

LAWS & RULES COMMITTEE AGENDA

Wednesday July 21st 6:30pm.

NEW BUSINESS

- 1 – Community Choice Aggregation – J. Noble
- 2 – Charter Changes – A. Shaut

OLD BUSINESS

- 1-Anti-Idling
- 2- Accessory Dwelling Units
- 3- Sojourner Truth Proclamation

1

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Tinti, Elisa

From: Noble, Julie
Sent: Thursday, July 08, 2021 4:10 PM
To: Shaut, Andrea; Tinti, Elisa
Cc: Gartenstein, Arielle; Noble, Steve; Timbrouck, Lynsey
Subject: Communication regarding Adoption of Community Choice Aggregation
Attachments: CCA Communication to Council 070821.pdf

Good afternoon,

Please find, attached, a Communication to Council regarding the Adoption of Community Choice Aggregation.

A proposed DRAFT Local Law is to follow next week, along with additional supporting documentation.

I would also like to request the time for a brief presentation, to include a few slides, to review CCA and the proposed legislation with the Council, at the appropriate committee.

Thank you for your consideration.

Julie

Julie L Noble
Sustainability Coordinator
City of Kingston
467 Broadway
Kingston, NY 12401
845-430-2547

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

Julie L. Noble, Coordinator



Steven T. Noble, Mayor

July 8, 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 Laws and Rules Committee to discuss adoption of a local law enabling Community Choice Aggregation in the City of Kingston.

Community Choice Aggregation (CCA) allows municipalities to provide bulk electricity rates to residents and businesses by pooling demand, resulting in lower energy costs and more affordable green energy. CCAs ensure that all residents are offered the same stable rates, while Central Hudson continues to deliver reliable power, send bills, maintain lines, and respond to outages. Enrollment in CCA is free and automatic, and residents that are not interested may opt-out at any time without penalty.

Kingston's CCA will do more by partnering with developers to bring distributed solar and low impact hydro generation to *all* residents and businesses at a fixed rate that is guaranteed to be lower than what they would otherwise pay. Every resident and business will also be offered assistance with voluntary investment in distributed energy resources, including rooftop solar PV units, home weatherization, air-source heat pumps, electric vehicles charging stations, and other clean energy applications.

Community Choice Aggregation is proven to increase the ability of individuals and communities to manage their energy usage and bills, and facilitate wider deployment of clean energy across all income levels.

New York passed legislation enabling Community Choice Aggregation in 2016. Since then, over 80 municipalities have adopted local laws enabling CCA, including Saugerties, Marbletown, Red Hook, Poughkeepsie, and Beacon. It is in the City of Kingston's best interest to join our neighbors in enabling Community Choice Aggregation, so that we may provide residents with equitable access to affordable electricity and renewable energy, and show that Kingston is leading the way in the response to climate change.

Thank you for your consideration.

Sincerely,

Julie L. Noble
Sustainability Coordinator

Tinti, Elisa

From: Noble, Julie
Sent: Thursday, July 15, 2021 2:52 PM
To: Morell, Jeffrey
Cc: Shaut, Andrea; Tinti, Elisa; Gartenstein, Daniel
Subject: CCA Local Law DRAFT for Laws and Rules
Attachments: Kingston NY-CCA-Authorizing-Legislation-FINAL DRAFT.docx

Good afternoon,

Please find, attached, a proposed DRAFT Local Law for consideration at the July Laws and Rules meeting, per my communication sent previously. Also please note that this is legislative language drafted directly from previously approved Local Laws in Saugerties and Marbletown, as well as others, designed in collaboration with a regional team of people who have been advancing CCAs around the state for many years.

Also, I have spoken with Elisa, to work out the logistics of enabling me to present at the meeting, with slides. She, Kyle and I will be working on the logistics of that early next week, so that both those present and those remote will be able to see the presentation. This will be good to work out the kinks for as others will be needing to present slides, etc moving forward in this new format also at meetings in City Hall.

Please let me know if there are any questions or concerns.

Thanks,
Julie

Julie L. Noble
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845-481-7339

LOCAL LAW NO. [#]-2021

A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE CITY OF KINGSTON

Be it enacted by the City Council of the City of Kingston as follows:

The Code of the City of Kingston is hereby amended by adding a new Chapter [#], entitled “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM,” to read as follows:

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Kingston and the State of New York to reduce costs and provide cost certainty for the purpose of sustainable economic development, to dramatically reduce greenhouse gas emissions associated with our community’s power, heating, transportation and waste, to promote wider deployment of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the foremost policies and models that may offer benefits in Kingston and New York generally is Community Choice Aggregation (“CCA”), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program (“CCA Program”) that will allow the City of Kingston, alone or with other local governments in the Mid-Hudson region, to work together through a shared purchasing model to put out for bid the total amount of electricity and/or natural gas being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment in new technologies that reduce the need for pipeline gas and grid power, to improve customer choice and value, to protect the environment, and to assist all customers who wish to voluntarily invest in onsite, on-block and in-neighborhood energy systems; thereby, fulfilling the purposes of this Chapter and fulfilling an important and urgent public purpose.
- C. The City of Kingston is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the City of Kingston.
- D. This Chapter shall be known and may be cited as the COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the City of Kingston.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

