicates that light or medium duty vehicles cannot idle for more than ten minutes. Ellie indicated that the resolution was reviewed with Daniel Quesnell, City Parking Supervisor. The Chairperson indicated that the resolution will be submitted to the Conservation Advisory Council (CAC) for its May meeting and for review by the CAC air quality committee. The Chairperson asked about idling and pets kept in vehicles for brief periods during extreme weather with air conditioning or heat on. Daniel Quesnell indicated that the safety of the pet may supersede idling. Specific language in the resolution regarding enforcement was discussed. Upon motion duly made by Commissioner Cal Trumann and seconded by Commissioner Roberto Rivera, the commissioners present voted to support the Green Fleet Policy and the Anti-Idling Resolution in principle with all commissioners present in favor except for one abstention by Commissioner Melissa Iachetta.

2. **2030 Climate Action Plan (Julie):** The Chairperson discussed the survey results reviewed on April 20th. Two project advisory meetings are planned for the Project Advisory Committee meeting in May and June and will prioritizing actions within the plan. Timeline is to have a draft CAP out to the public by the fall.
3. **Refrigerants (Dan, Maija):** Commissioner Dan Smith reported that the audit of city owned assets is now complete. Data collected included air conditioning units and systems and is transposed into a spreadsheet or log form. Methodology to determine leaks from such systems was discussed whether it would be from educated assumptions or tracked down and actually verified in each instance through the purchasing department or otherwise spot checking some actual data for two years against an educated assumption. Curbside pickup and chain of custody of refrigerant equipment was discussed. Updating language in the City Code from the Montreal Protocol to present carbon concerns is being now being addressed. Commissioner Cal Trumann discussed an anecdotal story regarding window unit AC disposal.
4. **City Sustainability Projects (Julie):** The Chairperson reported on the following matters: **(a) LED project:** The Chairperson reported that the project is completed. **(b) Organics:** The Chairperson and Carla Castillo are completing the draft plan and expect to have it completed by the spring. Ellie Gartenstein is reviewing gaps in data. **(c) City Parks and CDBG funding:** The Chairperson discussed park projects including Andretta Pool splash pad. Improvements in Block Park to elevate against sea level rise were also reviewed.
5. **Repair Café: (Melissa):** Commissioner Melissa Iachetta reported that some communities are planning outdoor events but the Kingston coaches regarding an outdoor the Repair Café event. The Farmers market was discussed in this regard. Fixit Clinic online event is scheduled for May 15.
6. **Outreach and Education (Melissa/Maija):**
 - i. **Earth Day 2021 Activities Update:** Commissioner Melissa Iachetta discussed the recent survey and responses with respect to climate action pledges for Earth Day. Melissa discussed the Farmer's Market and photos of people completing climate pledges and the residency of the people responding which included a significant number of people from outside Kingston. The location of the missing Climate Smart banner was reviewed. The banner needs to be located or replaced for future tabling. A display at the Kingston Library was mentioned with a Kingston Ward map or a pie chart which could be included.
 - ii **Pizza Box Campaign:** Commissioner Melissa Iachetta discussed the recent event at Vincenzo's Restaurant with the Mayor and public comments on social media. Several restaurants are not participating.
 - iii **HRMM Display:** Commissioner Cal Trumann reported that HRMM is doing a soft re-opening and updated the commission on the display.
7. **Green Business Challenge (Betta):** Commissioner Cal Trumann provided an update.
8. **Zoning Updates (Kevin):** Commissioner Kevin McEvoy reported that the Dover Kohl proposal was approved by the Common Council. The project is now going to contract.
9. **Renewable Energy:** County is doing a solarize campaign and a webinar is to be held on Thursday April 29. Commissioner Betta Broad provided a link: <https://ulstercountyny.zoom.us/j/96507310401>
10. **NY Energy Stretch Code:** Elli (Arielle) Gartenstein reported that the NYStretch Code was approved at the Common Council Laws and Rules Committee meeting.
11. **Solid Waste Management:** The Chairperson reported on a new City brochure regarding recycling.

V. **New Business:** None

VI. **Announcements/Communications/Events/Updates:**

- a. **Public Safety/General Government Committee (Sarina):** No update at this meeting.
- b. **Ulster County Climate Smart Committee (Betta/Cal):** Commissioner Cal Truman reported on a low carbon concrete project that was discussed.
- c. **Report from Assemblyperson Cahill's Office:** No update at this meeting
- d. **Climate Smart Communities:** No update at this meeting.

VIII. Determine Social Media Postings: Commissioner Melissa Iachetta reported briefly on social media posting updates. Link to the Climate Smart. Kingston Facebook: <https://www.facebook.com/climatesmartkingstonny/>

IX. Adjournment: Upon motion duly made by Commissioner Melissa Iachetta and seconded by Commissioner Karen Sullivan, the commissioners present unanimously adjourned the meeting at 6:42pm.