- A. AGGREGATED DATA shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past twelve (12) months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past twelve (12) months by service class.
- B. CCA ADMINISTRATOR shall mean the City Council of the City of Kingston, New York, or a third party selected by the City which shall be duly authorized to put out for bid the total amount of electricity being purchased by participating consumers and the distributed energy resources that will be incorporated into the CCA program. The CCA Administrator shall be responsible for CCA program organization, public outreach, administration, procurement and communications, unless otherwise specified.
- C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the City of Kingston that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- E. DEFAULT SERVICE shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the City of Kingston that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.
- F. DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects and energy efficiency measures, shared renewables like community solar and neighborhood energy cooperatives, renewable heat and hot water systems, energy management, energy storage, microgrid projects, geothermal heat loop projects, electric vehicles, local renewable hydrogen fuel cells, and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load

pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

- G. DISTRIBUTION UTILITY shall mean Central Hudson Gas and Electric Corporation, or any successor thereto.
- H. ELIGIBLE CONSUMERS shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the City of Kingston, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the City of Kingston, as such boundaries exist on the effective date of the ESA.
- I. ESCO or ENERGY SERVICES COMPANY shall mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. NEW CONSUMERS shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the City of Kingston.
- K. PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out, or are New Consumers.
- L. PROGRAM ORGANIZER shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. PSC CCA ORDER shall mean the PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."
- N. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.
- O. SUPPLIERS shall mean (1) ESCOs that procure electric power and natural gas for Eligible Consumers in connection with this Chapter, (2) developers of distributed energy resources, or other entities who procure and resell electricity or natural gas.

§3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the City of Kingston, whereby the City of Kingston may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.

- B. The City of Kingston may act as aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers, and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The City of Kingston may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to i) develop and implement the CCA Program, ii) act as CCA Administrator, and/or iii) develop offers of opt-in Distributed Energy Resources (DER) products and services to Participating Consumers, designed to minimize carbon emissions, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The City of Kingston's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Kingston shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§4. Eligibility.

- A. All consumers within the City of Kingston, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program, provided, however, that participation in DER projects will depend on DER project availability.
- B. All Participating Consumers that are members of Central Hudson Electric SC 1 Residential Service, SC 2 General Service and Gas SC 1 Residence Rate, SC 2 Commercial and Industrial Rate shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those electricity consumers may be enrolled on an opt-in basis, alongside all other Central Hudson service classifications, including (1) for electricity service, SC3 Large Power Primary Service, SC5 Area Lighting Service, SC6 Residential Time-of-Use Service, SC8 Public Street and Highway Lighting, SC9 Traffic Signal Service, SC10 Buyback Service, SC13 Large Power Substation and Transmission Service, and SC14 Standby Service; and (2), for gas service, SC 6 Firm Transportation Rate – Core, SC8 Interruptible Rate, SC9 Interruptible Transportation Rate, SC10 Capacity Brokering, SC11 Firm Transportation – Core, SC12 Aggregated Firm Transportation Rate - Residence SC13 Aggregated Firm Transportation Rate - Commercial and Industrial, SC15 Distributed Generation - Commercial and Industrial, and SC16 Distributed Generation – Residence. The City of Kingston will include all of its electricity and natural gas accounts to participate as an opt-in customer in the CCA program at the earliest possible date.
- C. New Consumers shall be enrolled on an opt-out basis.

§5. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to eligible consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA program and the contract signed with the selected ESCO and/or DER

provider(s), including specific details on rates, fees, services, contract terms, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the CCA program under the contract terms and that information on those consumers, including energy usage data and Assistance Program Participant (APP) status, will be provided to the ESCO and/or the DER provider(s). The opt-out letter shall also explain that the CCA Administrator will be authorized to enroll participating consumers in DER projects and communicate such enrollment to the distribution utility under relevant PSC-approved rules and tariffs so that participating consumers may receive applicable billing credits from the distribution utility.

- B. All consumers shall have the option to opt-out of the CCA Program. Per the Public Service Commission's CCA Framework Order, customers will be permitted to cancel CCA service any time before the end of the third billing cycle of the new contract period without penalty or other charges.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§6. Customer Service.

Participating Consumers shall be provided customer service by the CCA Administrator, including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§7. Data Protection Requirements.

- A. The City of Kingston may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City of Kingston or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City of Kingston or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The City of Kingston must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§8. CCA Advisory Group.

- A. A CCA Advisory Group is hereby established to develop and review CCA related proposals and act as the City of Kingston's agent in awarding said proposals.

- B. Membership to the CCA Advisory Group shall be made by the appointment of the Mayor of the City of Kingston, and may include representation of the following City of Kingston officials or their designees: (1) Environmental Education and Sustainability Coordinator, (2) Planning Director, (3) Comptroller, (4) Director of Communications and Community Engagement, (5) Director of the Water Department, (6) Corporation Counsel, (7) Director of the Office of Community Development, (8) Superintendent of Public Works, (9) Director of Building Safety and Zoning and (10) Purchasing Agent.

§9. Administration Fee.

The City of Kingston may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§10. Reporting.

- A. Annual reports shall be filed by the CCA Advisory Group or City Staff with the City Council of the City of Kingston by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§11. Effective Date.

This Local Law shall be effective immediately upon passage.

§12. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

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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.