Vision: *The City of Kingston will be a model city of energy, environmental and economic sustainability within city government operations and throughout the community.*

Note that website links are informational only. The Commission makes no representations as to content therein. These minutes represent a summarization of the meeting and not a transcription.

DRAFT

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 26, 2021

Honorable Andrea Shaut
President/Alderman-at-large
Kingston Common Council
420 Broadway
Kingston, NY, 12401

Dear President Shaut,

On behalf of the Office of Sustainability and with my role as Sustainability Coordinator, I would like to request placement on the agenda of the Laws and Rules Committee to discuss the adoption of Anti-Idling legislation for the City of Kingston.

Idling is when the operator of a vehicle leaves the engine running while the vehicle is parked. Idling result in the emission of large amounts of greenhouse gases into the atmosphere, contributes substantially to air pollution, deteriorates engines, and interferes with traffic conditions.

For every ten minutes of idling, the average car produces one pound of carbon dioxide (CO₂), the greenhouse gas with the largest contribution to anthropogenic climate change. Researchers estimate that idling wastes about 6 billion gallons of non-renewable fuel annually, resulting in the emission of 30 million tons of CO₂. One-third of greenhouse gas emissions come from the transportation sector alone, and studies show that idling for more than 10 seconds uses more fuel and emits more pollution than turning the engine on and off again. Idling regulations are crucial to the climate action process and are a simple way to provide equitable access and a clean and healthy environment for all residents in Kingston.

Exhaust from idling gasoline and diesel-powered vehicles has been classified as a likely carcinogen by the United States Environmental Protection Agency, and numerous studies link exposure to fine particles to severe adverse health effects. This includes premature death, and increased incidents of asthma, allergies, and other breathing disorders especially prevalent in children and the elderly. Vehicle idling usually occurs in heavily trafficked locations (e.g. school grounds, parking lots, retail areas, construction sites, etc.) where people can be exposed to concentrated sources of air pollutants in short periods of time. Anti-idling policies are shown to increase air quality, directly impacting the health and wellness of a municipality.

Vehicle idling slows the flow of traffic; and blocks emergency stopping lanes, bus stops, and parking spaces. Metered parking spaces provide valuable income to be reinvested into City infrastructure, and should not be taken up by idling vehicles. Stopping lanes and road shoulders are critical in the event of an emergency and

CITY OF KINGSTON
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Julie L. Noble, Coordinator



Steven T. Noble, Mayor

should remain clear at all times. Vehicle idling while the driver is double-parked increases congestion and interferes with the flow of traffic by creating unnecessary obstacles for pedestrians, bicyclists, and other drivers to navigate. Anti-idling legislation is proven to prevent these and other traffic-related occurrences, and will have a positive impact on road conditions in the City of Kingston.

Anti-idling legislation is gaining momentum across the country, as more and more municipalities recognize its necessity in climate planning, air quality control, and traffic regulation. Currently, idling is partially regulated by New York State, with laws in place prohibiting the idling of heavy-duty vehicles for more than 5 minutes. This includes vehicles such as tractor trailers, tankers, and packers but does not extend to passenger vehicles. However, over 20 municipalities across New York State have introduced anti-idling policies more stringent than that of the State Code. It is in the City of Kingston's best interest to adopt a supplementary anti-idling policy, applicable to light and medium-duty vehicles, in an effort to combat idling's adverse effects.

In preparing the anti-idling legislation for review, the Office of Sustainability has consulted with and been supported by the City of Kingston Parking Enforcement, the Comptroller's Office, the Climate Smart Kingston Commission, the Conservation Advisory Council, and the Department of Health and Wellness to ensure that all aspects of this initiative have been considered. You may find a full presentation of the Anti-Idling policy during the April 28th, 2021 Climate Smart Kingston Commission meeting: <https://youtu.be/Emb0TAmQicg>, between minutes 21:00 to 24:00 and 31:50 to 38:00.

Any questions regarding this communication, please feel free to contact myself or Environmental Specialist Arielle Gartenstein at 845-481-7334 / agartenstein@kingston-ny.gov. Additionally, I can be present at the appropriate meeting in order to answer any questions and address any comments.

Thank you for your consideration.

Sincerely,

Julie L. Noble
Sustainability Coordinator

New York

State Codes

New York Code of Rules and Regulations

SUBPART 217-3. IDLING PROHIBITION FOR HEAVY DUTY VEHICLES

§ 217-3.1 Applicability

This Part shall apply to all on-road heavy duty vehicles propelled by diesel fueled and nondiesel fueled engines excluding marine vessels. Heavy duty vehicle means a vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or properties.

§ 217-3.2 Prohibitions

No person who owns, operates or leases a heavy duty vehicle including a bus or truck, the motive power for which is provided by a diesel or nondiesel fueled engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle including a bus or truck present on such land, the motive power for which said heavy duty vehicle is provided by a diesel or non-diesel fueled engine, shall allow or permit the engine of such heavy duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 217-3.3 of this Subpart.