L+R

Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, July 09, 2021 9:34 AM
To: Morell, Jeffrey
Cc: Tinti, Elisa
Subject: Communication for Laws & Rules
Attachments: Resolution for Charter Changes.docx

Good morning Jeffrey,

I would like the Laws & Rules committee to begin discussing the attached document, which includes several changes to the charter. They would eventually become a referendum on the ballot, after passing through a Local Law process. It is my opinion that our current charter as written does not allow our government to have a proper check & balance. The changes proposed would help to eliminate this lack of balance. I look forward to hearing the thoughts of the committee.

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

Very Respectfully,

Andrea Shaut

Council President, City of Kingston

WHEREAS, the City of Kingston clerk and corporation counsel serve at the pleasure of the Mayor. In order for there to be a balance of powers, the Kingston Common Council must have its own legislative clerk and independent counsel;

WHEREAS, currently, the Mayor of Kingston may solely appoint members to city boards, committees and commissions;

WHEREAS, the City of Kingston council is not required to obtain mandatory training;

WHEREAS, the following amendments can be made to the City's charter in order to provide elected representatives with the resources and training that they need to better serve the community's interest.

NOW THEREFORE BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON AS FOLLOWS:

SECTION 1: The Charter of the City of Kingston is hereby amended to add a subsection to Article XIII, Section C13-3 providing the following:

1. The Common Council or a majority thereof shall appoint a Clerk of the Common Council. It may employ a legal counsel and pay a reasonable compensation.

SECTION 2: The Charter of the City of Kingston is hereby amended to make a subtraction to a subsection in Article X, Section C10-1 as follows:

1. The Corporation Counsel shall be the primary legal advisor of the Mayor ~~Common Council~~ and of all commissions, departments and other offices of the city. The Corporation Counsel shall conduct, supervise or monitor, as required, the prosecution and defense of all actions or proceedings brought by or against the city or by or against any of its officers in their official capacity and appeal from all such orders, decisions and judgments as he or she deems advisable. The Corporation Counsel shall pay all monies received by him or her on account of the city without delay to the Comptroller.

SECTION 3: The Charter of the City of Kingston is hereby amended to add a subsection to Article XV, Section C14-4 providing as follows:

1. Any commission, board or agency, other than ones referred to in § C15-2 and C15-3 herein above, which exists upon the effective date of this Charter shall remain in effect unless and until changed or modified by subsequent ordinance, local law or other rule or regulations approved by the Common Council. Successors to these other commissions, boards or agencies shall be appointed by

the Mayor **subject to the confirmation of the common council** as their terms expire or as vacancies occur. These other commissions, boards or agencies shall continue to function pursuant to legislation previously enacted which created them so long as not inconsistent with the provisions of this Charter.

2. The Common Council must either confirm or reject any such appointment within 45 days of the Mayor's filing of a written notice of appointment with the City Clerk. In the event the Common Council fails to timely approve or disapprove the appointment, the appointment shall be deemed confirmed. In the event the Common Council timely rejects the appointment, the Mayor shall make a new appointment for such position, which shall also be subject to confirmation pursuant to the above procedure. No such appointee shall hold office beyond the term of the Mayor by whom the appointment was made, except as otherwise provided by state law or local law. Any such appointee may be removed for cause by the Mayor, following notice of the grounds for removal and an opportunity to be heard. No City employee shall be appointed to serve on a board, commission or authority which has a fixed term of office, unless the enabling legislation for such board, commission or authority so authorizes.

SECTION 4: The Charter of the City of Kingston is hereby amended to add a subsection to Article XIII, providing as follows:

1. **Mandatory Council Member Training:** Each council member shall be required to participate in education and training related to his or her office. Each council member shall complete at least 8 hours of education and training by June 30th annually. The rules and procedures regarding approved sources for such mandatory training shall be set forth in the council rulebook.

SECTION 5: That upon passage of this Local Law and approval thereof by the Mayor, a ballot proposal shall be placed on the ballot of the 2021 General Election to be held on November x 2021 to be voted on by the electors of the City of Kingston for the approval or disapproval of this Charter Amendment.

SECTION 6: That this local law shall take effect upon compliance with all applicable provisions of New York State Municipal Home Rule Law, following the approval of the electors of the City of Kingston at the 2021 General Election as provided herein.

OLD BUSINESS

1



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

Tinti, Elisa

From: Noble, Julie
Sent: Thursday, July 01, 2021 10:00 AM
To: Patrick O'Reilly; Alderman
Cc: Gartenstein, Daniel; Bryant, Kevin; Gartenstein, Arielle; Flynn, Emily; Quesnell, Dan
Subject: RE: [EXTERNAL EMAIL] Idling car legislation
Attachments: Anti-Idling Resolution L+R edits.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Patrick, et al.,

Regarding your question below, similar to any other new legislation, there will inherently need to be education coupled with it, which has always been our full intent. I do not think signage would be the way to go but that would be up to you all as you regulate street signage. We (the City, with the Climate Smart Kingston Commission and the CAC) would do an educational campaign around the legislation, for both enforcement employees as well as the public so that folks would know about the new changes.

Regarding the question about whether to legislate or not, of course, is ultimately up to the Council. We have continued to be a leader in sustainability in our region and in our state, and legislation around issues such as this demonstrate our commitment to our environment but also to our community's health. There are many co-benefits with this legislation, as Ellie and I articulated. We also need to recognize that nothing changes overnight. It wouldn't with education alone or with legislation alone, or even with both combined. It involves cultural shift, and that is what we are doing with all of our projects- thinking about the big picture, the next generation, the current generation, and the legacy we leave.

I have attached some draft modified language per the Council's request, for consideration. Additions are in yellow highlight.

Julie

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

-----Original Message-----

From: Patrick O'Reilly [mailto:kanatrick@gmail.com]
Sent: Monday, June 28, 2021 2:13 PM
To: Noble, Julie <JulieLNoble@kingston-ny.gov>; Alderman <Alderman@kingston-ny.gov>
Cc: Gartenstein, Daniel <dgartenstein@kingston-ny.gov>; Bryant, Kevin <kbryant@kingston-ny.gov>
Subject: [EXTERNAL EMAIL] Idling car legislation

Hi Julie,

Wondering why we are taking the legislation route instead of using our environmental educators to educate our community about idling cars in the environment? People often resent being forced to comply to regulations they don't

understand. What is the cost for signage and where will they be placed. Sign pollution is a problem in Kingston. I would think legislation would be a last resort not first. Would it be best to table this until we can educate the residents?

Thanks for all you do.

Patrick O'Reilly

Sent from my iPhone

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

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, ambulance, or public utility vehicles are performing emergency services.
 - III. A vehicle engine is required to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering; licensed servicing; or when operation of the engine is required for maintenance; .
 - IV. The weather conditions are as follows during the idling period:
 - i. A snow emergency is declared in the City of Kingston
 - ii. A heat advisory is in effect in the City of Kingston
 - iii. The ambient temperature in the City of Kingston is continuously below 25° F (-4° C) for a period exceeding two hours

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.



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

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, ambulance, or public utility vehicles are performing emergency services.
 - III. A vehicle engine is required to provide power for a necessary auxiliary function, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; running equipment; construction; lumbering; licensed servicing; or when operation of the engine is required for maintenance; .
 - IV. The weather conditions are as follows during the idling period:
 - i. A snow emergency is declared in the City of Kingston
 - ii. A heat advisory is in effect in the City of Kingston
 - iii. The ambient temperature in the City of Kingston is continuously below 25° F (-4° C) for a period exceeding two hours

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		

2

ACCESSORY DWELLING UNITS

I. Definitions. As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Accessory dwelling unit" shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons which is located on a lot with a proposed or existing primary residence and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single family or multi-family dwelling is or will be situated.

2. "Accessory structure" shall mean a structure that is accessory and incidental to a dwelling located on the same lot.

3. "Living area" shall mean the interior habitable area of a dwelling unit, including basements, cellars, and attics but does not include a garage or any accessory structure.

4. "Nonconforming zoning condition" shall mean a physical improvement on a property that does not conform with current zoning standards.

5. "Passageway" shall mean a pathway that is unobstructed and extends from a street to one entrance of the accessory dwelling unit.

6. "Proposed dwelling" shall mean a dwelling unit that is the subject of a permit application and that meets the requirements for permitting.

7. "Impact fees" shall mean any payment imposed by a local agency for the purpose of providing new or expanded public capital facilities or infrastructure required to serve a new development.

II. Accessory dwelling unit regulations and ordinances

1. This Ordinance shall facilitate and remove current barriers to the creation of Accessory Dwelling Units by:

- a. Designating areas within the jurisdiction of the local agency where accessory dwelling units shall be permitted. Designated areas shall include all areas zoned for single family or multi-family residential use, and all lots with an existing residential use.
- b. Authorizing the creation of at least one accessory dwelling unit per lot in designated areas.
- c. Providing reasonable standards for accessory dwelling units that include, but are not limited to height, landscape, architectural review and maximum size of a unit.
- d. In no case shall such standards unnecessarily impair the creation of accessory dwelling units.

III. Requirements for Accessory Dwelling Units

- a) All Accessory Dwelling Units shall comply with the following:
 - i. Such unit must comply with all applicable New York State standards of habitability, including but not limited to square footage. Accessory dwelling units shall comply in all respects with the New York State Building Code, Construction Code, Plumbing Code and other applicable Codes and Regulations.
 - ii. Such unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence
 - iii. Such unit shall be located on a lot that includes a proposed or existing residential dwelling
 - iv. Such unit shall not be rented for a term less than thirty days;
 - v. Such unit shall either be:

- 1) attached to or located within the proposed or existing primary dwelling, including but not limited to attached garages, storage areas, basements, cellars, similar spaces, or
 - 2) be an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling
- vi. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary dwelling, unless such limit would prevent the creation of an accessory dwelling unit that is no greater than six hundred square feet.

IV. Parking

No parking requirement shall be imposed on an accessory dwelling unit and property owners shall not be required to replace off street parking spaces if a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.

V. Administrative Review

- i. **Notwithstanding any existent local ordinance regulating the issuance of variances or special use permits, a permit application to create an accessory dwelling unit in conformance with the local ordinance shall be considered ministerially without discretionary review or a hearing.**
- ii. **In the case of a property subject to the jurisdiction of the Historic Landmarks Preservation Commission, an initial ministerial determination shall be made by the Building Safety Division as to whether the Accessory Dwelling Unit will result in a substantial material alteration to the external appearance of the primary dwelling. In the event that no substantial material alteration will result, a building permit will be granted without the need for a preservation notice of action.**

- iii. **If there is an existing single family or multi family dwelling on the lot, the Building Safety Division shall act on the application to create an accessory dwelling unit within sixty days from the date the local agency receives a completed application.**
- iv. **If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new residential dwelling on the lot, the Building Safety Division may delay acting on the permit application for the accessory dwelling unit until the permitting agency acts on the permit application to create the new dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing.**
- v. **If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.**

VI. Pre-existing Non-Conforming Uses

A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit, the correction of non-conforming zoning conditions.