§ 217-3.3 Exceptions

The prohibitions of section 217-3.2 of this Subpart shall not apply when:

- (a) A diesel or nondiesel fueled heavy duty vehicle including a bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
- (b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 of this Subpart may be increased, but only to the extent necessary to comply with such regulations.
- (c) A diesel or nondiesel fueled engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.

- (e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.
- (f) A diesel fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25 degrees F.
- (g) A heavy duty diesel vehicle, as defined in section 217-5.1(o) of this Part, that is queued for or is undergoing a State authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5 of this Part.
- (h) A hybrid electric vehicle, as defined in section 217-5.1(r) of this Part, idling for the purpose of providing energy for battery or other form of energy storage recharging.
- (i) Heavy duty vehicles used for agricultural purposes on a farm.
- (j) Electric powered vehicles.

Municipal Codes

Code of Town of Brighton

§ 104-2. Prohibited odors.

- A. No person shall cause or allow emissions of air contaminants or noxious odors to the outdoor atmosphere that are injurious to human, plant or animal life or to property or that unreasonably interfere with the comfortable enjoyment of life or property (for purposes of this chapter, a "prohibited odor").
- B. In addition to the general prohibition set forth in Subsection A above, the following shall be prohibited conduct in violation of this chapter, but the listing herein shall not be deemed to be exclusive.
 - (1) Any open burning in violation of § 73-1 of the Code of the Town of Brighton.
 - (2) The idling of any motor vehicle for a period of longer than 15 minutes within 10 feet of any lot line of a property.

Code of the Village of Bronxville

ARTICLE III, Idling of Motor Vehicles [Added 7-13-1992 by L.L. No. 2-1992]

§ 210-15. Operation of motor vehicle; idling of engine restricted.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading or unloading or processing device.

B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 210-16. Enforcement.

Any parking enforcement officer or member of the Village of Bronxville Police Department is hereby authorized to issue and serve an appearance ticket as provided in Chapter 7, § 7-4, of this Code.

Code of Town of Clifton Park

§ 145-1. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Clifton Park. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Clifton Park hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 145-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EARTH MOVER — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

IDLING— A circumstance in which an engine is running but not engaged in motion.

LOCOMOTIVE — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

MACHINERY AND EQUIPMENT — Locomotives, tractor-trailer trucks and earth movers.

TRACTOR-TRAILER TRUCKS — A truck having a cab and no body, used for pulling large vehicles such as vans or trailers.

UNATTENDED — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 145-3. Idling and unattended large machinery or equipment prohibited.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 145-4. Violations.

A law enforcement officer shall issue a citation for violation of this chapter in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation or both. The prosecution of any citation shall be adjudicated before the Clifton Park Town Court. A violation of this chapter is classified as a misdemeanor.

§ 145-5. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this chapter, the court may impose a fine not to exceed \$350 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this chapter within a five-year period, the court may impose a fine not less than \$350 nor more than \$700 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- C. Where an individual is adjudged guilty of a third violation of this chapter within a five-year period, the court may impose a fine not less than \$700 nor more than \$1,000 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this chapter, the court may impose a fine of \$5,000.

Code of the Village of Flower Hill

§ 195-9. Idling of vehicles. [Amended 11-6-2000 by L.L. No. 3-2000]

Vehicles shall not be permitted to idle within the village in excess of two minutes.

City of Ithaca Code

§ 346-48. Vehicle idling

- A. Applicability. This section shall apply to all motor vehicles defined in Article 1

of the Vehicle and Traffic Law of the State of New York.

B. No person who owns, operates or leases a motor vehicle or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a motor vehicle on such land shall allow or permit the engine of such motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion, except as otherwise permitted by Subsection C below.

C. Exceptions. The prohibitions of Subsection B of this section shall not apply when:

(1) The motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control.

(2) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in Subsection B of this section may be increased, but only to the extent necessary to comply with such regulations.

(3) The engine is being used to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; or farming, or operation of the engine is required for the purpose of maintenance.

(4) Fire, police and public utility trucks or other vehicles are actually performing emergency services.

D. Penalties for offenses. Any person who violates the provisions of this section shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

Code of Village of Lawrence

§ 200-29.1. Bus idling. [Added 6-12-1991 by No. 2-1991]

No person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle for more than three minutes while parking, standing or stopping when the ambient temperature is in excess of 40° F. except while passengers are on board or while hoarding or discharging passengers.

Town of Mamaroneck Code

ARTICLE I Idling of Motor Vehicles [Adopted 5-4-2005 by L.L. No. 5-2005]

§ 219-1. Idling restricted.

A. No person shall allow, cause or permit the engine of any motor vehicle to run for more than five consecutive minutes while parking, standing, or stopping on public or private property in the unincorporated portion of the Town of Mamaroneck.

B. This section shall not apply to public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District or the Villages of Larchmont, Mamaroneck

or Scarsdale. This section also shall not apply to any independent contractor engaged by any of the entities described in the preceding sentence while such independent contractor is carrying out the business activity for which it was engaged by one or more of the entities.