VII. Utility Connections – Impact Fees

Where an accessory dwelling unit requires a new or separate utility connection directly between the accessory dwelling unit and the utility, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. Such fee or charge shall not exceed the reasonable cost of providing such utility connection. A local agency shall not impose any other impact fee in connection with an accessory dwelling unit.

VIII. Owner Occupancy

The first lawful occupancy of an accessory dwelling unit shall occur at a time when a unit in the primary dwelling is owner occupied, and such owner occupation must continue for at least one -year following the first

legal occupancy of the accessory dwelling unit. Thereafter, the property owner shall comply in all respects with the provisions of the Landlord Registration provisions set forth in City Code Section 332. There shall be no other owner occupancy requirement for either the primary dwelling or the accessory dwelling unit.

IX. Health and Safety Requirements

A local agency shall not impose any health or safety requirement on accessory dwelling units that is not necessary to protect the health and safety of the occupants of such a dwelling.

X. Certificates of Occupancy

A local agency shall not issue a certificate of occupancy or its equivalent for an accessory dwelling unit before the local agency issues a certificate of occupancy or its equivalent for the primary dwelling.

XI. Multiple Dwelling Law

No provision of the multiple dwelling law shall apply to an accessory dwelling unit, irrespective to whether such provisions of such law apply to the primary dwelling, and a dwelling otherwise exempt from the provisions of the multiple dwelling law shall not fall under the provisions of such law as a result of the addition of an accessory dwelling unit.

XII. Pre-existing Zoning Regulations

- a) Any pre-existing provision of the City Code that imposes any of the following shall be unenforceable and are, as of the effective date of this ordinance, declared null and void:
 - i. minimum square footage requirement for either an attached or detached accessory dwelling unit greater than two hundred square feet;
 - ii. a maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than fifteen hundred square feet;
 - iii. Any other minimum or maximum size for an accessory dwelling unit, based upon a percentage of the proposed or existing primary dwelling;

- iv. Limits on lot coverage, floor area ratio, open space, and minimum lot size, for either an attached or detached dwelling that do not permit at least an eight hundred square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with other local development standards;
- v. A ceiling height requirement greater than seven feet;
- vi. If an accessory dwelling unit or a portion thereof is below curb level, a requirement that more than two feet of such unit's height be above curb level;
- vii. Any requirement that a passageway exist or be constructed in conjunction with the creation of an accessory dwelling unit;
- viii. Any additional or different setback requirements for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit;
- ix. Any setback requirement of more than four feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure;
- x. Any requirement of more than one point of exterior access by door from the proposed or existing residential dwelling.

XIII. Appeals

- a) When a permit to create an accessory dwelling unit pursuant to an ordinance adopted pursuant to this section is denied, the Building Safety Division shall issue a notice of denial which shall contain the reason such permit application was denied and instructions on how the applicant may appeal such denial.

- b) The denial of an application for a permit to construct an Accessory Dwelling Unit shall be heard by the Zoning Board of Appeals
- c) All appeals shall be submitted in writing within thirty days of such denial.

L+R

Tinti, Elisa

From: Hirsch, Michele
Sent: Friday, February 26, 2021 2:34 PM
To: Shaut, Andrea
Cc: Tinti, Elisa
Subject: Zoning Code update in relation to Accessory Dwelling Units
Attachments: Accessory Dwelling Units in NY.pdf

Dear President Shaut,

In an effort to increase affordable housing units I am respectfully requesting that this communication be accepted for referral to the Laws and Rules Committee.

As we all know, the City of Kingston is in the middle of a housing crisis, we need to increase the number of affordable housing rental units, as quickly as possible. As a February 2, 2021 article in the Daily Freeman noted, the recent Draft Ulster County Housing Action Plan Study revealed a housing crises, worse than expected. Deputy County Executive Evelyn Wright is quoted in saying, "Housing prices are higher than average for several reasons, including a low inventory of housing stock, little construction and opposition in many communities to new housing construction."

As we have seen here in the City of Kingston, going through the process of building new housing stock, is a long and drawn out process.

I am proposing that we look at our current Zoning Code to allow Accessory Dwelling Units in Residential Zones R1, R2 and R3 without a Special Use Permit to align with provisions of the Zoning Code for Accessory Dwelling Units that are currently allowed in the City of Kingston Zoning Code as per **§ 405-9C(2)**.

I have attached a recent article about the expansion of Accessory Dwelling Units (ADUs) in New York as it outlines the many benefits of ADUs in communities. While ADUs are allowed by our current zoning code for some residential areas, we should open up this opportunity to more areas, in the City of Kingston.

Thank you.