- C. This section shall not apply when the temperature in the Town of Mamaroneck is 40° F. or less.
- D. This section shall not apply in situations where a vehicle is exempt from the requirements of Subpart 217-3 of Title 6 of the New York Codes, Rules, and Regulations.

Village of Mamaroneck Code

§ 326-19. Engine idling prohibited.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes on Village-owned property while parking, as defined in § 129 of the Vehicle and Traffic Law, while standing, as defined in § 145 of the Vehicle and Traffic Law, or while stopping, as defined in the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping on Village-owned property.

Code of Town of Milton

ARTICLE II Unattended or Idling Large Machinery and Equipment [Adopted 1-16-2002 by L.L. No. 1-2002]

§ 169-8. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Milton. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Milton hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 169-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EARTH MOVER — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

IDLING — A circumstance in which an engine is running but not engaged in motion.

LOCOMOTIVE — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

MACHINERY AND EQUIPMENT — Locomotives, tractor-trailer trucks and earth movers.

TRACTOR-TRAILER TRUCKS — Trucks having a cab and no body, used for pulling large vehicles such as vans or trailers.

UNATTENDED — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 169-10. Prohibited acts; report of violations.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 169-11. Violations; issuance of citations.

A law enforcement officer shall issue a citation for violation of this article in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation, or both. The prosecution of any citation shall be adjudicated before the Milton Town Court. A violation of this article is classified as a misdemeanor.

§ 169-12. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this article, the court may impose a fine not to exceed \$350, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this article within a

five-year period, the court may impose a fine of not less than \$350 nor more than \$700, or imprisonment for a term of not less than 15 days nor more than one year, or both.

- C. Where an individual is adjudged guilty of a third violation of this article within a five-year period, the court may impose a fine of not less than \$700 nor more than \$1,000, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this article, the court may impose a fine of \$5,000.

Code of the City of New Rochelle

§ 312-33. Idling. [Added 9-21-2004 by L.L. No. 8-2004]

No person shall allow, cause or permit the engine of any motor vehicle to idle for more than five consecutive minutes while parking, standing, or stopping on public or private property in the City of New Rochelle, subject to the exceptions for heavy-duty vehicles set forth in Section 217.3 of Title 6 of the State of New York Codes, Rules, and Regulations.

New York City Administrative Code

34 RCNY § 4-08

§ 4-08 Parking, Stopping, Standing.

...

(p) Engine idling. (1) Idling of vehicle engines prohibited. Except as provided for buses in paragraph (p)(2) hereof, no person shall cause or permit the engine of any vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping unless the engine is being used to operate a loading, unloading or processing device.

[SEE graphical material in printed version]

(2) Idling of bus engines prohibited. No person shall cause or permit the engine of any bus to idle at a layover or terminal location, whether or not enclosed, when the ambient temperature is in excess of forty (40) degrees Fahrenheit. When the ambient temperature is forty (40) degrees Fahrenheit or less, no person shall cause or permit any bus to idle for longer than three minutes at any layover or terminal location. For the purpose of this rule, at a layover or terminal location a bus engine shall not be deemed to be idling if the operator is running the engine in order to raise the air pressure so as to release the air brakes, provided however, that this shall not exceed a period of three minutes.

Code of Town of North Salem

ARTICLE VI, Idling of Vehicles [Added 8-25-1998 by L.L. No. 7-1998]

§ 220-31. Idling of motor vehicles restricted.

A. Restrictions. No person shall operate an engine of any standing motor vehicle for a period in excess of five minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

B. Applicability. The provisions of this chapter shall apply except when it is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

C. Enforcement. The provisions of this chapter shall be enforced by the Police Department of the Town of North Salem or other officials designated by the Town Board.

D. Penalties for offenses. Any person violating this chapter shall be guilty of a violation punishable by a fine of not more than \$500 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

Code of Village of Northport

§ 289-1. Legislative findings.

The Board of Trustees hereby finds and determines that the excessive stationary idling of motor vehicles is detrimental to the health, safety and welfare of the village and its inhabitants in that it causes the release of unnecessary emissions of carbon monoxide and other pollutants into the atmosphere, the production of unnecessary noise and the waste of limited natural resources.

§ 289-2. Idling restrictions; exceptions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the ambient temperature is greater than 25° F. (-4° C.).
- B. Exceptions. The provisions of Subsection A shall not apply:
- (1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.
 - (2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.
 - (3) When necessary to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming, or when the vehicle engine is being serviced.

- (4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

§ 289-3. Penalties for offenses. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Violations of any of the provisions of this chapter shall be punishable by a fine not to exceed \$250 and/or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment, in the discretion of the court.

Code of Village of Nyack

§ 55-5.1. Idling prohibited. [Added 9-12-2002 by L.L. No. 4-2002]

- A. No commercial vehicle, bus, or other public omnibus shall be permitted to idle its engine for longer than five minutes on or along any street or public highway within the Village of Nyack.
- B. The penalty for a violation of this section shall be a fine not to exceed \$250.
- C. This section may be enforced by the Village of Nyack Parking Authority, the Clarkstown Police Department, or the Orangetown Police Department.

Code of Village of Port Chester

§ 319-26.4. Operation of motor vehicle; idling of engine restricted. [Added 11-1-1993 by L.L. No. 16-1993]

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking or standing.

Code of Town of Queensbury

ARTICLE I Idling in Residential Zones [Adopted 9-13-2004 by L.L. No. 7-2004]

§ 68-1. Title and authority.

The Queensbury Town Code is hereby amended by adding a new Article I of Chapter 68 entitled "Prohibition of Diesel Vehicles Idling in Residential Zones." It is adopted pursuant to Municipal Home Rule Law § 10.

§ 68-2. Legislative intent.

Concerns have been raised concerning idling of diesel vehicles, particularly in the Town's residential zones. Such activity can produce offensive odors and offensive noise which can harm the health, safety and welfare of residents. In addition, the activities prohibited in this article waste fuel which is a limited resource, cause environmental harm and are inappropriate in a residential zone. It is the finding of the Town Board that if a diesel vehicle needs to be warmed up or kept warm to run, then the licensed driver of the diesel vehicle shall use a block heater to keep the engine warm.

§ 68-3. Definitions.

For the purposes of this article, "diesel vehicle" shall mean any diesel-fueled vehicle requiring a CDL or higher license to drive. Notwithstanding the above, diesel vehicle shall not include emergency vehicles (e.g., fire or EMS), Town or other municipal or state vehicles operating in the course of their duties (including, without limitation, school buses) or utility company vehicles operating during an emergency, or delivery vehicles while making deliveries or making pickups at places, of business.

§ 68-4. Prohibition.

No person shall allow a diesel vehicle to run or idle its engine for any length of time while the diesel vehicle is unattended. "Unattended" means where the properly licensed driver of the diesel vehicle is not in the diesel vehicle's driver's seat and awake. This prohibition shall be effective in all residential zones of the Town. The driver and the registered owner of the diesel vehicle shall each be responsible for complying with this article.

§ 68-5. Enforcement.

Failure to comply with the provisions of this article shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$100 for the first offense. The second conviction hereunder shall be punishable by a fine of not more than \$200 or imprisonment for a period of not more than three days, or both. Any subsequent offense shall be punishable by a fine of not more than \$350 or imprisonment for a period of not more than seven days, or both. Each violation shall constitute a separate offense. The licensed driver of the diesel vehicle and, if different, the person in whose name the diesel vehicle is registered shall each be considered and responsible for each violation of this article and this article may be enforced against either one or both for each violation.

Code of the City of Rye

§ 45-1. Operation of motor vehicle; idling of engine restricted.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.
- C. Violators of this chapter may be issued appearance tickets by police officers of the City of Rye. Such tickets shall be returnable in Rye City Court.

Code of the Village of Scarsdale

ARTICLE I, Motor Vehicle Engine Idling [Adopted 6-9-1992 by L.L. No. 2-1992]

§ 106-1. Idling of engines restricted.

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

§ 106-2. Bus engines restricted.

When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 106-3. Violators issued appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Scarsdale Police Department. Such appearance tickets shall be returnable in Scarsdale Village Court.

Code of Town of Somers

ARTICLE X Motor Vehicle Engine Idling [Adopted 7-9-1992 by L.L No. 10-1992]

§ 158-29. Restrictions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in

§ 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 158-30. Appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Police Department of the Town of Somers. Such appearance tickets shall be returnable in local court.

§ 158-31. Penalties for offenses.

Any person violating the provisions of this article shall be guilty of an offense and shall be liable upon conviction for a fine not to exceed \$100 for each offense.

Laws of Suffolk County

§ 760-1017. Operation of motor vehicles.

A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the temperature is greater than 25° F. (-4° C.).

B. No diesel engine operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

C. No motor vehicle operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

D. Exceptions

(1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.

(2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.

(3) When necessary to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming or when the vehicle engine is being serviced.

(4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

Code of Ordinances of the Village of Tuckahoe

§ 21-86. Operation of motor vehicles idling of engines restricted.

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

(b) When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

(c) A violation of this § 21-86 shall be punishable in accordance with § 1-7 of the Village Ordinances by a fine not to exceed \$250. (L.L. No. 7-1992, § 2)

...

§ 21-104.2. Prohibited uses

...

(c) The provisions of § 21-86 of the Village Ordinances prohibiting the idling of engines of motor vehicles for more than three minutes shall be applicable to and enforced in parking lots.

Code of City of Yonkers

§ 109-88. Idling of engine. [Amended 2-11-1991 by G.O. No. 2-1991]

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.

WHEREAS, it is in the City of Kingston's best interest to adopt anti-idling legislation more stringent than that of New York State Code.