With kind regards,

Michele Hirsch
Aldерwoman, Ward 9

Get started

Open in app



New York ADU Legalization



9 Followers About

Landmark Bill to End Bans on Accessory Homes Across New York State to be Introduced by Assemblymember Epstein and Senator Harckham

Accessory Dwelling Units, Banned in Some Localities, Would Offer Income to Homeowners, New Affordable Housing, and Integration Benefits

New York ADU Legalization Jan 27 · 9 min read

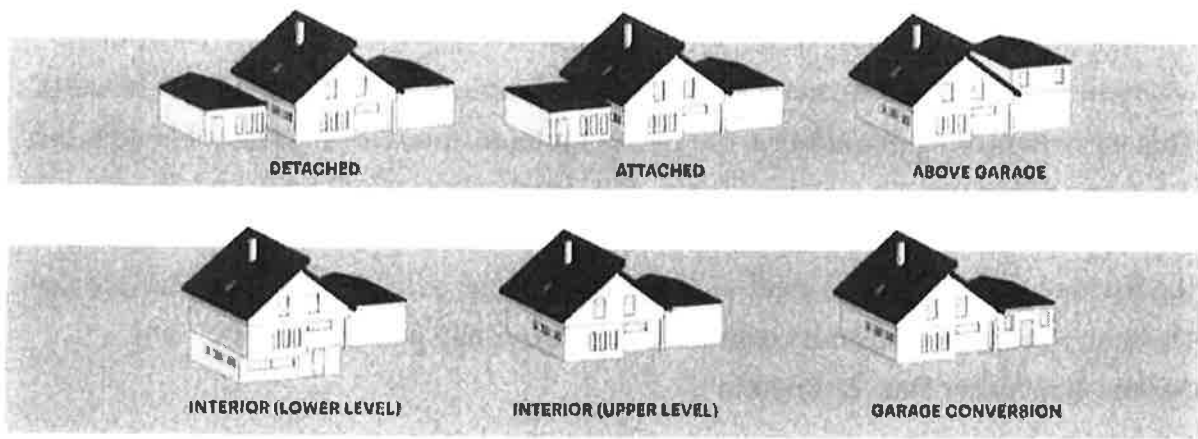


Illustration credit: "[Be My Neighbor](#)," Regional Plan Association.

Albany, NY (January 27, 2021) — A landmark bill to legalize Accessory Dwelling Units (ADUs) across New York State is being introduced by New York State Assemblymember Harvey Epstein and New York State Senator Pete Harckham. ADUs are smaller homes on the same lot as a primary residence — including familiar home types such as “in-law units,” garage conversions, and basement apartments. By giving homeowners the opportunity to create ADUs, the bill will give critical help to both homeowners and renters. ADUs allow homeowners to bring in extra rental income, while growing the tax base for local governments. ADUs create new affordable housing without significantly changing the built character of a neighborhood. And by opening up new, affordable housing options where they don’t currently exist, ADUs can help diversify segregated neighborhoods and towns.

The bill would direct localities to ensure that ADUs are legal under local law, ensuring that local governments have flexibility to design local ADU laws to fit local needs without imposing overly-onerous restrictions on homeowners. The New York State Department of State would work with local governments to make sure local laws meet state requirements and protect both homeowners and renters. And the New York State Division of Housing and Community Renewal would create a financing program to make sure low- and moderate-income homeowners are able to access the benefits of ADUs.

“In the middle of an affordable housing crisis, I am proud to introduce this landmark legislation backed by a strong coalition of organizations and leaders who represent communities throughout the state. While our districts may look different, we hold in common the principles of creating new sources of safe, decent, and affordable housing. That we’re launching this effort in the face of multiple, intertwined crises of health, the economy, and housing is no coincidence. ADU legalization would open up opportunities for hundreds of thousands of affordable units to be placed on the market to beat back the housing crisis, as well as generate more tax revenue to help fill looming budget gaps. I look forward to growing our coalition of supporters and passing this bill,” said **Assemblymember Harvey Epstein**.

“This legislation, which encourages increased legalization of accessory dwelling units to create more affordable housing throughout the state, really looks out for everyone — renters, property owners and municipalities included,” said **State Sen. Pete Harckham**. “In suburban and rural areas especially, more ADUs will give homeowners a safe,

regulated option for added income while also boosting the tax base. This will provide so many benefits to our communities at a time when affordable housing needs are being felt by seniors, working families, teachers, first responders and many others.”

Academic and policy experts agree that ADU legalization could help to address New York’s profound housing crisis. A recent paper from the Furman Center at NYU explains that New York has “fewer homes, more expensive rents, and starker segregation... [driven by] the most exclusionary zoning in the country.” The COVID-19 pandemic has exacerbated this problem, illuminating the need to address overcrowding and provide safe, affordable accommodations in every neighborhood, town, and city. The Regional Plan Association’s recent “Be My Neighbor” report found that legalizing ADU construction and conversions could create over 300,000 new homes just in the Hudson Valley, Long Island, and New York City.

The bill is backed by a broad coalition of housing advocates from across the state, including Asian Americans For Equality, Allied Community Enterprises, Basement Apartments Safe for Everyone (BASE) Campaign, Chhaya CDC, Citizens Housing and Planning Council, CNY Fair Housing, Community Housing Innovations, Cypress Hills LDC, ERASE Racism, Enterprise Community Partners, Fair Housing Justice Center, Habitat for Humanity New York City, Housing Rights Initiative, Open New York, Pratt Center For Community Development, Regional Plan Association, Westchester Residential Opportunities, and more.

“Asian Americans For Equality (AAFE) is proud to have worked together with many of the housing advocates on an Accessory Dwelling Unit (ADU) standardization and legalization bill, which is the de facto affordable housing type for thousands of low-income, and often immigrant, New Yorkers in our neighborhoods,” said **Thomas Yu and Jennifer Sun, Co-Executive Directors of AAFE**. “Tenants who have no other means to afford a place to live need a regulated and protected space, based on the avenues provided in this Bill. Meanwhile, homeowners and primary tenants also will benefit, since they themselves are often living paycheck to paycheck and need extra rental income resiliency. The stresses brought on by pandemic in our neighborhood housing, lay bare that now is the time to make clear legalization pathways for ADUs.”

“For some years, ADUs have captivated me. As the head of non-profit development agencies, I’ve used ADUs to create an additional unit of housing while developing small-

scale developments in northern Westchester. While they should have been easy to accomplish, septic issues and non-standard zoning regulations delayed their approval. Most recently, an application was denied because of lack of parking for “those people” — a clear example of the classism that drives many of our outdated restrictions on ADUs. The extra income that accessory units can provide for first-time homebuyers can make or break the ownership, and allowing two units to be developed on a site rather than one doubles the amount of available public funding. A state plan for legalization of ADUs is more than a law: It merges smart development, helps the forgotten middle, allows for incremental integration, and honors an environmentally friendly way of creating more housing. ADUs can and should be the low-hanging fruit of residential development, be it for naturally occurring affordable housing or subsidized and deed-restricted affordable housing,” said **Joan Arnold, Executive Director of Allied Community Enterprises (ACE)**.

“Due to speculation, a history of redlining, and rising home prices, our communities have been priced out of homeownership for too long. Renting out basements and ADUs in their homes has been one of the only ways our Immigrant communities have been able to buy and afford homes in New York City.” said **Jagpreet Singh, Lead Organizer, Chhaya CDC**. “For the past 15 years, we have been fighting to advocate for New Yorkers who want to legally and safely rent out their basements. We’re excited to see Assemblymember Epstein, a long time friend of the Basement Apartments Safe for Everyone (BASE) campaign, and Senator Harckham take lead on this legislation. With the passage of it, we can expect to see over 100,000 affordable units added in New York City alone, and with the pandemic still raging, now is more important than ever to ensure every New Yorker has an affordable place to call home.”

“The pandemic has shown how safe and affordable housing is fundamental to our health. Increasing the supply of affordable housing is essential to our recovery and this legislation could add thousands of desperately needed units in a way that benefits homeowners and tenants alike,” said **Katherine Leitch, Senior Policy Analyst at Citizens Housing and Planning Council**. “This is smart legislation that leverages regulatory reform to create affordable housing, which may be our most powerful tool while both New Yorkers’ and governments’ budgets are gutted by COVID-19.”

“At CNY Fair Housing, we believe in housing equity for all. For 30 years, we have been fighting against discrimination in housing, only to find that NIMBYism is still alive and thriving. The proposed legislation for ADU’s will provide not only more affordable housing opportunities, it will also creatively assist in resolving housing options for individuals with disabilities and families with children who face higher rates of housing discrimination. For too long, zoning codes and planning commissions have decided whether or not someone has the right to safe, affordable housing — it is time to let individuals decide where they are cared for and where they call home — this can only be achieved if people have more housing options that meet their daily lived experience,” said **Sally Santangelo, Executive Director of CNY Fair Housing.**

“We are thrilled to see bold accessory dwelling unit policy proposed for New York State. For the last two years, Cypress Hills Local Development Corporation has been leading the Basement Apartment Conversion Pilot Program in East New York, Brooklyn. Basement conversions are a commonsense policy to stabilize homeownership and provide affordable rental housing, particularly in low-income and working-class communities like ours. Where these units already exist, a lack of ADU policy has for too long rendered homeowners vulnerable to exorbitant fines, vacate orders, and loss of essential income, while creating unsafe conditions and uncertainty for low-income renters. With communities like East New York on the frontline of the COVID-19 crisis — both in terms of public health and economic impacts — it is imperative that New York State take immediate action to generate additional sources of monthly income for homeowners while creating thousands of units of stable, affordable, healthy, and dignified housing for renters,” said **Ryan Chavez, Program Director of the Basement Apartment Conversion Pilot Program at Cypress Hills Local Development Corporation.**

“The intense racial segregation found on Long Island is the result of decades of home rule: the power of hundreds of local town and village governments to control what may be built in a neighborhood and who is permitted to live there,” said **Elaine Gross, President of ERASE Racism** in Syosset, NY. “With the explicit Fair Housing provisions in this new ADU legislation, affordable and flexible housing options within all Long Island communities would provide more options for People of Color, especially Black families that have been systematically discriminated against. This legislation will help

alleviate these inequities, and would also help existing homeowners struggling to make ends meet.”