RESOLVED that the City of Kingston supports the adoption of an anti-idling policy, and;

RESOLVED, that Local Ordinance [#] of 2021 is hereby adopted as follows:

SECTION I.

BE IT HEREBY RESOLVED, that Chapter 390 of the City of Kingston Code "Vehicles and Traffic" Article VI be amended to add Section [#]: Idling of Motor Vehicles:

- A. Applicability: This section shall apply to all motor vehicles as defined in Article 1 of the Vehicle and Traffic Law of the State of New York not currently regulated under New York State Code of Rules and Regulations Subpart 217-3: Idling Prohibition for Heavy Duty Vehicles.
- B. Prohibitions: No person shall allow, cause, or permit the engine of any motor vehicle to run for more than ten consecutive minutes while parking, standing, or stopping in the City of Kingston, as those terms are defined in New York State Vehicle and Traffic Law.
- C. Exceptions: The prohibitions of sub-section B shall not be applicable when
 - I. A vehicle is forced to remain motionless because of traffic conditions over which the operator has no control.
 - II. Fire, police, public utility, and other vehicles are performing emergency services.
 - III. A vehicle engine is being used to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering; oil or gas well servicing; or when operation of the engine is required for maintenance.
 - IV. A snow emergency is declared in the City of Kingston.

BE IT HEREBY RESOLVED, that Section 390-82 "Penalties for Offenses" Subsection B be amended to include violation: "Idling" with an initial fine of \$20 and a fine of \$40 after 15 days.

THE CITY OF KINGSTON COMMON COUNCIL

**LAWS & RULES
COMMITTEE REPORT**

DEPARTMENT: <u>Office of Sustainability</u>	DATE: <u>May 25, 2021</u>
Description: _____	

<u>Legislation to prohibit the idling of light and medium duty vehicles for more than ten minutes in the City of Kingston.</u>	

Signature: <u>Julie L Noble</u>	

Motion by _____

Seconded by _____

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____

Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman		
Patrick O'Reilly Ward 7		
Rennie Scott-Childress, Ward 3		
Don Tallerman, Ward 5		
Rita Worthington, Ward 4		

L+R

Tinti, Elisa

From: Noble, Julie
Sent: Wednesday, May 26, 2021 4:39 PM
To: Tinti, Elisa; Shaut, Andrea
Cc: Gartenstein, Arielle; Norman, Edward; Quesnell, Dan
Subject: Communication re: EV Charging
Attachments: Committee Report EV Charging.pdf; Communication to Council EV Parking Final.pdf; state law allowing no parking at EV stations.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Please find, attached, a communication to Council, and supporting documentation, to adopt legislation to prohibit parking at an EV charging station by a vehicle that is not charging.

You will find:

- 1) Council Communication
- 2) Committee Report
- 3) State Law allowing no parking

Please let me know if you have any questions.

Thanks,
Julie

Julie L. Noble
City of Kingston
Environmental Education & Sustainability Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339

THE CITY OF KINGSTON COMMON COUNCIL

**LAWS & RULES
COMMITTEE REPORT**

DEPARTMENT: <u>Office of Sustainability</u>	DATE: <u>May 25, 2021</u>
Description: _____	

<u>Legislation to prohibit parking at an EV charging station by a vehicle that is not charging at that station.</u>	

Signature: <u>Julie L Noble</u>	

Motion by _____

Seconded by _____

Action Required: _____

SEQRA Decision:
 Type I Action _____
 Type II Action _____
 Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman		
Patrick O'Reilly Ward 7		
Rennie Scott-Childress, Ward 3		
Don Tallerman, Ward 5		
Rita Worthington, Ward 4		

CITY OF KINGSTON
Office of Environmental Education and Sustainability
climatesmart@kingston-ny.gov

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

May 26, 2021

Honorable Andrea Shaut
President/Alderman-at-large
Kingston Common Council
420 Broadway
Kingston, NY, 12401

Dear President Shaut,

I would like to request placement on the agenda of the appropriate committee to discuss amending the City Code to prohibit parking at an EV charging station by a non-charging vehicle.

Increasingly, there have been instances reported to the City by the operator of a plug-in vehicle unable to use an EV charging station due to other non-electric vehicles parked at the station. As electric vehicle use increases across our community, and with that a reliance on EV charging stations, there is a need to regulate usage of these designated locations so that they are open to those needing to charge a vehicle.

At the request of the Department of Public Works and in collaboration with Parking Enforcement, the Office of Sustainability has drafted an ordinance that calls for an amendment to the City Code adding parking at an EV charging station when not charging a vehicle to the list of offense in Section 390-56, Article VII.

Please find in the supplementary documentation New York State Senate Bill S6836 from the 2019-2020 legislative session relating to parking in electric vehicle charging spaces, which permits municipalities in New York State to enact such legislation locally.

Any questions please do not hesitate to contact myself or Environmental Specialist and Fleet Manager Arielle Gartenstein at 845-481-7334 / agartenstein@kingston-ny.gov.

Thank you for your consideration.