“Overcrowded, unsafe, unaffordable homes should not be the status quo in New York City and Westchester County. This legislation, if passed, would create hundreds of thousands of safe, decent and affordable homes for hard-working families, and provide homeowners, particularly lower-income homeowners of color, with the opportunity to earn extra income from their ADU. In this housing crisis, exacerbated by the pandemic, it is our moral imperative to create housing however and wherever we can, and ADUs are a tremendous step in the right direction. We applaud Assemblymember Epstein and Senator Harckham, as well as our partners on the bill, for this first step toward ADU legalization,” said **Karen Haycox, CEO of Habitat for Humanity New York City & Westchester County.**

“The legalization of accessory dwelling units would be a boon for immigrants, families, and seniors. ADUs are an important tool in the tool box that should be leveraged to create affordable housing and combat climate change. New York State has among the most restrictive zoning laws in America. Our communities shouldn’t be keeping people out, they should be letting people in. Legalizing ADUs is the first step in ensuring that New York’s policies match its progressive values,” said **Aaron Carr, Founder and Executive Director of Housing Rights Initiative.**

“We’re thrilled to see this effort to legalize accessory dwelling units across New York State. ADUs can be an important tool for new affordable housing supply and ‘gentle density’ in all types of built environments. New York’s housing crisis can be directly connected to the lack of state action to address racist, classist, and outdated zoning restrictions, and this bill is an important first step to creating a more affordable, integrated New York,” said **Amelia Josephson, board member at Open New York.**

“This ADU Legislation is a huge step forward in the fight to ensure healthy, safe and affordable housing for all. The affordable housing crisis is one that is not easily solved and New Yorkers need all the tools possible to stabilize homeownership and secure quality housing for tenants. As part of the BASE Campaign, Pratt Center has been working for many years with our partners to advance smart, wisely crafted policy that can bring ADUs and basement apartments into the legal housing market and we strongly believe that the legislation that Assembly Member Epstein and Senator Harckham have

introduced is just that. In New York City alone, this legislation could open up an opportunity to convert a multitude of basements and cellars into hundreds of thousands of new units. Most importantly, this legislation creates a pathway for homeowners and tenants of color to participate in housing markets that they have long been shamefully segregated from. We look forward to seeing this create a wealth of opportunity for so many,” said **Rebekah Morris, Senior Program Manager, Pratt Center for Community Development.**

“For our region to thrive equitably, we need to be bold and rethink our situation to meet the needs of a new generation,” said **Tom Wright, President and CEO, Regional Plan Association.** “State and local policy makers must create diverse, new, affordable housing options. Large single-family homes are misaligned with what many people today can afford or need. This is our opportunity to create a model that minimizes strain on infrastructure and undoes the harm exclusionary zoning has inflicted on communities of color.”



3

Tinti, Elisa

From: Shaut, Andrea
Sent: Friday, May 28, 2021 9:54 AM
To: Tinti, Elisa
Cc: Jessica Alonso
Subject: Communication - June
Attachments: Sojourner Truth Proclamation Draft 2021 (1).docx

Good morning Elisa,

Members of the YMCA Farm Project have been working on presenting to the council the idea of a permanent Sojourner Truth day here in Kingston. I have attached a draft of their resolution and wish to include this as a communication for this month's committee meeting. Can you please add this email, as well as the attached, to my folder?

Thank you,

Andrea Shaut

Council President, City of Kingston

Whereas, Sojourner Truth, nicknamed “the Daughter of Esopus”, born enslaved, was given the name Isabella Baumfree at birth. She was born near Rondout Creek in the Town of Hurley, New York. Although her exact birth date is unknown, it is believed she was born around 1797. Between the years 1640 and 1827 there were thousands of Africans and African Americans enslaved in Ulster County; The infrastructure of Ulster County was built by highly skilled enslaved people and the economy was driven by their labor; and

Whereas, The stone houses in which she was enslaved still stand, bearing witness to those who built them; as the youngest of at least 10 children, many of Truth’s siblings were kidnapped for sale. Truth was sold for the first time at nine years old; after years of enduring physical and sexual abuse, Truth escaped on foot carrying her infant daughter, Sophia, from the enslaver that had tortured her, having to leave behind her 3 other children. Though pursued, she was able to take refuge with a local family from 1826-1827; and

Whereas, Truth was a self educated intellectual; fluent in English and Dutch. In 1843 Truth was compelled to change her name, recognizing the power of her own image. Her autobiography, The Narrative of Sojourner Truth, focuses on seeking justice and the empowerment of Women and People Of Color. Truth would come to represent the thousands of voices and stories from this area that were never shared or cherished; Truth’s unprecedented barefoot walk through Kingston to the County Courthouse to free her young son, Peter, from illegal enslavement is a testament to her strength, resistance, and sense of justice; and

Whereas, by recognizing Sojourner Truth every year, we recognize her victory as a local and national hero who’s acknowledgment is long overdue. Truth remains a transcendental Black Woman. She was a true anti-racist, actively working against the injustices of her day. She passed away on November 26, 1883, however her legacy lives on through the present and ongoing fight for justice today; and

Whereas, In remembering Truth’s legacy, we should be thankful for the work done in the past, thankful for our ability to enact change in the present, and thankful for the hope of equity and justice in the future. Let us all be inspired by Sojourner Truth’s brave activism.

Whereas, The values that Sojourner Truth lived by, such as abolitionism and anti-racism, are the values that we hope the Kingston community, including the local government, reflect in their actions. In the past, the Kingston government has not been completely committed to anti-racism; This has shown in policing, building developments, and delayed support for anti-racist policy change proposed by local frontline organizations.

Therefore, Be It Resolved, that we will take this moment, brought to us by a coalition of Kingston activists, to take accountability and commit to prioritizing the marginalized community members that reside in our area. With the help of local organizations and individuals already committed to anti-racism, we shall strive to create a more inclusive, equitable Kingston.

Be It Further Resolved, that the City of Kingston Common Council proclaim November 26th as Sojourner Truth Day in the City of Kingston and urge all residents to recognize that this is a day for people of all races, creeds and backgrounds to celebrate and come together in unity.

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