Sincerely,

Julie L. Noble

Sustainability Coordinator

STATE OF NEW YORK

8608

2019-2020 Regular Sessions

IN ASSEMBLY

October 2, 2019

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to parking in electric vehicle charging spaces

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraph 1 of subdivision (a) of section 1202 of the vehi-
2 cle and traffic law, as amended by chapter 679 of the laws of 1970,
3 subparagraph k as amended by chapter 267 of the laws of 1998, is amended
4 to read as follows:
- 5 1. Stop, stand or park a vehicle:
 - 6 a. On the roadway side of any vehicle stopped, standing or parked at
7 the edge or curb of a street;
 - 8 b. On a sidewalk;
 - 9 c. Within an intersection, except when permitted by official signs or
10 parking meters on the side of a highway opposite a street which inter-
11 sects but does not cross such highway;
 - 12 d. On a cross walk;
 - 13 e. Between a safety zone and the adjacent curb or within thirty feet
14 of points on the curb immediately opposite the ends of a safety zone,
15 unless a different distance is indicated by official signs, markings or
16 parking meters;
 - 17 f. Alongside or opposite any street excavation or obstruction when
18 stopping, standing or parking would obstruct traffic;
 - 19 g. Upon any bridge or other elevated structure upon a highway or with-
20 in a highway tunnel, unless otherwise indicated by official signs, mark-
21 ings or parking meters;
 - 22 h. On any railroad tracks;
 - 23 i. In the area between roadways of a divided highway, including cross-
24 overs, except in an emergency;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13759-02-9

1 j. On a state expressway highway or state interstate route highway,
2 including the entrances thereto and exits therefrom, which are a part
3 thereof, except in an emergency[-];

4 k. Engage in the retail sale of frozen desserts as that term is
5 defined in subdivision thirty-seven of section three hundred seventy-
6 five of this chapter directly to pedestrians on any highway having a
7 speed limit in excess of thirty miles per hour. Nothing herein shall be
8 construed to prohibit the operator of such vehicle from stopping such
9 vehicle off such highway, in a safe manner, for the sole purpose of
10 delivering such retail product directly to the residence of a consumer
11 or to the business address of a customer of such retailer[-];

12 l. In a space designated as provided in this subparagraph for the
13 exclusive purpose of charging an electric vehicle at an electric vehicle
14 charging station, unless such vehicle is an electric vehicle connected
15 to such charging station. Provided, however, that an electric motor
16 vehicle disconnected from the electric vehicle charging station for no
17 more than thirty continuous minutes while stopped, standing or parked in
18 such designated space shall not be in violation of this subparagraph.
19 Parking spaces designated for the exclusive purpose of charging an elec-
20 tric vehicle at an electric vehicle charging station shall be clearly
21 identified, and such designation shall include conspicuous and perma-
22 rently installed above grade signs which shall be positioned from the
23 parking space surface at a height of not less than five feet nor more
24 than seven feet and which identify such space as an electric vehicle
25 charging station, indicate that such space is only for electric vehicle
26 charging and include any day or time restrictions. For the purposes of
27 this subparagraph, the term "electric vehicle" shall mean a motor vehi-
28 cle that is propelled at least in part by an electric motor and associ-
29 ated power electronics which provide acceleration torque to the drive
30 wheels sometime during normal vehicle operation, and that draws elec-
31 tricity from a battery or hydrogen fuel cell that is capable of being
32 recharged from an external source of electricity, such that the external
33 source of electricity cannot be connected to the vehicle while the vehi-
34 cle is in motion, and the term "electric vehicle charging station" shall
35 mean the equipment needed to convey electric power from the electric
36 grid or another power source to an onboard motor vehicle energy storage
37 system.

38 § 2. This act shall take effect on the one hundred eightieth day after
39 it shall have become a law.

WHEREAS, it is in the best interest of the City to prohibit parking at designated EV Charging Stations unless charging a plug-in electric vehicle at said station.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. That the Common Council of the City of Kingston authorizes the amendment of Section 390-56, Article VII, by adding "H. No parking at designated EV Charging Stations unless charging a plug-in electric vehicle at said station"

SECTION 2. That Section 390-82 "Penalties for Offenses" Subsection B be amended to include violation: "Parking at an EV Charging Station by a Non-Charging Vehicle" with an initial fine of \$20 and a fine of \$40 after 15 days.

SECTION 3. All ordinances and parts thereof, inconsistent herewith, are hereby repealed.

SECTION 4. This ordinance shall take effect immediately after passage, approval and publication as provided by law.

Tinti, Elisa

From: Noble, Julie
Sent: Thursday, May 27, 2021 10:51 AM
To: Shaut, Andrea; Tinti, Elisa
Cc: Gartenstein, Daniel; Noble, Steve; Gartenstein, Arielle
Subject: Follow up communications
Attachments: Draft Resolution No Parking at EV Charging Stations.docx

Good morning,

As a follow up to the communications I submitted yesterday, I would like to submit two additional materials:

- 1) Attached please find the draft Resolution for the No Parking at EV Charging Stations, which also includes the violation fees. Please note, this does include a modification to the fee structure as it exists, should that influence your decision regarding which committee to refer this to (ie Finance, in addition to either Public Safety or Laws and Rules for the Resolution itself)
- 2) Regarding the Anti-Idling Policy, please note that in the Draft Resolution that was circulated, there is the proposed line: *"BE IT HEREBY RESOLVED, that Section 390-82 "Penalties for Offenses" Subsection B be amended to include violation: "Idling" with an initial fine of \$20 and a fine of \$40 after 15 days."* As in (1) above, please note, this does include a modification to the fee structure as it exists, should that influence your decision regarding which committee to refer this to (ie Finance, in addition to either Public Safety or Laws and Rules for the Resolution itself).

Thank you,
Julie

Julie L. Noble
City of Kingston
Environmental Education & Sustainability Coordinator
467 Broadway
Kingston, NY 12401
845-481-7339

CITY OF KINGSTON

L+R

Office of the City Clerk & Registrar of Vital Statistics

cityclerk@kingston-ny.gov

Steven T. Noble, Mayor
Elisa Tinti, City Clerk & Registrar



Deidre Sills, Deputy Clerk
Susan Mesches, Deputy Registrar

May 20, 2021

President of the Council
Honorable Andrea Shaut
420 Broadway
Kingston, New York 12401

Dear President Shaut,

The 2021 Record of Activities for the Standard Work Day of elected officials who are enrolled in the New York State retirement system is due to the State Comptroller no later than July 31, 2021. Please accept this communication for review of the Laws & Rules Committee for June 2021.

Thank you,
Elisa Tinti



City of Kingston Board of Ethics

L+R

Allen Nace, *Chair*

Michael Decker

April 15, 2021

Good Day Alderman At Large and the City of Kingston Common Council,

The City of Kingston Board of Ethics had a series of complaints filed against officers and employees of the City over the past few years. We have reviewed each case independently. The reviews have disclosed a concern with intent of the Chapter 49- Code of Ethics.

There appears to be a variance between the intent of the code and the language of law associated with the code. It is a suggestion of the Board that the Common Counsel review and determine if the code meets the intent as written or if a revision is needed.

Some examples are: 49-3 which speaks of actions and financial benefit.

The City of Kingston Board of Ethics has reviewed and implemented the City Code Chapter 49 in their consideration of all ethical complaints set before them. Ethical considerations guidelines are important to the development of public trust and the operations of a community.

It has come to the attention of the Board that there may be a benefit from a review of the Code and a consideration of revision or to not revise.

Examples that are present and contained in 49-3 speak to an "Action". There is a public opinion of what constitutes an action by a public official and a different legal definition.

In discussion with the members of the public the term action may mean anything that the official or employee does. However, a conflicting example may be that an act or proposal or suggestion that appears to be an action but may not meet the legal definition as determined by the Supreme Court. It appears that their determination is that the "action" must be something that the official has the authority to implement. Saying that they will do something without having the authority to implement doesn't meet that standard. Community leadership and the legislative body may wish to consider this variance and determine what they want the factors to be. Would it be altered to a statement, a plan, a reasonable person's understanding, or the legal definition?

The same section also places a requirement that the benefit be financial in nature. That the individual believes or may believe could result in a financial benefit.

Using the same legal definition there cannot be a belief that an action may lead to a financial benefit if the act of the individual is not able to be enacted by them, but require a different body of Government to enact, and they do not enact it.

In general it is recommended that a review of the Code occur and that a determination of what the Counsel wishes to achieve from the Code. It is also suggested that it be a careful and deliberate consideration. To simply change the code to obtain the "desired" effect in any given situation may not be desirable. A caution to consider when loosening the restriction is the impact a loosened code may have on the employees of the City of Kingston, the volunteers of the Boards and the elected officials.

It is suggested that the entire code be reviewed.

Defining the guidelines may clarify and enhance the public trust but overreaching may damage individuals that are doing their best to function in the existing environment and trying to do the best job they can.

This is what we believe is a needed, important task that a diverse group of trusted residents can help define. It is hoped that it will be a living document and that there is language that may provide appropriate judgement opportunity without being too restrictive or too loose.

It may also offer the opportunity to review some practices or policies to ensure that they offer the residents of Kingston fairness and integrity in their use. It is important to note that the residents of the City of Kingston need this protection while at the same time the individuals who serve the City are also in need of this guidance and protection.

In addition, three members of the Board of Ethics are no longer able to serve. Dana Blackmon and Jackie Decicco have submitted resignations to the Mayor. Mr. Robert Dibella moved and became ineligible to serve in 2019 and will also need to be replaced.

Mr. Decker and myself remain and we request that the collaborative appointments be considered in an immediate fashion so that the remaining seats are filled and we can resume review of the remaining complaints.

Respectfully Submitted,



Allen Nace
City of Kingston
Board of Ethics - Chair

